

## STATUTORY INSTRUMENT

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### THE SIERRA LEONE CIVIL AVIATION AUTHORITY (ECONOMIC) REGULATIONS, 2017

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THE CIVIL AVIATION ACT, 2008  
(ACT No. 2 of 2008)

THE SIERRA LEONE CIVIL AVIATION AUTHORITY  
(ECONOMIC) REGULATIONS, 2017

Short title.

In exercise of the powers conferred upon it by section 82 of the Civil Aviation Act 2008, the Authority hereby makes the following Regulations-

PART I—PRELIMINARY

1. In these Regulations unless the context otherwise requires— Application.

“Act” means the Civil Aviation Act, 2008 (Act No. 2 of 2008);

“Aircraft, Crew, Maintenance and Insurance (ACMI)” means a type of aircraft lease contract used in aviation, more commonly known as a wet lease;

“ATOL” means Air Transport Operation Licence;

“Authority” means the Sierra Leone Civil Aviation Authority (SLCAA) established by section 2 of the Act;

“BASA” means Bilateral Air Services Agreement;

“BSP” means Billing and Settlement Plan;

“CAA” means Civil Aviation Authority established by section 2 of the Act;

“Convention” means The Chicago Convention of 1944;

“Director General” means the Director General of the Authority appointed under section 15 of the Act;

“domestic operations” means domestic airline services operating within Sierra Leone and other Mano River Union States;

“domestic operators” means owners of domestic airlines operating within Sierra Leone and other Mano River states;

“FCOP” means Foreign Carriers Operation Permit;

“FOP” means Foreign Operators Permit;

“foreign carrier” means a carrier operated on a FCOP or FOP;

“IATA” means International Air Transport Authority;

“ICAO” means International Civil Aviation Organization;

“Mano River Union States” mean the states of Sierra Leone, Guinea, Liberia and any other state as may be admitted by the authority of the Mano River Union;

“MASA” means Multilateral Air Services Agreement;

“Minister” means the Minister responsible for transport and

“Ministry” shall be construed accordingly;

“SLNFP” means Sierra Leone National Facilitation Programme;

2. These Regulations shall apply to operating conditions under which an air carrier shall provide any type of service. Application.

## PART II – OPERATING CONDITIONS FOR AIR CARRIERS

3. (1) An airline operating domestic airline services within Sierra Leone may, subject to these Regulations, determine the route or routes it intends to operate, the frequency or frequencies of operations and fares to be charged. Domestic operations.

(2) The Authority shall, by statutory instrument, prescribe measures to control competition and tariff applied by domestic operators.

(3) An airline operating domestic airline services shall not make a determination relating to route or routes, frequency or frequencies of operations and fares to be charged under sub-regulation (1) that is inconsistent with measures prescribed by the Authority for the purpose of regulating competition and tariff.

(4) An airline operating domestic airline services shall notify the Authority of the route or routes it intends to operate, the frequency or frequencies of operations and fares to be charged prior to the introduction of the services or fares.

4. (1) A holder of an air transport licence shall before commencement of operation– Domestic scheduled operations.

(a) obtain air operator’s certificates from the Authority if using a leased aircraft on ACMI;

- (b) have at least two aircraft in its fleet; and
- (c) obtain adequate insurance cover, as may be approved by the Authority, for passengers, cargo and third party.

(2) Passenger tickets shall contain the basic information relating to liability and air passengers safety advice.

(3) Airlines shall operate in accordance with the conditions specified in their licences.

Domestic non-scheduled (charter) operations.

5. (1) A holder of an airline charter permit shall before commencement of operation—

- (a) obtain air operator’s certificates from the Authority if using a leased aircraft on ACMI;
- (b) obtain adequate insurance cover, as may be approved by the Authority, for passengers, cargo and third party.

(2) Airlines operating on a charter permit shall not engage in the sale of tickets to individuals or any form of scheduled operations.

(3) A charter operator shall submit his customer invoice and passenger manifest to the Authority after every flight.

(4) A charter airline shall operate in accordance with the conditions specified in its permits.

Non-commercial (private) operations.

6. A holder of a non-commercial flight permit shall—

- (a) obtain safety clearance certificates and flight operations clearance certificate from the Authority prior to the commencement of operations;

- (b) submit to the Authority details of its flight operations including names of passengers carried, routes operated and times of operations;
- (c) not engage in any form of carriage for hire and reward; and
- (d) operate in accordance with the conditions specified in his permit.

7. A holder of an aerial aviation service permit shall—

Aerial operations.

- (a) obtain safety clearance certificates from the Authority before commencement of operations;
- (b) not engage in any form of carriage for hire and reward;
- (c) not engage in any form of operation different from those specified in their permits; and
- (d) operate in accordance with the conditions contained in his permits.

8. A holder of an air travel organizers licence shall—

Organized package tours.

- (a) not engage in aircraft operations;
- (b) have current and adequate bank or insurance bonds to cover its operations;
- (c) ensure that its passengers are catered for and are treated in accordance with the contract of carriage and as specified in these Regulations; and

(d) operate in accordance with the conditions specified in his licence.

Interlining tickets. **9.** (1) A domestic airline operating on domestic routes shall ensure that tickets sold to passengers can be used on any other airline operating on the same route under interlining arrangements

(2) An airline shall participate in the domestic clearing system for the interlining of tickets.

Self handling operation. **10.** (1) A domestic airline shall, unless otherwise approved by the Authority, use existing handling companies.

(2) Where an airline decides to handle itself, it shall obtain approval from the Authority after duly fulfilling the statutory requirements as specified by the Authority.

(3) A self-handling operation shall be in accordance with the International Civil Aviation Organization and the International Air Transport Authority rules and regulations.

Billing and Settlement plan. **11.** All domestic airlines shall join and trade on the International Air Transport Authority Billing and Settlement Plan (BSP).

**PART 111-REGIONAL AND INTERNATIONAL OPERATIONS**

Scheduled operations by Sierra Leone registered carriers. **12.** (1) A Sierra Leone registered carrier wishing to be designated on regional and international routes shall, apart from obtaining safety certifications-

- (a) join IATA and the IATA clearing house and pass the IATA operational safety audit;
- (b) have adequate financial capability for such operations

(2) The Authority shall issue a route licence to designated airlines on international routes subject to the fulfillment of requirements.

(3) A Sierra Leone registered carrier shall endeavor to have foreign technical partners.

**13.** (1) A holder of an air operator's certificate issued by the Authority shall not obtain flight clearance from the Authority before undertaking non-scheduled international operations but shall depart and enter Sierra Leone through designated customs' airports. Non-scheduled operations.

(2) Holders of category B licence engaged in cargo operations shall-

- (a) obtain air operator's certificates from the Authority before commencement of operation;
- (b) engage in cargo operations worldwide;
- (c) not pay royalty on cargo carried;
- (d) put in place adequate insurance cover for its cargo operations; and
- (e) submit to the Authority its airway bills and client invoices.

(3) Any person intending to use an aircraft for private operation into and out of Sierra Leone shall obtain a flight clearance issued by the Authority and such aircraft shall depart and enter Sierra Leone through designated customs' airports.

**PART 1V-FOREIGN AIRLINE OPERATIONS**

**14.** (1) A foreign carrier shall not operate into and out of Sierra Leone unless it obtains a Foreign Carriers Operating Permit (FCOP) issued by the Authority. Scheduled operations by foreign airlines.

(2) The Authority's safety inspectors shall carry out safety assessment audit of an airline base before a Foreign Carriers Operating Permit under sub-regulation (1) is issued and before commencement of operations.

(3) Where the holder of a Foreign Carriers Operating Permit violates or fails to comply with the Act, any regulations, rules and orders made thereunder, the Authority shall suspend or revoke the Foreign Carriers Operating Permit.

(4) A foreign carrier operating into and out of Sierra Leone for the purpose of scheduled international air services shall not have sales offices or outlets in cities other than the airport point or points of entry specified in the subsisting bilateral air services agreement under which the foreign carrier is designated.

(5) A foreign carrier operating into and out of Sierra Leone for the purpose of scheduled international air services shall not distribute tickets through banks and other financial institutions.

(6) A foreign carrier shall not engage in self-handling, but shall use the services of handling companies registered in Sierra Leone.

Non-scheduled operations.

**15.** (1) A foreign carrier shall not conduct non-scheduled charter operations into Sierra Leone except as specified in sub-regulation (2).

(2) A foreign carrier intending to engage in non-scheduled charter passenger operations into and out of Sierra Leone shall do so with a Sierra Leonean Air Transport Operation Licence holder.

(3) A foreign carrier engaged in non-scheduled cargo operations into and out of Sierra Leone shall obtain flight clearance from the Authority and also pay such royalty to the Authority as may, from time to time, be prescribed by the Authority.

(4) The royalty referred to in sub-regulation (3) shall be collected by the handling agent and paid to the Authority.

(5) The operator shall furnish the Authority with full descriptions and other details of the cargo during application for clearance.

**16.** (1) The Authority shall, in respect of international civil aviation agreements be responsible for— Air services agreements.

(a) consultative and advisory process relating to bilateral air services agreements, multilateral air services agreements, commercial agreements and all other agreements, protocols or documents related to membership of an international organization, granting of traffic rights in air services agreements, performance of a covenant of an international nature, or stipulating adherence to international standards and

(b) monitoring of the operations of foreign airlines operating under subsisting bilateral air services agreements, multilateral air services agreements, commercial agreements and other sub-regional and regional protocols and agreements.

(2) Upon the Authority's advice, input or participation in any international agreement, the Director-General shall constitute a committee comprising persons in the directorate of air transport regulation and legal department to prepare and submit to the Minister a position paper outlining Sierra Leone's position on the issue.

(3) The Authority shall, in the position paper to be submitted to the Minister under sub-regulation (2), be guided by the overriding principle of promoting the overall interest of Sierra Leone and the principles which shall constitute minimum standards applicable to the Authority's consultation and advisory process including –

- (a) providing a framework that encourages competition and the development of new and expanded international air services to benefit travellers, airlines, tourism and business sectors;
- (b) providing opportunities for Sierra Leone registered carriers to grow and compete successfully in a more liberalized global environment;
- (c) enabling Sierra Leone airports to market themselves in a manner that is unhindered by bilateral constraints to the greatest extent possible.
- (d) supporting and facilitating Sierra Leone's international trade objectives.
- (e) supporting a safe, secure, efficient, economically healthy and viable Sierra Leone air transportation industry;
- (f) protecting consumers from unreasonably discriminatory practices; and
- (g) ensuring the application and enforcement of consumer protection laws.

(4) The Authority shall monitor the operations of all foreign airlines operating into and out of Sierra Leone to ensure that their operations are in accordance with the provisions of the subsisting Bilateral Air Services Agreements, Multilateral Air Services Agreements, Commercial Agreements or approvals guiding their operations.

(5) The Authority shall ensure that the frequencies being operated are in accordance with the Seasonal Schedules approved by the Authority.

(6) This part shall apply to the collection of flight data, billing and maintenance of accounts for the payment of royalties accruing to Sierra Leone from commercial agreements with foreign airlines.

(7) All foreign airlines having commercial agreements with Sierra Leone shall pay all royalties accruing to Sierra Leone into a designated account with the Central Bank of Sierra Leone

(8) All foreign airlines operating under commercial agreements shall forward to the Authority, passenger or cargo manifests, load sheets, air waybills and any other information that is necessary for accurate billing, not later than twenty-four hours after each flight.

(9) The Authority shall constitute a Reconciliation Committee comprising representatives of the Authority and the relevant airline for the resolution of disputes and discrepancies arising from bills forwarded to the Authority by airlines.

(10) Non-compliance with the terms of payment in the agreement by an airline shall lead to the suspension or withdrawal of its operating permit in addition to a levy of up to ten percent compound interest on the unsettled amount to be reflected in subsequent commercial agreements.

(11) The Authority shall promote the interests of Sierra Leone in the monitoring and implementation of the Yamoussoukro Decision, The Banjul Accord Group, the Manu River Union Agreements and any other multilateral agreement or Protocol to which Sierra Leone is a party.

(12) The Authority shall support and facilitate the implementation of the resolutions of the Banjul Accord Group Council of Ministers in the airline operations of the Banjul Accord Group (BAG) States in their domestic operations.

(13) The Authority shall promote the interest of Sierra Leone, Sierra Leone airlines as well as the sustainable development of the Sierra Leone aviation industry, in fulfilling Sierra Leone's obligation in any open skies agreement to which she is a party.

PART V—DESIGNATION OF SIERRA LEONE REGISTERED CARRIERS ON INTERNATIONAL ROUTES

Preliminary requirement.

**17.** (1) An application of a Sierra Leone registered carrier for designation on international routes shall be made in writing to the Minister and the application shall be forwarded to the Authority for assessment.

(2) An application under sub-regulation (1) shall contain the following—

- (a) details of routes to be operated;
- (b) number and types of aircraft to be used for the operations;
- (c) details of airline's existing fleet, including number and age of aircraft;
- (d) point of departure and entry into Sierra Leone; and
- (e) points of entry and departure in the countries to which the airline intends to operate.

(3) An application under sub-regulation (1) shall also be submitted with the following support documents—

- (a) four copies of the certificate of incorporation of the company which intends to operate the international routes;
- (b) four copies of certified true copies of—

- (i) the Memorandum and Articles of Association of the company which intends to operate the international routes;

- (ii) particulars of the directors of the company which intends to operate the international routes

- (iii) statement of share capital return of allotment with minimum paid-up share capital of one billion Leones for regional routes and two billion Leones for other international routes.

- (c) a copy of valid air transport licence of the applicant; and

- (d) a business plan on the operation of the proposed routes.

(4) The business plan to be submitted under sub-regulation (3) shall specify, but not be limited to, the following—

- (a) route profitability analysis including —

- (i) detailed projected expenditure covering all operating cost items such as fuel, airport charges, handling charges, aircraft lease or depreciation, aircraft maintenance, catering, insurance and personnel; and

- (ii) revenue forecasts outlining proposed load factors, applicable fares and tariffs both at base and outstations;

- (b) a projected balance sheet including profit and loss account and current assets and liabilities for the next two years; and;
  - (c) a projected cash flow statement and liquidity plan for the first three months of operation.
- (5) The assumptions used for the computations in the business plan under sub-regulation (4) shall be clearly stated.
- (6) The applicant shall show evidence that—
- (a) it can meet fixed and operating costs incurred from operations for the first three months without generating any income; and
  - (b) it can meet its actual and potential obligations for a period of twenty-four months from the start of operations.
- (7) The applicant shall submit the following—
- (a) details of insurance policy covering hull, passenger or cargo, crew and the third party. Limits of these covers shall be in line with international standards;
  - (b) details of airline ownership structure and operational control of the airline including—
    - (i) details of management team;
    - (ii) mode of acquisition of the aircraft proposed for utilization on the routes and evidence of ownership of more than one aircraft;
    - (iii) technical and maintenance arrangements in place or being put in place;

- (iv) details of the airline security program in accordance with Annex 17 and carriage of Dangerous Goods in accordance with Annex 18
- (v) evidence of three years audited statement of account for existing airlines and certified opening balance sheet for new airlines;
- (vi) current tax clearance certificates of the company and its Directors;
- (vii) proposed arrangements put in place or to be put in place for fuelling of aircraft, catering and handling of passengers or cargo and aircraft; as well as organizational provisions at outstations;
- (viii) evidence and details of applicant's computer reservation system;
- (ix) details of communication network in place;
- (x) ticketing and sales arrangements;
- (xi) samples of tickets, baggage tags, manifest and other related documents necessary to operate a commercial flight;
- (xii) evidence of membership/intention to be a member of the International Air Transport Authority;

- (xiii) existing or proposed commercial arrangement with other operators such as . alliance, code share, interline, sales agency (if any);
- (xiv) details of technical partners (if any);
- (xv) details of applicant’s experience on scheduled domestic passenger operations and international passenger or cargo and charter operations for operating airlines and new airlines shall show evidence of capability and competence in terms of finance, personnel, equipment and organization to carry out international passenger and cargo operations;
- (xvi) evidence of settlement of all financial obligations associated with its operations such as aviation charges (in case of existing airlines).

(8) The Authority–

- (a) may, in processing of the application request the applicant to submit such additional information as it may consider necessary.
- (b) shall forward its technical report with appropriate recommendations to the Minister.

PART VI–COMMENCEMENT OF OPERATIONS BY DESIGNATED FOREIGN AIRLINES ON SIERRALEONE ROUTES

**18.** A foreign airline intending to operate scheduled services into and out of Sierra Leone shall– Requirements.

- (a) be designated under an existing bilateral air services agreement between its government and the Government of the Republic of Sierra Leone;
- (b) submit necessary supporting documents through diplomatic channels, to the Sierra Leone aeronautical authorities, details of such designation in accordance with the provisions of the existing Bilateral Air Services Agreement or Multilateral Air Services Agreement upon which such designation is made; and
- (c) in the case of designated airlines, fulfill the requirements of Part 10 of the Sierra Leone Civil Aviation Regulations on “Commercial Air Transport by Foreign Air Carriers” before the Foreign Carriers Operation Permit can be issued by the Authority.

**19.** The supporting document to be submitted by the designated country or airline shall include– Supporting documents to be submitted.

- (a) details of the designated airline including–
  - (i) name of airline;
  - (ii) address of its principal place of business (Head Office);
  - (iii) details of airline’s ownership structure;
  - (iv) nationality of airline;

- (v) address in Sierra Leone;
  - (vi) names and addresses of the airline's representatives in Sierra Leone;
  - (vii) proposed ground handling company to be used;
  - (viii) aircraft types to be utilized for the proposed operation; and
  - (ix) aircraft configuration and specifications.
- (b) aircraft documents including—
- (i) an air operator's certificate;
  - (ii) evidence of comprehensive insurance cover for aircraft, passenger, cargo and third party liabilities;
  - (iii) certificate of aircraft registration (for each aircraft) to be operated on the route;
  - (iv) certificate of airworthiness (for each aircraft) to be operated on the route.
- (c) a copy of its security manual which should be in accordance with Annex 17 to the Chicago Convention.
- (d) a copy of its dangerous goods manual which should be in accordance with Annex 18 to the Chicago Convention.
- (e) other supporting documents include—

- (i) proposed tariff on the route;
- (ii) proposed flight schedule;
- (iii) existing or proposed commercial arrangements with other operators
- (iv) evidence that substantial ownership and effective control of the airline are vested in the designating party or its nationals; and
- (v) any other licence or approvals issued by the aeronautical authorities of the airline's home country

**20.** The Authority's safety inspectors shall carry out safety assessment audit of an airline's base prior to the issuance of Foreign Carriers Operation Permit and commencement of operations. Base inspection.

#### PART VII — FARES AND TARIFFS

**21.** (1) Except as provided in an international civil aviation agreement, convention or arrangement, an air carrier or its agent shall, before commencement of operations, undertake the following— Filing of fares and tariffs.

- (a) file with the Authority a tariff for the service showing all rates, fares and add-on charges, including the terms and conditions of free and reduced rate of transportation for that service,
- (b) denominate all rates, fares and charges shown in any tariff in the first instance, in Leones, notwithstanding such fares and charges are denominated in foreign currencies; and
- (c) obtain approval from the Authority to introduce and or increase add-on charges or surcharges such as fuel, internet, booking, insurance, security and similar surcharges, prior to implementation.

(2) All tariffs requiring approval shall be filed at least seven days before the rates come into effect, except in the case of matching an existing tariff for which no more than prior notification is required.

(3) All fares may be available for sale and carriage as long as they are not disallowed or suspended in accordance with regulation 22.

(4) If an air carrier fails to apply the fares, rates, charges or terms and conditions of carriage set out in the tariff that applies to the service, the Authority may direct it to –

- (a) take such corrective measures as it may consider appropriate; and
- (b) pay compensation for any expense incurred by a person adversely affected by its failure to apply the fares, rates, charges or terms and conditions set out in the tariff.

(5) Tariffs may be filed in hard or electronic copy with the Authority provided that, the Authority undertakes to secure tariff data and use for the purpose of filing only.

(6) No tariff may be changed unless–

- (a) the tariff or proposed change is filed within the appropriate time limit set out in sub-regulation (4) of Regulation 22;
- (b) tariff bears an expiry date;
- (c) any amendment to the expiry date of a tariff after the date of its publication is made in accordance with sub-regulation (2).

22. (1) Subject to these Regulations, the Director-General may decide at any time to–

Disallowance or suspension of fares.

- (a) disallow or suspend a basic fare which, taking into account the whole fare structure for the route in question and other relevant factors including the competitive market situation, is excessively high to the disadvantage of consumers in relation to the long term fully-allocated relevant costs of the air carrier, including a satisfactory return on capital; and
- (b) stop, in a non-discriminatory way, further fare decreases in a market, whether on a route or a group of routes, when market forces have led to sustained downward development of air fares deviating significantly from ordinary seasonal pricing movements and resulting in widespread losses among all air carriers concerned for air services, taking into account the long term fully allocated relevant costs of the air carriers.

(2) Where a foreign air carrier whose State has entered a bilateral or multilateral Air Services Agreement with Sierra Leone that contains parallel notification or double disapproval obligations, the following shall apply–

- (a) a decision taken pursuant to paragraph (a) of sub-regulation (1) shall be notified with reasons to the relevant authorities of the foreign state involved as well as to the affected air carriers;
- (b) if within fourteen days of the date of receiving notification, no relevant authority of any concerned foreign state has notified disagreement stating its reasons, the Director-General may advise the Minister to direct the air carrier concerned to withdraw the basic fare or to abstain from further fare increases or decreases, as appropriate.

- (c) in the case of disagreement, the Director-General may advise the Minister to consult the relevant authority of the foreign state involved to review the situation.

(3) In all cases other than sub-regulation (2), the following shall apply—

- (a) a decision taken pursuant to sub-regulation(1) shall be notified with reasons to the affected air carrier.
- (b) the affected air carrier under paragraph (a) of sub-regulation (1) may within fourteen days of receipt of the decision make written representations identifying clearly a rational justification for its rate to the Authority with a request for a review of the decision; and
- (c) the Authority shall within fourteen days of its receipt of the written representations convey its final decision to the affected air carrier.

(4) Where any a tariff is suspended or disallowed by the Authority or the Minister, the issuing air carrier or its agent shall file with the Authority an appropriate tariff, to become effective not less than two working days after the date of filing that restores the tariff replaced by the suspended or disallowed tariff.

(5) Where any tariff is suspended or disallowed by directive of the competent authorities of a foreign state, or the suspension or disallowance has been rescinded or the cancellation of the suspended or disallowed tariff has been directed by those authorities, the issuing air carrier or agent may comply with their decision in accordance with such regulations of the competent authorities as may be pertinent.

**23.** (1) In requesting for approval of any add-on charge or surcharge, an air carrier shall be required to provide a justifiable basis for the charge or surcharge taking into consideration all relevant factors including a near linear rationalization for the specific aggregated costs sought to be recovered and consumer interests. Approval of charges.

(2) When approving any application for an add-on charge or surcharge related to fuel, the Authority shall—

- (a) take into account changes in the prices of aviation fuel, the relevant hedging policies of the air carrier, the justifications provided by the air carrier and other relevant factors;
- (b) ensure that the revenue so generated would not exceed the additional fuel costs borne by the airline operators during the corresponding period; and
- (c) approve on a short term basis, not exceeding a period of two months in each instance.

**24.** (1) An air carrier shall—

- (a) display in a prominent place at the business offices of the air carrier a sign indicating that the tariffs for the domestic service offered by the air carrier, including the terms and conditions of carriage, are available for public inspection at the business offices of the air carrier, and allow the public to make such inspections;
- (b) publish the tariffs and the terms and conditions of carriage on any Internet site used by the air carrier for selling the service offered by the air carrier;

Publication and display of tariffs.

- (c) in its tariffs, specifically identify (avoiding the use of codes) the basic fare, and all specific charges and surcharges between all points for which the air service is offered by the air carrier; and
- (d) retain a record of its tariffs for a period of not less than six (6) years after the tariffs have ceased to have effect.

(2) A tariff referred to in sub-regulation (1) shall include such other information as the Authority may by statutory instrument prescribe from time to time.

(3) An air carrier shall not apply any fare, rate, charge or term or condition of carriage applicable to the service it offers unless the fare, rate, charge, term or condition is set out in a tariff that has been published or displayed in accordance with paragraphs (a) and (b) of sub-regulation (1) and is in effect.

(4) An air carrier shall provide a copy or excerpt of its tariffs to any person on request and on payment of a fee not exceeding the cost of making the copy or excerpt.

(5) If, on complaint in writing to the Authority by any person, the Authority finds that, contrary to sub-regulation (1), an air carrier has applied a fare, rate, charge, surcharge or term or condition of carriage applicable to the service it offers that is not set out in its tariffs, the Authority may order the air carrier to –

- (a) apply a fare, rate, charge, surcharge or term or condition of carriage that is set out in its tariffs;
- (b) compensate any person adversely affected for any expenses they incurred as a result of the air carrier's failure to apply a fare, rate, charge, surcharge or term or condition of carriage that was set out in its tariffs; and
- (c) take any other appropriate corrective measures.

**25.** (1) Before an air carrier publishes tariffs through an agent, the carrier shall file with the Authority a letter authorizing the agent to act on its behalf. Filing through an Agent.

(2) Where an air carrier publishes tariffs through another air carrier or a company that is not an air carrier, the issuing carrier shall first file with the Authority a letter authorising the other carrier or company act on its behalf.

#### PART VIII—IMPLEMENTING STANDARDS

- 26.** Every tariff shall contain– Contents of tariffs.
- (a) the name of the issuing air carrier and the name, title and full address of the officer or agent issuing the tariff;
  - (b) the tariff number, and the title that describes the tariff contents;
  - (c) the dates of publication, coming into effect and expiration of the tariff, if it is to expire on a specific date;
  - (d) a description of the points or areas from and to which or between which the tariff applies;
  - (e) in the case of a joint tariff, a list of all participating air carriers;
  - (f) a table of contents showing the exact location where information under general headings is to be found;
  - (g) an index of points from, to or between which rates apply;
  - (h) a list of the airports, aerodromes or other facilities used with respect to each point shown in the tariff;

- (i) where applicable, information regarding prepayment requirements and restrictions and information regarding non-acceptance and non-delivery of cargo, unless reference is given to another tariff number in which that information is contained;
- (j) a full description of all abbreviations, acronyms, notes, reference marks, symbols and technical terms used in the tariff and, where a reference mark or symbol is used on a page, an explanation of it on that page or a reference thereon to the page on which the explanation is given;
- (k) the terms and conditions governing the tariff, generally, stated in such a way that it is clear as to how the terms and conditions apply to the rates named in the tariff;
- (l) any special terms and conditions that apply to a particular rate and, where the rate appears on a page, a reference on that page to the page on which those terms and conditions appear;
- (m) the terms and conditions of carriage, clearly stating the air carrier's policy in respect of at least the following matters, namely –
  - (i) the carriage of persons with disabilities;
  - (ii) acceptance of children;
  - (iii) passenger re-routing;
  - (iv) failure to operate the service or failure to operate on schedule;

- (v) refunds for services purchased but not used, whether in whole or in part, either as a result of the client's unwillingness or inability to continue or the air carrier's inability to provide the service for any reason;
- (vi) ticket reservation, cancellation, confirmation, validity and loss;
- (vii) refusal to transport passengers or cargo;
- (viii) method of calculation of charges not specifically set out in the tariff;
- (ix) limits of liability regarding passengers and cargo;
- (x) exclusions from liability respecting passengers and cargo; and
- (xi) procedures to be followed, and time limitations, respecting claims;
- (n) the rates, shown in Leones, together with the names of the points from, to or between which the fares apply, arranged in a simple and systematic manner all clearly identified;
- (o) the routings related to the rates unless reference is made in the tariff to another tariff in which the routings appear; and
- (p) the official descriptive title of each type of passenger fare, together with any name or abbreviation thereof.

PART IX — PASSENGERS' BILL OF RIGHTS AND AIRLINES  
OBLIGATIONS

Scope.

**27.** This regulation establishes, among other things and under the conditions specified herein, minimum rights for passengers and air carriers obligations where—

- (a) there is an incidence of “no-show” and overbooking;
- (b) passengers are denied boarding against their will;
- (c) a scheduled flight is delayed;
- (c) a scheduled flight is cancelled.

Application.

**28.** This Regulation shall apply—

- (a) to passengers departing from an airport located within the Sierra Leone territory to another airport within Sierra Leone;
- (b) to passengers departing from an airport located in another country to an airport situated within Sierra Leone, unless they received benefits or compensation and were given assistance in that other country, if the operating air carrier of the flight concerned is a Sierra Leone carrier;
- (c) to foreign air transportation with respect to flight segments originating at a point within Sierra Leone.

Conditions for application.

**29.** (1) This Regulation shall apply on the condition that a passenger—

- (a) has a confirmed reservation on the flight concerned and, except in the case of cancellation referred to in Regulation 34 present himself for check-in, as stipulated and at the time indicated in advance and in writing (including electronic means) by the air carrier, tour operator or an authorized travel agent, or, if no time is indicated, not later than 1 hour before the published departure time; or
- (b) has been transferred by an air carrier or tour operator from the flight for which he held a reservation to another flight, irrespective of the reason.

(2) This Regulation shall not apply to passengers travelling free of charge or at a reduced fare “whose status is subject to seat availability”. However, it shall apply to passengers having tickets issued under a frequent flyer program or other commercial program by an air carrier or tour operator.

(3) Where an operating air carrier, which has no contract with the passenger, performs obligations under this Regulation, it shall be regarded to doing as if the carrier is having a contract with that passenger.

(4) This Regulation shall not apply in cases where a packaged tour is cancelled for reasons other than cancellation of the flight.

**30.** (1) A passenger who shows-up on a later date or time other than the scheduled date or time of departure on his ticket may be considered for wait-listing on another flight subject to seat availability after meeting the airlines requirement. “No-show” and over-booking.

(2) An air carrier may overbook a scheduled flight in contemplation of the possibility of some passengers not showing up for that flight.

Denied  
boarding.

**31.** (1) An air carrier shall have the following obligations in the event of an oversold flight—

- (a) ensure that the smallest practicable number of persons holding confirmed reserved space on that flight are denied boarding involuntarily; and
- (b) request for volunteers for denied boarding before applying boarding priority.

(2) Any other passengers denied boarding except in accordance with these Regulations shall be considered for purposes of this Regulation to have been denied boarding involuntarily, even if the passengers accept the denied boarding and compensation and volunteers shall be assisted in accordance with Regulations 35 and 36, such assistance being additional to the benefits mentioned in this paragraph.

(3) In relation to each passenger solicited to volunteer for denied boarding, no later than the time the air carrier solicits that passenger to volunteer for denied boarding, the air carrier shall—

- (a) advise whether he is in danger of being involuntarily denied boarding and, if so, the compensation the carrier is obligated to pay if the passenger is involuntarily denied boarding; and
- (b) disclose all material restrictions, including but not limited to administrative fees, advance purchase or capacity restrictions, and blackout dates applicable to the offer before the passenger decides whether to give up his or her confirmed reserved space on that flight in exchange for the free or reduced rate transportation.

(4) If an insufficient number of volunteers come forward, the carrier may deny boarding to other passengers in accordance with its boarding priority procedures.

**32.** (1) Every operating air carrier shall establish priority procedure and criteria for determining which passengers holding Confirmed reserved space shall be denied boarding on an oversold flight if an insufficient number of volunteers come forward. Boarding  
priority  
procedures.

(2) The procedures and criteria referred to in sub-regulation (1) shall reflect the obligations of the operating air carrier set forth in sub-regulations (1) and (2) of Regulation 31 to minimize involuntary denied boarding and to request volunteers, and shall be written in such manner as to be understandable and meaningful to the average passenger.

(3) The procedures and criteria referred to in sub-regulation (1) shall not make, give, or cause any undue or unreasonable preference or advantage to any particular person or subject any particular person to any unjust or unreasonable prejudice or disadvantage in any respect whatsoever.

(4) Boarding priority factors may include, but are not limited to, the following—

- (a) passengers on urgent medical trips;
- (b) a passenger's time of check-in;
- (c) whether a passenger has a seat assignment prior to boarding;
- (d) the fare paid by a passenger;
- (e) a passenger's frequent-flyer status;
- (f) a passenger's reduced mobility status, including unaccompanied minor; and
- (g) families (maximum of two adults) where at least one child is aged five years or under.

(5) If an insufficient number of volunteers come forward to allow the remaining passengers with reservations to board the flight, the operating air carrier may deny boarding to passengers involuntarily.

(6) If boarding is denied to passengers involuntarily, the operating air carrier shall immediately compensate them in accordance with Regulations 35 and 36 and assist them in accordance with Regulations 38 and 39.

(7) Every air carrier shall develop and file with the Authority boarding priority procedures consistent with these Regulations.

Delay. **33.** (1) For domestic flights, when an operating air carrier reasonably expects a flight to be delayed beyond its scheduled time of departure, it shall provide the passengers the following—

- (a) immediately after one hour, the assistance specified in Regulation 37, sub-regulation (1) clause (a) and sub-regulation (2);
- (b) at a time between 10 p.m. and 4 a.m., or at a time when the airport is closed at the point of departure or final destination, the assistance specified in Regulation 37 sub-regulation (1) clauses (c) and (d); and
- (c) two hours and beyond, the assistance specified in Regulation 36, sub-regulation (1) clause (a).

(2) For international flights, when an operating air carrier reasonably expects a flight to be delayed beyond its scheduled time of departure, it shall provide to the passengers the following assistance—

- (a) between two and four hours, the assistance specified in Regulation 37, sub-regulation (1) clause (a) and sub-regulation (2);
- (b) for four hours or more the assistance specified in Regulation 37, sub-regulation (1) clauses (a) and (b); and
- (c) when the reasonably expected time of departure is at least six hours after the time of departure previously announced, the assistance specified in Regulation 37, sub-regulation (1) clauses (c) and (d).

(3) In any event, the assistance shall be provided within the time limits set out in sub-regulations (1) and (2).

**34.** (1) In case of cancellation of a flight, the passengers concerned shall— Cancellation.

- (a) be offered assistance by the operating air carrier in accordance with Regulations 35 and 36;
- (b) be offered assistance by the operating air carrier in accordance with clauses (a) of sub-regulation (1) and sub-regulation (2) of Regulation 36, as well as, in the event of re-routing when the reasonably expected time of departure of the new flight is at least the day after the departure as it was planned for the cancelled flight, the assistance specified in clauses (b) and (c) of sub-regulation (1) of Regulation 36;
- (c) in respect of domestic flights, have the right to compensation by the operating air carrier in accordance with Regulation 37, unless they are informed of the cancellation at least twenty-four hours before the scheduled time of departure; and

- (d) in respect of international flights, have the right to compensation by the operating air carrier in accordance with Regulation 37, unless–
- (i) they are informed of the cancellation at least seven days before the scheduled time of departure; or
  - (ii) they are informed of the cancellation between seven and three days before the scheduled time of departure and are offered re-routing, allowing them to depart no more than two hours before the scheduled time of departure and to reach their final destination less than four hours after the scheduled time of arrival; or
  - (iii) they are informed of the cancellation less than seven days before the scheduled time of departure and are offered re-routing, allowing them to depart no more than one hour before the scheduled time of departure and to reach their final destination less than two hours after the scheduled time of arrival.

(2) When passengers are informed of the cancellation, an explanation shall be given concerning possible alternative transport.

(3) An operating air carrier shall not be obliged to pay compensation in accordance with this Regulation, if it can prove that the cancellation is caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken.

(4) The burden of proof concerning any question as to whether and when the passenger has been informed of the cancellation of the flight shall rest with the operating air carrier.

**35.** (1) Where reference to compensation is made in this Regulation passengers shall receive at least– Compensation.

- (a) 25% of the fares of passenger ticket price for all flights within Sierra Leone; and
- (b) 30% of the passenger ticket price for all international flights.

(2) When passengers are offered re-routing to their final destination on an alternative flight pursuant to Regulation 36, the arrival time of which does not exceed the scheduled arrival time of the flight originally booked–

- (a) by one hour, in respect of all domestic flights;
- (b) by three hours, in respect of all international flights, the operating air carrier may reduce the compensation provided for in sub-regulation (1) by 50%.

(3) The compensation referred to in sub-regulation (1) of Regulation 36 shall be paid in cash, by electronic bank transfer, bank orders or bank cheques or, with the signed agreement of the passenger, in travel vouchers or other services.

(4) Where compensation is made in voucher, the voucher shall be redeemable at all sales outlets of the air carrier providing the voucher.

**36.** (1) Where reference to reimbursement or re-routing is made in this Regulation, passengers shall be provided with any of the following choices– Reimbursement or re-routing.

- (a) immediate reimbursement in cash or domestic flights and reimbursement within fourteen days for international flights, by the method of payment provided for in sub-regulation (3) of Regulation 35, of the full cost of the ticket at the price at which it was bought, for the part or parts of the journey not made, and for the part or parts already made if the flight is no longer serving any purpose in relation to the passenger's original travel plan, together with, when relevant, a return flight to the first point of departure, at the earliest opportunity;
- (b) re-routing, under comparable transport conditions, to their final destination at the earliest opportunity; or
- (c) re-routing, under comparable transport conditions, to their final destination at a later date at the passenger's convenience, subject to availability of seats.

(2) Clause (a) of sub-regulation (1) shall also apply to passengers whose flights form part of a package, except for the right to reimbursement where such right arises under any contractual understanding between the passenger and provider.

(3) When an operating air carrier offers a passenger a flight to an airport alternative to that for which the booking was made, the operating air carrier shall bear the cost of transferring the passenger from that alternative airport either to that for which the booking was made, or to another close-by destination agreed with the passenger.

Care.

**37.** (1) Where reference to care is made in this Regulation, passengers shall be offered free of charge—

- (a) refreshments including water, soft drinks, confectioneries or snacks;
- (b) a meal;
- (c) hotel accommodation;
- (d) transport between the airport and hotel or other accommodation.

(2) In addition to sub-regulation (1), passengers shall be offered free of charge, two telephone calls, SMS or e-mails.

(3) In applying this Regulation, the operating air carrier shall prioritise the needs of persons with reduced mobility and persons accompanying them, as well as to the needs of unaccompanied minors.

**38.** (1) If an operating air carrier places a passenger in a class higher than that for which the ticket was purchased, it may not request any supplementary payment. Upgrading and downgrading.

(2) If an operating air carrier places a passenger in a class lower than that for which the ticket was purchased, by the means provided for in sub-regulation (3) of Regulation 35 it shall immediately reimburse the difference to the passenger in accordance with the mode of payment, plus –

- (a) 30% of the price of the ticket for all domestic flights immediately; and
- (b) 50% of the price of the ticket for all international flights within 14 days.

**39.** (1) Operating air carriers shall give priority to carrying persons with reduced mobility and any persons accompanying them, unaccompanied minors, and families (maximum of two adults) where at least one child is aged five years or under. Persons with reduced mobility or special needs.

(2) In cases of denied boarding, cancellation and delays of any length, persons with reduced mobility and any persons accompanying them, unaccompanied minors, and families (maximum of two adults) where at least one child is aged five years or under, shall have the right to care in accordance with sub-regulation (1) of Regulation 37.

Further compensation. **40.** (1) This Part shall apply without prejudice to a passenger's rights under any contractual, statutory or any other applicable law.

(2) Without prejudice to relevant principles under any other law, including case law, Regulation (1) shall not apply to passengers who have voluntarily surrendered a reservation under clause (a) of sub-regulation (1) of Regulation 31.

Redress. **41.** In cases where an operating air carrier pays compensation or meets the other obligations incumbent on it under this Regulation, no provision of these Regulations may be interpreted as restricting its right to seek compensation from any person, including third parties, in accordance with any applicable law. In particular, this Regulation shall in no way restrict the operating air carrier's right to seek reimbursement from a tour operator or any other person with whom the operating air carrier has a contract and similarly, no provision of this Regulation may be interpreted as restricting the right of a tour operator or a third party, other than a passenger, with whom an operating air carrier has a contract, to seek reimbursement or compensation from the operating air carrier in accordance with applicable relevant laws.

Obligation to inform passengers of their rights. **42.** (1) The operating air carrier shall ensure that at check-in, a clearly legible notice containing the following text is displayed in a manner clearly visible to passengers: "If you are denied boarding or if your flight is cancelled or delayed for at least one hour, ask the airline officials for a written statement of your rights, particularly with regard to compensation and assistance".

(2) An air carrier denying boarding or cancelling a flight shall provide each passenger affected with a written notice setting out the procedures for compensation and assistance in line with this Regulations and it shall also provide each passenger affected by a delay of at least one hour with an equivalent notice.

(3) In respect of illiterate, visually impaired or other persons under disability, the provisions of this Regulation shall be applied using appropriate alternative means.

**43.** (1) Air carriers' obligations to passengers under this Regulation may not be limited or waived, notably by a derogation or restrictive clause in the contract of carriage.

Exclusion of waiver.

(2) If, nevertheless, such a derogation or restrictive clause is applied in respect of a passenger, or if the passenger is not correctly informed of his rights and for that reason has accepted compensation which is inferior to that provided for in these Regulations, the passenger shall still be entitled to pursue any available remedies.

**44.** (1) The Authority shall deem any advertising or solicitation by an air carrier, tour operator, or an agent of either, for passenger air transportation, a package, or a package component that states a price for such air transportation, package, or package component to be an unfair or deceptive practice, unless the price stated is the entire price to be paid by the passenger to the air carrier, tour operator or agent, for such air transportation, package, or package component.

Misleading advertising.

(2) No air carrier, tour operator, or agent of either shall charge or collect any additional fare (whether taxes, commissions, brokerage fees, administrative charges, or any other fees) from passengers not expressly displayed and described in the marketing material or advertisement.

**45.** (1) The Consumer Protection Department of the Authority shall be primarily responsible for the enforcement of this Regulation.

Infringement.

(2) Where appropriate, the Consumer Protection Department shall take the measures necessary to ensure that the rights of passengers are respected.

(3) A passenger may lodge a complaint with the Consumer Protection Department or any other competent person designated by the Authority, about any infringement of this Regulation.

Provision of information.

**46.** (1) When requested to provide information by r the purposes of enforcing these Regulations, an operating air carrier shall provide such information as the Authority may specify relating to this Regulation.

(2) Any information generated by an operating air carrier in relation to sub-regulation (1) shall be retained by the air carrier for a period of not less than two years.

Complaints procedure.

**47.** (1) Every air carrier shall establish a consumer protection desk at every airport it operates into and shall appoint an officer to manage the desk for the purpose of receiving, resolving and channeling seemingly difficult complaints to their Head offices, as well as liaising with the Authority where necessary.

(2) A complainant may make a complaint with the Authority against an air carrier in relation to the breach of air passenger rights as provided in the Regulations by filling and submitting a Complaint Form, after the consumer must have notified the air carrier of such a breach and the complaint remains unresolved.

(3) A complaint may be made in writing as in the prescribed form and transmitted to the Authority.

(4) Every complaint shall be accompanied by–

- (a) a copy of the airline ticket;
- (b) a copy of the letter to the air carrier stating a claim for breach of air passenger rights;

(c) any response or responses or correspondence thereto; and

(d) any other relevant document(s).

(5) Where a Complaint has been made in a representative capacity, the representative shall provide the complainant's written authority to act on his or her behalf.

(6) Complainants can present a class action before the Authority, but must appoint a representative for the class.

**48.** (1) The Authority shall cause an investigation to be carried out on the substance of the complaint and the consideration given by the air carrier within a reasonable period of time after the receipt thereof. <sup>Assessment.</sup>

(2) In carrying out any assessment under these Regulations, an officer designated by the Authority shall have all the powers of investigation stipulated in Section 75 of the Act, and in addition may request for submissions to be made by any interested person(s) in relation to a complaint.

(3) The Authority shall amongst other things–

- (a) notify the Respondent that a request has been lodged under these rules;
- (b) require the Respondent to respond to the complaint within 7 days; and
- (c) require the Respondent to describe the procedure it has taken to resolve the matter.

**49.** (1) After every assessment, the investigator shall make an assessment report and shall make recommendations therein. <sup>Determination of complaints.</sup>

(2) Upon a consideration of the assessment report, the nature of the conduct alleged against the Respondent, the extent of the claim by the complainant, public interest and other relevant factors, the Authority shall make a determination in one of the following respects–

- (a) the complaint lacks merit pursuant to which the complaint would be struck out;
- (b) the complaint is of such a nature as to advise the parties to resolve the dispute through mediation; or
- (c) the complaint is of such a nature as to be subjected to the Authority's administrative hearing procedure set out in Regulation 50.

(3) The Authority shall give notice of its determination to the interested parties.

Administrative hearing. **50.** (1) In the event that the interested parties do not agree to submit to the mediation, the complaint shall be subject to the administrative hearing of the Authority.

(2) If the Authority is of the view that the matter raised in the complaint are those over which any provision of the Act applies, the Authority shall set the complaint for administrative hearing.

(3) The Authority shall serve the parties a notice requesting a statement in support of their claim together with any evidence in support thereof.

(4) The Complainant shall within seven (7) days of the receipt of the notice transmit a statement of his case in writing to the Authority and the Respondent together with any evidence to be relied upon.

(5) The Respondent shall within seven (7) days of the receipt of the Statement of the case of the Complainant, transmit a statement of his case together with any evidence to be relied upon to the Authority and the Complainant.

(6) The Authority shall fix a date for the hearing and shall so inform the complainant and the Respondent.

(7) At every hearing fixed pursuant to these Regulations—

- (a) the person who made the complaint, or in whose behalf it was made, and each person to whom a notice was sent and any other person whose presence at the hearing is considered by the Authority to be desirable, is entitled to attend and participate personally or, in the case of a company or a firm, be represented by a person who, or by persons each of whom, is a director, officer, or employee of the company or firm; or

- (b) a person participating in the hearing in accordance with sub-regulation (1) of this Regulation is entitled to have another person, who may be a legal practitioner, or other persons present to assist him.

(8) At every hearing, the Authority shall provide for as little formality and technicality as the requirements of the Act and a proper consideration of the complaint may permit.

(9) Where—

- (a) the complainant fails to appear before the Authority on the date of hearing, the Authority may recommend that the complaint be dismissed for default, or decide it on merit.

- (b) the Respondent fails to appear before the Authority on the date of hearing, the Authority would make recommendations based on the available records.

(10) The Authority shall cause such records of the hearing to be made as is sufficient to set out the matters raised by the persons participating in the hearing.

(11) Every complaint shall be heard as expeditiously as possible and a determination made thereon within a reasonable time after the termination of the hearing.

(12) No adjournment of hearing shall be granted by the Authority unless sufficient cause is shown and the reasons for grant of adjournment has been recorded in writing by the Authority;

(13) The Authority may make such a decision as to the cost for the adjournment as may be considered appropriate.

(14) The Authority may terminate the hearing after it is satisfied that every person participating in the hearing has been given a reasonable opportunity to state or explain his or its position.

(15) Where the Authority is of the opinion that no provision of the Act, or any Regulations made there under has been violated by the person against whom the complaint was made, the Authority shall make a determination to that effect.

(16) Where the Authority is of the opinion that any provision of the Act, or any Regulations made there under has been violated, the Authority shall make a determination to that effect and make recommendations as it deems fit and reasonable to ensure that the violation ceases and that the injured party is accorded a reasonable remedy for his injury.

(17) The Authority shall on the basis of any recommendations made pursuant to the hearing, issue the relevant order which shall relate to—

- (a) the payment of compensation or restitution to a complainant;
- (b) the payment of fines and penalties;
- (c) the referral of any persons for criminal prosecution; or
- (d) any other order that may grant redress to a complainant.

(18) Every Order of the Authority shall be complied with within 30 days of it being issued.

**51.** (1) The parties may decide to resolve their dispute by mediation pursuant to which they shall fill the request for mediation in the prescribed form. Mediation.

(2) The Authority may upon the recommendation of the assessing officer assigned to a complaint, and after considering the nature of the conduct alleged against the Respondent, the extent of claim by the complainant, and other relevant factors, advise that the parties subject the dispute to mediation and the parties shall fill the request for mediation form in the prescribed form.

(3) The Mediation process shall be subject to the Mediation Rules annexed as to these Regulations.

#### PART X.— ANTI-COMPETITIVE PRACTICES

**52.** (1) No person shall enter into any contract, agreement, understanding or conspiracy between two or more parties in the civil aviation industry where such contract, arrangement, understanding or conspiracy constitutes a restraint of competition. Control of anti-competitive practice

(2) For the purposes of this Part, restraint of competition in relation to a contract, arrangement, understanding, conspiracy or combination means restraint in any market in which a party supplies or acquires or is likely to supply or acquire products or services and shall include acts which—

- (a) directly or indirectly fix a charge, fee, rate, fare and tariff or any other trading condition;
- (b) divide markets by allocating customers, passengers, suppliers, slots, territories or specific types of products or services;
- (c) involve collusive action;

- (d) limit or control development or investment in capacity, slots, and any other market or operational factor;
- (e) apply dissimilar conditions to equivalent transaction with other service providers thereby placing the other party at a competitive disadvantage; and
- (f) make the conclusion of an arrangement, understanding or contract subject to acceptance by the other parties of supplementary obligation and which, by their nature or according to commercial usage, have no connection with the subject of the contract.

(3) Any contract, arrangement, or understanding which is prohibited under sub-regulation (1) shall be prohibited and void.

(4) Sub-regulation (3) shall not apply to any agreement or category of agreements the entry into which is authorized by the Authority after being satisfied that it—

- (a) contributes to the improvement of availability or distribution of products and services or the promotion of technical or economic progress, while allowing consumers a fair share of the resulting benefit;
- (b) imposes on the airline, service providers or operators concerned only such restrictions as are indispensable to the attainment of objectives referred to in sub-regulation (1); or
- (c) does not afford such airline, service providers or operators the possibility of eliminating competition in respect of a substantial part of the products and services concerned.

**53.** (1) An agreement to engage in a restrictive practice shall be presumed to exist between two or more parties where— Restrictive and concerted practices

- (a) any one of the parties owns a majority interest in the other, or they have at least one director or substantial shareholder in common; and
- (b) any combination of the parties are engaged in that restrictive practice.

(2) Notwithstanding sub-regulation (1), the practices referred to in sub-regulations (3) to (5) shall be deemed to be restrictive practices which constitute unfair methods of competition, and anti-competitive in nature and are hereby prohibited.

(3) An airline shall not engage in the following restrictive practices—

- (a) undue and discriminatory policies for commissions, offering sales commissions to its trading counterparts [passengers or customers], or taking any other improper marketing actions, to sell its passenger tickets or tonnage;
- (b) for the purpose of selling its own passenger tickets or tonnage, preventing or restraining sales agents from selling passenger tickets or tonnage of other airlines or service providers;
- (c) restraining passengers or customers from selecting carriers freely with a view to excluding other airlines or service providers;
- (d) imposing restrictions on the regular operations of other airlines, service providers, operator or sales agents by taking advantage of computer applied system or communication network that is under its control;

(4) Airport or air navigation service providers shall not engage in the following restrictive practices—

- (a) placing undue conditions in respect of sales, checking, aircraft loading or other matters, and imposing improper restrictions on takeoff or landing of aircraft of an airline, or refusing to contract with an airline to provide support services that are in its range of business;
- (b) taking exclusive or discriminatory actions against an airline who has no agreement for ground handling with it;
- (c) without authorization from the Authority, setting chargeable items and standards;
- (d) by taking advantage of its superior position, violating the principle of equality, mutual benefit and reaching unanimity through consultation, imposing unfair provisions in the agreement for ground services or other service agency agreement concluded with its counterpart;
- (e) in a public bidding for airport services or operation of commercial facilities, intentionally raising or reducing the bid price in collusion with the bidder.

(5) Agents and tour operators shall not engage in the following restrictive practices—

- (a) acting beyond the limits of agency authorized by the airline and infringing upon the lawful rights and interests of the airline or other sales agents or tour operators;

- (b) soliciting passengers and cargo customers by bribery, offering sale commission to the counterpart outside the tickets or the accounts, or other improper marketing means; and
- (c) while selling passenger tickets, controlling seats by making false reservations, thus infringing upon the lawful rights and interests of the airline or other sale agents or tour operators.

(6) All decisions by airlines, service providers, or operators or associations and concerted practices by operators that prevent, restrict or distort competition are prohibited under these Regulations and no person shall give effect to them.

**54.** Nothing in this Part shall prohibit—

- (a) a contract or an arrangement where the only parties are or will be wholly owned subsidiary and holding companies;
- (b) a contract of service or a contract for the provision of services in so far as it contains provisions by which a person, not being a body corporate agrees to accept restrictions as to the work, whether as an employee or otherwise, in which that person may engage during or after the termination of the contract;
- (c) contract for the sale of a business or shares in the capital of a company carrying on business in so far as it contains a provision that is solely for the protection of the purchases in respect of the goodwill of the company;

Exemptions  
of certain  
agreements.

- (d) contract or an arrangement in as much as it contains a provision that relates to the remuneration, conditions of employment, hours of work or working conditions of employees;
- (e) any act done otherwise than in trade, in concert by passengers, consumers of products and services against the suppliers of those products and services;
- (f) any act done to give effect to a provision of a contract or an arrangement referred to in paragraphs (a) to (e);
- (g) any act done to give effect to any intellectual property right, which shall mean a right, privilege, or entitlement that is conferred as valid by or under any law.

Abuse of dominant position or market power.

**55.** (1) For the purposes of these Regulations one or more air carriers, service providers or operators hold a dominant position in the relevant market if, singularly (by itself) (including activities involving an interconnected or affiliated company) or collectively—

- (a) it has a share of more than twenty five percent of the relevant market; or
- (b) it has the ability to control prices or to exclude competition; or
- (c) it behaves to an appreciable extent independently of its or their competitors, customers, or passengers.

(2) An air carrier, service provider or operator abuses a dominant position if it impedes the maintenance or development of effective competition in a market and in particular is engaged in any of the following—

- (a) restriction of the entry of any operator into that or any other market;
- (b) preventing or deterring any operator from engaging in competitive conduct in the relevant route or market;
- (c) eliminating or removing any operator from the relevant route or market;
- (d) directly or indirectly imposing unfair, discriminatory or predatory tariffs or fares, purchase or selling prices or other anti-competitive practices through any discount, allowance or rebate practice in relation to the supply of services;
- (e) limiting the provision of services to the prejudice of consumers;
- (f) operating capacity on a route or routes at fares that do not cover the avoidable cost of providing the service;
- (g) increasing capacity on a route or routes at fares that do not cover the avoidable cost of providing the service;
- (h) pre-empting airport facilities or services that are required by another air carrier for the operation of its business, with the object of withholding the airport facilities or services from a market;
- (i) to the extent not governed by regulations regarding take-off and landing slots, pre-empting take-off or landing slots that are required by another air carrier for the operation of its business, with the object of withholding the take-off or landing slots from a market;

- (j) using commissions, incentives or other inducements to sell or purchase its flights for the purpose of disciplining or eliminating a competitor or impeding or preventing a competitor's entry into, or expansion in, a market;
- (k) altering its schedules, networks, or infrastructure for the purpose of disciplining or eliminating a competitor or impeding or preventing a competitor's entry into, or expansion in a market;
- (l) making the conclusion of agreements subject to acceptance by other parties of supplementary obligations which by their nature, or according to commercial usage, have no connection with the subject of such agreements;
- (m) engaging in any business conduct that results in the exploitation of its customers and suppliers, including, but not limited to such conduct as exclusive dealing, market restriction or tied selling.

(3) An airline, service provider or operator shall not be treated as abusing a dominant position if –

- (a) it is shown that its behaviour was exclusively directed to improving the production or distribution of products or to promoting technical or economic progress and consumers were allowed a fair share of the resulting benefit;
- (b) the effect or likely effect of its behaviour in the market is the result of its superior competitive performance;
- (c) if it seeks to enforce any right under or existing by virtue of any copy right, patent, registered design or trade mark.

(4) An operator may be treated as abusing its dominant position enforcing or seeking to enforce the rights referred to in paragraph (b) of sub-regulation(3) if the Authority is satisfied that the exercise of those rights has the effect of unreasonably lessening competition in the relevant market.

(5) Any conduct on the part of one or more operators which amounts to the abuse of a dominant position in a market is prohibited.

**56.** (1) Mergers, takeover, joint ventures or other acquisitions of control in the civil aviation industry, including interlocking directorships whether of a horizontal, vertical or conglomerate nature should be notified when–

Mergers, acquisition combination and joint ventures.

- (a) at least one of the firms is established within Sierra Leone;
- (b) the resultant market share in the civil aviation industry, or any substantial part of it, relating to any product or service, is likely to create market power;
- (c) at least one of the firms derives income in or from Sierra Leone, arising from the sale and rendering of services in the civil aviation industry or there exists use of the firm's assets in a manner that yields interest, royalties and dividends.

(2) No firm in the cases under sub-regulations (1),(2),(3),(4),(5) and (6) shall effect a merger until the expiration of a 60 day waiting period from the date of the issuance of the receipt of the notification, unless the Authority shortens the said period or extends it by an additional period of time not exceeding thirty (30) days with the consent of the firm concerned, in accordance with sub-regulation (4).

(3) Notification may be made to the Authority by all the parties concerned, or by one or more of the parties acting on behalf of the others, or by any person properly authorized to act on their behalf.

(4) A single agreement can be notified where a firm or person is party to restrictive agreement on the same terms with a number of different parties, provided that particulars are also given of all parties, or intended parties, to such agreements.

(5) Notification shall be made to the Authority where any agreement, arrangement or situation notified under the Act or these Regulations has been subject to change either in respect of its terms or in respect of the parties, or has been terminated (otherwise than by effluxion of time), or has been abandoned, or if there has been a substantial change in the situation within 30 days of the event.

(6) Mergers, takeovers, joint ventures or other acquisitions of control in the Sierra Leone civil aviation industry, including interlocking directorships, whether of a horizontal, vertical or conglomerate nature are prohibited where the proposed transaction substantially increases the ability to exercise market power either by giving the ability to a firm or group of firms acting jointly to profitably maintain prices above competitive levels for a significant period of time or by any other anti-competitive means.

(7) Upon the receipt of a notification, the Authority shall—

- (a) conduct an investigation;
- (b) request for relevant documents;
- (c) hold a hearing and obtain testimonies from the parties, if necessary.

(8) If a hearing before the Authority results in a finding against the transaction, such acquisitions or mergers may be prevented or undone whenever they are likely to lessen competition substantially in the Sierra Leone civil aviation industry or in a significant part of the relevant market within the industry.

(9) Where a transaction or practice is not expressly prohibited, and the possibility exists for its authorization, the firm shall notify the transaction or practice to the Authority, providing full details as requested

**57.** (1) If the Authority determines that any person has violated this Part, the Authority may— Civil violations.

- (a) impose such civil penalties or fines in the manner prescribed by the sanctions regime contained in the sanctions regime.
- (b) prescribe the payment of compensation to any person adversely affected by the violation;
- (c) direct the violator to take any other appropriate corrective measures.

(2) Any person who makes or enters into any contract or engages in any arrangement, conspiracy or practice declared unlawful under Regulations 52 and 53 commits an offence and shall be liable to a fine in accordance with clause (a) of sub-regulation (1).

**58.** (1) The Authority may grant conditional leniency, concessions and immunity for cooperation to persons who offer significant assistance in detecting and proving unfair methods of competition and anti-competitive conduct and the immunity shall be ‘conditional’ in that the holder must continue to meet the prescribed conditions to maintain his immunity status. Grant of leniency, concessions and immunity.

(2) Upon the application of a person, the Authority may proceed under any of the following programmes—

- (a) where an applicant is the first participant in an anti-competitive activity to apply to the Authority and to meet the prescribed conditions;
- (b) by taking a lower level of enforcement action, or, for individuals, no action at all, where an applicant gives information and full, continuing and complete cooperation throughout the investigation and any subsequent proceedings;

(c) in appropriate cases as provided under sub-regulation (6).

(3) Where a person enables the Authority to detect and or prove the existence of anti-competitive conduct, he may be granted conditional leniency.

(4) The Authority may apply reduced penalties to provide incentives for full co-operation that facilitates the Authority's quick and effective investigation with fewer resources.

(5) In all applications for leniency and concessions, the applicant must be the first to come forward either before the Authority becomes aware of the violation or before there is sufficient evidence to warrant an investigation or other regulatory action by the Authority.

(6) Subject to sub-regulation (1) of Regulation 59 and consistent with fair and impartial administration of the law, if a violation constitutes an offence, the Authority may recommend that immunity be granted to a party in the following situations where the Authority is—

- (a) unaware of an offence, and the party is the first to disclose it; or
- (b) aware of an offence, and the party is the first to come forward before there is sufficient evidence to warrant a referral of the matter to the appropriate authorities.

Requirements  
for  
qualification.

**59.** (1) The following are the relevant requirements to qualify for immunity—

- (a) the party must terminate its participation in the unlawful activity.
- (b) the party must not have coerced others to be party to the unlawful activity.
- (c) where the party requesting immunity is the only party involved in the offence he will not be eligible for immunity.

(2) Throughout the course of the Authority's investigation and subsequent prosecutions, a party involved in a leniency, concession, immunity process shall provide complete, timely and ongoing co-operation—

- (a) unless made public by the relevant prosecuting authority, or as required by law, the party shall not disclose its application for leniency, concession, immunity, or any related information, to a third party without the consent of the Authority and where disclosure is required by law, the party must give notice to and consult with the Authority on how to protect the interests of the investigation in light of the disclosure requirement and the party shall give this notice as soon as it becomes aware of the disclosure requirement;
- (b) the party must reveal to the Authority any and all conduct of which it is aware, or becomes aware, that may constitute a violation of the law and in which it may have been involved;
- (c) the party must provide full, complete, frank and truthful disclosure of all non-privileged information, evidence and records in its possession, under its control or available to it, wherever located, that in any manner relate to the anti-competitive conduct for which leniency, concession or immunity is sought and there must be no misrepresentation of any material facts;
- (d) companies must take all lawful measures to secure the co-operation of current directors, officers and employees for the duration of

the investigation and any ensuing proceedings and companies must also take all lawful measures to secure the cooperation of former directors, officers and employees as well as current and former agents, where doing so will not jeopardize the investigation and companies shall encourage such persons to voluntarily provide to the Authority all of their non-privileged information, evidence and records, in their possession or under their control, wherever located, that in any manner relate to the anti-competitive conduct; and

- (e) companies must facilitate the ability of current and former directors, officers, employees and agents to appear for interviews and to provide testimony in administrative and judicial proceedings in connection with the anti-competitive conduct.

(3) Parties shall co-operate with the Authority's investigation and any subsequent proceedings at their own expense.

(4) If the first party to apply under any of the programmes fails to meet the requirements, a subsequent party that does meet the requirements shall qualify to participate.

Impact of programme on directors, officers, employees and agents.

**60.** (1) If a company qualifies for any programme, all current directors officers and employees who admit their involvement in the unlawful anti-competitive activity as part of the corporate admission, and who provide complete, timely and ongoing co-operation, also qualify for the benefits under the programme.

(2) If a company does not qualify for any programme, current or former directors, officers, employees or agents may nonetheless be considered under a programme as though it has approached the Authority individually.

(3) To qualify, a company shall be required to admit to its involvement in the unlawful anti-competitive activity and provide complete, timely and ongoing co-operation with the Authority's investigation and any subsequent proceedings.

**61.** (1) The process for leniency concession or immunity shall commence with a contract which requires that—

The Process for leniency, concession or immunity.

- (a) a person may initiate a request for leniency concession or immunity by communicating with the Director General to discuss the possibility of participating in a programme;
- (b) the grant of the initial request shall be referred to as a marker;
- (c) an applicant may make the first contact on the basis of a limited hypothetical disclosure that identifies the nature of the violation it has been involved in respect of a specified service with sufficient detail to secure a "marker" as first in line to request participation in a programme;
- (d) the request to the Authority for a marker may be made by an applicant's legal representative.

(2) If the party obtains a marker and decides to proceed with the application, it shall provide a detailed description of the unlawful activity and to disclose sufficient information for the Authority to determine whether it might qualify under Regulations 58 and 59.

(3) The process in sub-regulation (2) shall be known as a "proffer" and may be made in hypothetical terms by the applicant's legal representative.

(4) The Authority shall require existence of material with sufficient detail and certainty and shall seek assurances as to the nature of any records the applicant can provide, the evidence or testimony a potential witness can give and how probative the evidence is likely to be.

(5) The Authority may request an interview with one or more witnesses, or an opportunity to view certain documents, prior to grant of a participatory status in any of the programmes.

(6) If the Authority concludes that the party demonstrates its capacity to provide full cooperation and fully satisfy the requirements of Regulation 59, it shall communicate to the party its decision on the party's eligibility under the program.

(7) The Authority shall execute the relevant program agreement that will include all ongoing obligations as described in these Regulations.

(8) After the party enters into an agreement with the Authority,

- (a) full disclosure and cooperation with the investigation and any ensuing proceedings shall be essential;
- (b) the Parties shall voluntarily provide the Authority with all non-privileged information, evidence and records that in any manner relate to the anti-competitive conduct;
- (c) witnesses shall attend interviews and may be called upon to testify in administrative or court proceedings;
- (d) the full disclosure process shall be conducted with the understanding that the Authority shall not use the information against the party, unless the party fails to comply with its agreement.

(9) The Authority shall–

- (a) revoke a party's benefits under a programme, and take appropriate action against the party, if that party fails to comply with any of the terms and conditions under its agreement; and
- (b) where it determines that a party has failed to fulfill the terms and conditions set out in the agreement, provide fourteen days written notice to the party before revoking the agreement.

#### **PART X1–FACILITATION OF AIR TRANSPORT**

**62.** (1) The Authority shall, in accordance with Annex 9 to the Chicago Convention and these Regulations ensure efficient processing and expeditious clearance of passengers, crew, cargo, mail and aircraft at the airports.

Subject  
Matter.

(2) The Authority shall collaborate with all relevant government and other agencies operating at the airports to ensure an effective and efficient facilitation process.

(3) The airport operator, airline and ground handling company shall–

- (a) provide adequate facilities and services that will ensure the efficient processing of passengers, crew, cargo, mail and aircraft at the airports.
- (b) provide facilities at the airports to enhance the movement of persons with reduced mobility and ensure that a passenger is not discriminated on the grounds of his disability or reduced mobility.

National  
Facilitation  
Programme.

**63.** The Authority shall establish a National Facilitation Programme to provide for and facilitate the border-crossing formalities that must be accomplished with respect to aircraft engaged in international operations and their passengers, crew and cargo.

National  
Aviation  
Plan.

**64.** (1) Sierra Leone shall, in compliance with the World Health Organization, International Health Regulations (2005), establish a national aviation plan in preparation for an outbreak of any communicable disease posing a public health risks or public health emergency of an international concern.

(2) The Authority shall, in conjunction with the Ministry of Health, integrate the National Aviation Pandemic Preparedness Plan into the State (Sierra Leone) Pandemic Preparedness Plan in accordance with guide lines for developing a national aviation plan specified in the Aviation Medicine page on the ICAO website.

(3) The pilot-in-command of an aircraft shall ensure that a suspected communicable disease is reported promptly to air traffic control, in order to facilitate provision for the presence of any special medical personnel and equipment necessary for the management of public health risks on arrival.

(4) Sierra Leone shall make arrangements to enable all airlines and aircraft operators and relevant agencies concerned to make available to passengers, sufficiently in advance of departure information concerning the vaccination requirements of the countries of destination, as well as the Model International Certificate of Vaccination or prophylaxis conforming to Article 36 and Annex 6 of the International Health Regulations (2005).

(5) Sierra Leone shall ensure that airlines and aircrafts operators make available and use at the international airports, Passenger Locator Cards for completion by passengers and crew and distribution of adequate stocks of the Passenger Locator cards by airline and aircrafts operators shall be in accordance with format specified in Appendix 13 of Annex 9.

**65.** (1) The Sierra Leone National Facilitation Programme (SLNFP) shall be in compliance with the provisions of ICAO Annex 9 on Facilitation.

Terms of  
reference and  
operating  
procedures.

(2) The purpose of the SLNFP is to facilitate border-crossing formalities with respect to International Air Transport operations covering aircraft, their passengers, crew and cargo, in accordance with the Chicago Convention, 1944.

(3) The SLNFP contains applicable Articles of Annex 9 to the Chicago Convention on Facilitation and describes the mode of implementing those Articles in accordance with the ICAO Standards and Recommended Practices (SARPs).

(4) The primary responsible Authority of the SLNFP is the Director General, Sierra Leone Civil Aviation Authority, while the implementation shall be carried out by the National Facilitation Committee and the Airport Facilitation Committees.

(5) The National Facilitation Committee shall comprise the Director-General SLCAA who shall be the Chairman and the following other members–

- (a) Ministry of Transport and Aviation;
- (b) Sierra Leone Airports Authority;
- (c) Sierra Leone Customs Services;
- (d) Sierra Leone Immigration Services;
- (e) Sierra Leone Police Force;
- (f) Ministry of Foreign Affairs and International Cooperation;
- (g) Sierra Leone Agricultural Quarantine Service;

- (h) ONS and TOCU;
- (i) Sierra Leone Drug Law Enforcement Agency;
- (j) Ministry of Health;
- (k) Ministry of Tourism; and
- (l) Board of Airline Representatives.

Application  
of Chicago  
Convention.

**66.** (1) The National Facilitation Committee shall, in accordance with Article 10 of the Chicago Convention on Landing at Customs Airports, –

- (a) designate Customs airports in Sierra Leone;
- (b) develop procedures through which operators of scheduled and non-scheduled services may request permission to land or depart from customs airports; and
- (c) arrange for border inspection services at customs airports.

(2) The National Facilitation Committee shall, in accordance with Article 13 of the Chicago Convention on Entry and Clearance Regulation–

- (a) develop programmes for control of security problems such as document fraud, illegal migration, smuggling and touting;
- (b) support the interested border control agencies in the establishment and maintenance of effective inspection system at airports, and in their efforts rationalize their respective procedures; and

- (c) co-ordinate preparations for clearing large numbers of passengers, especially during holy pilgrimages.

(3) The National Facilitation Committee shall, in accordance with Article 14 of the Convention on Prevention of Spread of Disease, harmonize national policies on the prevention of the spread of contagious diseases by air, for example, aircraft disinfection, public health-related quarantine programmes and screening measures to be applied in a health emergency.

(4) The National Facilitation Committee shall, in accordance with Article 22 of the Convention, that provides facilitation of formalities, harmonize national regulations which implement national customs, immigration and quarantine laws pertaining to international movements by air.

(5) The National Facilitation Committee shall, in accordance with Article 23 of the convention that provides for the customs and immigration procedures, harmonize national customs and immigration procedures at Sierra Leone airports, with–

- (a) the standards and recommended practices set forth in Annex 9;
- (b) support and advocate the national issuance of passports and other travel documents in accordance with ICAO specifications in Doc 9303 – Machine Readable Travel documents.

(6) The National Facilitation Committee shall, in accordance with Article 37 which provides for the adoption of international standards and procedures, participate in the development of ICAO Annex 9; and harmonize national procedures periodically in order to ensure compliance with the provisions of Annex 9.

(7) The National Facilitation Committee shall, in accordance with Article 38 which provides for Departures from International Standards and Procedures, periodically review conformity by all relevant agencies with the provisions of Annex 9 and notify ICAO of differences between national practices and the relevant standards.

Schedule of meetings.

**67.** The Sierra Leone National Facilitation Committee shall, except in cases of emergency, meet bi-annually at such time and place as may be determined by the Chairman of the Committee.

Airport Facilitation Committee.

**68** Sierra Leone Airports Authority or any airport operator shall establish and maintain an Airport Facilitation Committee at its airport with a composition, terms of reference and mode of operations as prescribed in Regulation 67.

Terms of reference of Airport Facilitation Committee.

**69.** (1) The Airport Facilitation Committee shall have the following terms of reference–

- (a) to implement the policies and directives of the National Facilitation Committee;
- (b) to liaise with the Airport Security Committee to ensure that security in the airports do not hinder smooth passage of passengers, crew, cargo, mail and aircraft;
- (c) to review reports of activities relating to facilitation at the airports and make suggestion(s) for improvement;
- (d) to hold, except in case of emergency, quarterly meetings at such time and place as may be determined by the Chairman of the Airport Facilitation Committee; and

(2) The Airport Facilitation Committee shall devise its own rules of procedure.

**70.** The Airport Facilitation Committee shall comprise the Airport Manager who shall be the Chairman and the following other members –

Composition of Airport Facilitation Committee.

- (a) Customs;
- (b) Immigration;
- (c) Quarantine;
- (d) State Security Service;
- (e) Drugs Agency (Narcotics);
- (f) Port Health;
- (g) SLCAA;
- (h) SLAA;
- (i) Tourism;
- (j) Airline operators;
- (k) Airport Aviation Security Provider; and
- (l) Handling Service Provider.

**71.** (1) The airport operator shall establish where necessary, a Slot Allocation Committee, which shall ensure the continued access of airlines to the airport on a fair, transparent and non-discriminatory basis.

Airport Slot Allocation Committee.

(2) The composition, terms of reference and mode of operation of the Slot Allocation Committee shall be as prescribed in Regulations 72 and 73.

Terms of Reference of Airports Slots Allocation Committee.

**72.** The Airports Slots Allocation Committee shall have the following terms of reference and functions–

- (a) formulate the rules for the allocation exchange of slots at designated international airports in Sierra Leone, on a fair, transparent and non-discriminatory basis;
- (b) coordinate and monitor the scheduling process;
- (c) hold, except in case of emergency, quarterly meetings at such time and place as shall be determined by the Chairman of the Airport Slot Allocation Committee; and
- (d) determine its own rules of procedure.

Composition of the Airport Slot Allocation Committee.

**73.** The Airport Slot Allocation Committee shall comprise the by the Airport Manager Airport Manager who shall be the Chairman and the following other members–

- (a) LCAA;
- (b) SLAA; and
- (c) AOC.

#### PART X11–AIRPORT AND AIR NAVIGATION SERVICES

Provision of airport services.

**74.** Any person intending to provide airport services or wishing to establish an aerodrome or take over an existing aerodrome shall–

- (a) have in place adequate financial capability that can provide the necessary infrastructure in accordance with the guidelines and requirements set by the Authority; and

- (b) be required to obtain security clearance from the Office of National Security.

**75.** (1) The Authority shall, in accordance with the Civil Aviation Authority Act, 2008, be responsible for the economic regulation of airports, air navigation services, aero-meteorological services and other related services.

Regulation of charges, fees and tariffs.

(2) All airport operators, air navigation service providers, aero-meteorological service providers and other service providers shall obtain the approval of the Authority before establishing, revising and imposing new charges, fees and tariffs for their services.

(3) All airport operators, air navigation and aero-meteorological service providers shall provide financial or other data as may be required by the Authority to determine the basis for charges, fees and tariffs.

(4) All airport operators, air navigation and aero-meteorological service providers shall adhere to the principles and procedures of consultation with users, cost-relatedness, non-discrimination and transparency in the application of charges, fees and tariffs.

(5) All airport operators, air navigation and aero-meteorological service providers shall adhere to the policies, principles and guidelines contained in the following ICAO's documents–

- (a) Doc. 9082 (Charges for Airports and Air Navigation Services);
- (b) Doc.9562(Airport Economics Manual); and
- (c) Doc.9161 (Manual on Air Navigation Services Economics), or as may be amended by ICAO from time to time and with reference to any IATA publication on the subject.

(5) Any person who violates this Regulation shall be liable to the penalty prescribed in Regulation .....

Service level agreements.

**76.** (1) All airport operators, air navigation and aero-meteorological service providers are required to develop internal mechanisms for performance monitoring.

(2) All airport operators, air navigation and aero-meteorological service providers shall enter into service level agreement (SLAs) with the users of their services.

Financial returns and other obligations.

**77.** (1) All airport operators, air navigation and aero-meteorological service providers shall submit to the Authority–

- (a) a 5-year business plan;
- (b) their financial returns yearly, or at such periodic intervals in such formats as may be prescribed by the Authority.

(2) Financial returns referred to under clause (b) of sub-regulation (1) shall include, but not be limited to income and expenditure statement, profit and loss statement, cash flow statement, insurance policy and evidence of payment of premiums, taxes, and other returns as may be required by the Authority.

Guidelines and requirements for introduction or revision of aviation charges.

**78.** (1) Any airport operator, air navigation service provider or aero-meteorological service provider intending to introduce or revise charges shall submit to the Authority, an application for approval to introduce or revise the charges.

(2) An application for the renewal or revision of charges under sub-regulation (1), shall –

- (a) be addressed to the Director General of the Authority shall be submitted at least sixty (60) days prior to the introduction of the new charges; and

- (b) be accompanied by all necessary documents justifying the need for the introduction or revision of the charges, including–
  - (i) financial projections based on existing charges;
  - (ii) financial projections based on proposed charges; and
  - (iii) minutes of meeting between the operator and the users of the service in accordance with ICAO Doc.9082.

### PART XIII–RELATED AVIATION SERVICES

**79.** (1) This part shall apply to related aviation services <sup>General.</sup> registered and operating in Sierra Leone by the Authority.

(2) No person shall undertake the following businesses unless on the authority of a licence issued by the Authority–

- (a) ground handling;
- (b) agent of foreign airlines;
- (c) travel agency;
- (d) air cargo freight forwarding;
- (e) in-flight catering services;
- (f) aviation fuel supply;
- (g) air transport training institutions;
- (h) aircraft sale or leasing;
- (i) airline passenger and cargo profiling; and
- (j) other related aviation services.

(3) The Authority shall keep a register of all licensed aviation businesses and related services.

(4) An airport operator shall not, subject to such restrictions that may be imposed by the Authority, discriminate against or decline access to any air navigation and aero-meteorological service providers in provision of services or facilities at their aerodrome.

(5) The Authority shall not grant approval for any incoming flight unless all security agencies at the relevant international airports have been informed of details of such incoming flight.

(6) Air transport commercial courses shall be offered by Air Transport Training Institutions subject to the approval of the Authority.

(7) A holder of an ATL or ATRL shall not require additional licence to carry out aircraft sale or leasing.

Unrestricted access for monitoring purposes.

**80.** The Authority shall, for the purpose of inspecting and monitoring the activities of any agent or company licensed under these Regulations, have and be given unrestricted access without prior notice, to inspect its office premises, warehouse or documents.

Travel Agency.

**81.** (1) Travel agency business shall be the retail (passenger) Aviation industry in Sierra Leone.

(2) No person shall undertake the business of a travel agent unless on the authority of a licence issued by the Authority.

(3) The Agencies shall operate under the umbrella of a National Association of Travel Agencies which shall be named "The Sierra Leone Association of Travel Agents (SLATA).

(4) All SLCAA registered travel agents shall be on IATA BSP platform.

General sales agent.

**82.** (1) No person shall carry on the business of a general sales agent (GSA) in Sierra Leone unless he is—

- (a) a citizen of Sierra Leone or a body corporate, registered in Sierra Leone and having its principal place of business in Sierra Leone, with majority shareholding by Sierra Leoneans: and

- (b) an applicant who can demonstrate that adequate resources are available for the discharge of current and potential obligations of the agency.

(2) A general sales agent shall not engage in retail travel agency or compete with retail travel agencies.

(3) No person or body corporate shall operate as a general sales agent unless there is in force a financial bond equivalent to USD20,000 issued by a reputable Bank.

#### PART XIV—GUIDELINES FOR REGISTRATION OF TRAVEL AGENTS

**83.** (1) Application for registration of travel agents shall be made in writing to the Director-General Registration application.

(2) The application shall be signed by the applicant or his duly authorised agent.

(3) An application under sub-regulation (1) shall be accompanied by a non-refundable fee of two million Leones or such other amount as may be prescribed by the Authority.

**84.** (1) An application under sub-regulation (1) of Regulation 83 shall contain the following information— Requirements.

- (a) name and address of applicant;
- (b) types of service being offered; and
- (c) number of offices owned by the applicant.

(2) An application under sub-regulation (1) of Regulation 83 shall the following supporting documents—

- (a) certificate of Incorporation of Company;

- (b) Memorandum and Articles of Association of the Company with minimum share capital of Le150,000,000 (One Hundred and Fifty Million Leones);
- (c) curricula vitae of the Directors;
- (d) evidence of approval by IATA (if any)
- (e) evidence of agency appointment by airlines (if any);
- (f) corporate profile in respect of all aviation related services to be performed by the applicant;
- (g) registration with reputable insurance company for coverage under the default insurance programme
- (h) two photographs of both the interior and exterior of the office premises;
- (i) duly completed application form; and
- (j) copy of receipt of payment of the non-refundable processing of USD1,000 or the Leone equivalent to the Authority.

General  
equirements.

**85.** (1) The Authority shall, for the purpose of inspecting and monitoring the activities of any agent or company licensed under these Regulations, have and be given unrestricted access without prior notice, to inspect its office premises, warehouse or documents.

(2) Applicant for registration of travel agent under sub-regulation (1) of Regulation 83 shall have at least two (2) full-time qualified personnel, who must have successfully completed a course in airlines ticketing and reservation in a recognized training institution and one of the personnel must have a minimum of at least two (2) years working experience with an IATA agency or airline in ticketing or reservation.

(3) No person shall be deemed qualified, if he has not spent minimum of 90 days with the travel agency as at the time of inspection by the Authority.

**86.** (1) On receipt of an application under sub-regulation (1) of Regulation 83, the Director-General may request such additional information from the applicant as may be deemed necessary. Additional information.

(2) The Director-General may refuse to register any agent found to have furnished false information or falsified documents required under these Regulations.

(3) A report of the agent found to have furnished false information or falsified documents under sub-regulation (2) shall be forwarded to IATA and be published in the Newspaper.

(4) The Authority shall monitor the activities of every travel agent registered under these regulations so as to ensure that its operations are in accordance with prescribed standards.

(5) Notification of changes such as change of name, location, ownership, shareholding of the applicant must be made known to Authority within 30 days.

#### PART XV—GUIDELINES AND REQUIREMENTS FOR LICENCING GROUND HANDLING COMPANIES

**87.** (1) An application for licence to operate a ground handling company shall be made in writing and signed by the applicant and addressed to the Director-General not later than six (6) months before the commencement of operations. Application.

(2) An application for the licence under sub-regulation (1), shall state –

- (a) the name and address of applicant;
- (b) the ground handling services to be provided;
- (c) the airport or airports where applicant intends to operate.

Pre-qualification requirement

**88.** An applicant for a licence under Regulation 87 shall comply with the following requirements–

- (a) pay a non-refundable processing fee of two thousand United States dollars (USD2,000,000) or its equivalent in Leones to the Authority.
- (b) submit to the Authority–
  - (i) a completed pre-qualification processing forms together with a receipt of payment of the processing fee in clause (a);
  - (ii) a copy of certificate of incorporation of the company;
  - (iii) a certified true copy of memorandum and articles of association of the company;
  - (iv) a statement of share capital indicating a minimum authorized share capital of one million US Dollars (USD1,000,000);
  - (v) copies of tax clearance certificates of the company and of each of the Directors for the last three (3) years;

(vi) a statement detailing the ownership and management structure, applicant's experience in the area of the proposed services it intends to provide;

(vii) details of any technical partner including name, address, experience, nature of partnership arrangements;

(viii) evidence of financial capability to undertake the business;

(ix) appropriate insurance policy or insurance arrangement;

(x) completed personal history statement forms and two (2) passport of each of the shareholders of the company having more than 5% equity shareholding.

(c) submit a detailed business plan for the ground handling services to be rendered to the Authority indicating, among other things –

(i) marketing and sales plan, including market segments, target market and customers, customers' characteristics, customers' needs, competitive analysis such as industry overview, nature of competition, primary competitors, competitive products and services, opportunities, threats and risks;

(ii) scope of applicant's operations giving comprehensive details of facilities and equipment required and their cost, management structure, staffing plan (employment plans, training and remuneration) and operational procedure;

- (iii) list and curriculum vitae of key personnel including the safety and security managers, detailing their qualifications, skills and experience;
  - (iv) financial plan including estimated costs of setting up the business, projected revenue, scheme of charges, profit and loss projection, cash flow projection, balance sheet projection and stating the assumptions used for the computations;
  - (v) operational manual containing the company's proposed Standard Operating Procedure on the services to be rendered, containing details of how the operations will be conducted in accordance with the IATA Ground Handling Manual as well as a sample Service Level Agreements (SLAs) between the applicant and the airlines;
  - (vi) applicant's Safety Management System (SMS) manual;
  - (vii) applicant's Security Manual which shall be in compliance with the National Civil Aviation Security Programme (NCASP), including Annex 9 of the ICAO on Facilitation Annex 17 on Security and Annex 18 on Dangerous Goods;
  - (viii) dangerous Goods Manual which should also be in accordance with ICAO Annex 18 on the Safe Transportation of Dangerous Goods by Air; and
- (d) provide additional documents and information depending on the type(s) of services(s) it intends to provide.

**89.** On evaluation of the documents submitted by the applicant under Regulation 89, the Authority shall, if convinced that the applicant has the potential to carry out the proposed business or operations, the Authority shall—

- (a) request the applicant to demonstrate, at his own expense, his ability to offer efficient services as contained in his operational manual; and
- (b) if satisfied that the applicant has demonstrated its ability to offer safe and efficient services, issue a licence to an applicant.

**90.** (1) A licence issued by the Authority under clause (a) of Regulation 90 shall be—

- (a) valid for a period of five (5) years, subject to the validity or duration of the tenancy of the applicant;
- (b) subject to an annual utilization fee of 2.5% of the revenues generated from the business or operations.

#### PART XV1 — GUIDELINES AND REQUIREMENTS FOR THE RENEWAL OF A GROUND HANDLING LICENCE

**91.** (1) An application for the renewal of a ground handling licence shall be made in writing, signed by the applicant and addressed to the Director General on or before a date not less than six (6) months to the expiration of the current licence.

(2) An application for the renewal of licence under sub-regulation (1) shall contain the following particulars–

- (a) copy of receipt of payment to the Authority of a non-refundable renewal processing fee of eight million Leones;
- (b) completed processing forms;
- (c) copy of tax clearance certificates of the company and of each of the directors for the last three (3) years;
- (d) current insurance policy;
- (e) duly completed personal history statement forms and two (2) passport photographs of each of the shareholders of the company having more than five percent (5%) equity hareholding;
- (f) list and curriculum vitae of key personnel including the safety and security managers;
- (g) updated operational manual containing the company's standard operating procedure on the services being provided;
- (h) copy of any new service level agreements with the airlines;
- (i) applicant's updated manual on safety management system ;
- (j) applicant's updated security manual which shall be in compliance with he National Civil Aviation Security Programme and showing its understanding of the relevant provisions of ICAO Annexes such as Annex 9 on Facilitation and Annex 17 on Security; and

- (k) updated dangerous goods manual which should also be in accordance with ICAO Annex 18 on Safe Transportation of Dangerous Goods.

(3) On evaluation of the information submitted by the applicant under Regulation 92, the Authority shall, if convinced that the applicant has fulfilled the requirements for renewal of a ground handling licence renew the licence for a further period of five (5) years, subject to an annual utilization fee of 2.5% of the revenues generated from the business or operations.

#### **PART XV11–GUIDELINES AND REQUIREMENTS FOR REGISTRATION OF IN-FLIGHT CATERING COMPANIES**

92. (1) An application for licence to operate an in-flight Application. catering company shall be made in writing and signed by the applicant and addressed to the Director-General not later than six (6) months before the commencement of operations.

(2) An application for the licence under sub-regulation (1), shall state–

- (a) name and address of applicant;
- (b) areas of in-flight catering services to be provided; and
- (c) proposed airport or airports where applicant intends to provide service.

(3) An application for the licence under sub-regulation (1), shall be supported by the following documents -

- (a) copy of the certified true copy certificate of incorporation of company;
- (b) copy of certified true copy of memorandum and articles of association of the company;

- (c) statement of Share Capital or Return of Allotment of Shares (Form CAC2) indicating a minimum authorized share capital of one hundred million Leones (Le100,000,000,00);
- (d) curriculum vitae of the directors and operations staff;
- (e) current tax clearance certificates of the company and of each of the directors (originals should also be submitted for sighting);
- (f) details of adequate insurance policy (covering all areas of services to be provided);
- (g) evidence of registration of the company with the National Agency for Food and Drugs Administration and Control (NAFDAC);
- (h) evidence of publication of the application for registration in two national daily newspapers;
- (i) company profile, including other aviation related services being performed by the applicant;
- (j) payment of USD2,000 or Leone equivalent non-refundable processing fee to the Authority;
- (k) statement of the ownership and management structure, applicant's experience in the area of the services it intends to provide;
- (l) details of any technical partner including name, address, experience, nature of partnership.

- (m) detailed business plan indicating–
  - (i) marketing analysis including market segments, target market and customers, etc
  - (ii) competitive analysis such as industry overview, nature of competition, primary competitors, competitive products or services, opportunities, threats and risks, etc;
  - (iii) marketing and sales stating who the major customers will be and how they will be reached, marketing strategies to be used etc;
  - (iv) scope of applicant's operations giving comprehensive details of facilities and equipment required and their costs, management structure, staffing plan including employment plans, training, remuneration and operational procedure;
  - (v) curriculum vitae of key personnel including the safety and security managers stating their qualifications, skills and experience;
  - (vi) financial plan including estimated costs of setting up the business, projected revenue, scheme of charges, profit and loss projection, cash flow projection, balance sheet projection, etc stating the assumptions used for the computations.

- (o) copy of Operational manual containing the company's proposed Standard Operating Procedures on the services to be rendered, containing details of how the operations will be conducted and a sample of its Airlines Service Level Agreements (SLAs);
- (p) copy of Safety Management System (SMS) Manual;
- (q) copy of Security Manual which shall be in compliance with the National Civil Aviation Security Programme (NCASP) and showing its understanding of the relevant provisions of ICAO Annexes such as Annex 9 on Facilitation and Annex 17 on Security; and

Additional requirements

93. Requirements additional to those in Regulation 92 include—

- (a) inspection of office premises of the applicant by the Authority;
- (b) verification of applicant's operational staff;
- (c) staff training programmes;
- (d) offices at relevant airports;
- (e) completed Personal History Statement (PHS) forms with two (2) passport photographs in of each of the shareholders, having more than 5% equity shareholding to the Authority for processing; and
- (f) in-flight catering security programme

Validity of licence.

94. The validity of the licence shall be for five years,

#### PART XV111—GUIDELINES AND REQUIREMENTS FOR THE REGISTRATION OF CARGO AGENTS OR AIR FREIGHT FORWARDERS

Application.

95. (1) An application for a licence to operate as a cargo agent or air freight forwarder shall be made in writing, signed by the applicant and address to the Director-General.

(2) An application for the licence under sub-regulation (1), shall state—

- (a) name and address of applicant;
- (b) areas of in-flight catering services to be provided; and
- (c) proposed airport or airports where applicant intends to provide service.

(3) An applicant for a licence under sub-regulation (1), shall comply with the following requirements—

- (a) pay a non-refundable processing fee of two thousand United States dollars(USD2,000) or its equivalent in Leones to the Authority.
- (b) submit to the Authority—
  - (i) copy of certificate of incorporation of company;
  - (ii) copy of certified true copy of memorandum and articles of association of the company;
  - (iii) statement of Share Capital indicating a minimum authorized share capital of one hundred million Leones (Le100,000,000).

- (iv) curricula vitae of the Directors;
- (v) evidence of agreement with the airline (if any);
- (vi) evidence of membership of any relevant association(s);
- (vii) corporate profile in respect of all aviation related services being performed by the applicant;
- (viii) current tax clearance certificates of company and directors of the company; and
- (ix) completed application form

Additional requirements

96. Requirements additional to those in Regulation 95 include—
- (a) inspection of office premises of the applicant by the Authority;
  - (b) verification of applicant's operational staff;
  - (c) staff training programmes;
  - (d) offices at relevant airports;
  - (e) completed Personal History Statement (PHS) forms with two (2) passport photographs in of each of the shareholders, having more than 5% equity shareholding to the Authority for processing; and
  - (f) in-flight catering security programme.

#### PART XIX—RENEWAL OF REGISTRATION OF CARGO AGENTS OR AIR FREIGHT FORWARDERS

**97.** (1) Application for renewal of a cargo agent or air freight forwarder licence shall be made in writing to the Director General, signed by the applicant on or before a date not less than six (6) months to the expiration of the current licence. Renewal of licence.

(2) An application for the renewal of licence under sub-regulation (1) shall contain the following particulars—

- (a) returns on agent's activities in the past two (2) years, including—
  - (i) the tonnage of cargo processed, both imports and exports.
  - (ii) addresses of new offices (if any).
- (b) receipt of payment of two thousand United States dollars (USD 2,000) or its equivalent in Leones non-refundable renewal processing fee to the Authority;
- (c) certificates of refresher courses attended by the operations staff during the period, especially in the handling of Dangerous Goods and special cargoes; and
- (d) curriculum vitae of any new directors of the company;
- (e) evidence of agency agreement with airlines in case there have been changes to the previous agreement, or there are new ones; and
- (f) duly completed renewal form SLCAA

(3) On evaluation of the information submitted by the applicant under sub-regulation (2), the Authority shall, if convinced that the applicant has fulfilled the requirements for renewal of a cargo agent or air freight forwarder licence renew the licence for a further period of two (2) years, subject to an annual utilization fee of 2.5% of the revenues generated from the business or operations.

Violations and penalties.

98. (1) Any person who contravenes these Regulations shall be liable to penalties specified in the Table of Sanctions contained hereto.

(2) The penalties specified under sub-regulation (1) shall be dissuasive, proportionate to both the gravity of the case, and the economic capacity of the air carrier or tour operator concerned taking into account also the defaulter's.

(3) It shall be unlawful for any air carrier, tour operator, their employees or agent to obstruct or prevent the Authority or any of its designated officers from carrying out investigations or refuse to provide information requested by the Authority, relating to any violation of these Regulations.

**TABLE OF SANCTIONS**

The Table below provides a recommended approach to assessment of sanctions for violations of these Regulations.

The Table describes civil penalties as minimum, moderate or maximum for a single violation of a particular regulation.

**RANGE OF PENALTIES**

\$6,000

\$15,000

\$31,000

The Authority may also refer the violator for criminal prosecution as provided in the Civil Aviation Act 2008.

**RECOMMENDED SANCTIONS**

VIOLATIONS	RECOMMENDED SANCTION PER VIOLATION
1. Failure to provide assistance in case of denied boarding	Minimum to Moderate penalty plus payment of the value of compensation prescribed in the regulation
2. Failure to submit Boarding Priority Rules to the Authority.	Minimum Penalty
3. Failure to comply with Boarding Priority Rules when denying boarding.	Minimum to moderate penalty plus compensation prescribed in the Regulation.
4. Failure to render assistance in case of flight cancellation	Moderate to maximum penalty plus prescribed compensation
5. Failure to give priority to persons with reduced mobility during boarding	Minimum to moderate penalty
6. Failure to value provide care for persons with reduced mobility, persons accompanying them, unaccompanied minors, in case of denied boarding, flight cancellations and delays.	Moderate to maximum penalty plus monetary of the prescribed care to be given to complainant.
7. Failure to display at check-in counter passenger rights statement	Minimum penalty
8. Failure to provide to passenger on request, passenger rights leaflet	Minimum to moderate penalty
9. Misleading Advertising	Moderate to maximum penalty plus seizure of all inappropriate/excess gains/profit from the advert or promotional scheme. Possible criminal referrals.
10. Obstruction of investigation/ failure to provide information	Moderate to maximum penalty plus possible criminal referral
11. Other violations of these regulations not specifically listed above.	Minimum to maximum penalty

## 5. SANCTION REGIME

- (a) Any person who uses any aircraft in contravention of the provisions of these Regulations shall be liable in the case of an offence to a fine of not less than thirty thousand United States Dollars (\$30,000) or to imprisonment for a term not less than three (3) months or to both such fine and imprisonment, and in the case of a second and subsequent offence to a fine not less than Six Thousand United States Dollars (\$6,000) or to imprisonment for a term not less than six (6) months or both such fine and such imprisonment.
- (b) Any person who, for the purpose of obtaining for himself or another person a permit or license, or other authorization or with regard to a variation or the cancellation or suspension of a permit or licence, or other authorization, knowingly or recklessly furnishes the Authority any information which is false, commits an offence and shall be liable on conviction to imprisonment for a term of not less than six (6) months or a fine of not less than Sixty Thousand United States Dollars (\$60,000) or both such fine and imprisonment and in the case of a second and subsequent offence to a fine not less than One hundred and Twenty Thousand United States Dollars (\$120,000) or to imprisonment for a term not less than one (1) year or both such fine and such imprisonment.
- (c) Any person who organizes air tours in contravention of these Regulations commits an offence and shall be liable upon conviction in a case of a first offence to a fine not less than, Three Hundred United States Dollars (\$300.00) or to imprisonment for a term not less than three (3) months or to both such fine and imprisonment, and in case of a second and subsequent offence to a fine of not less than One Thousand United States Dollars (\$1,000.00) or to imprisonment, for a term not less than six (6) months or both such fine and such imprisonment.

- (d) Any foreign carrier which operates sales outlets other than those prescribed in these Regulations shall be liable to a fine not less than Thirty thousand United States Dollars (\$30,000).
- (e) Any foreign carrier which distributes tickets through financial institutions shall be liable to a fine not less than Thirty thousand United States Dollars (\$30,000).
- (f) Any failure, violation, delay or non-remittance of information by an airline to the Authority as required by these Regulations is an offence, and as such liable as follows–
  - (i) failure to render to an authorized officer of the Authority, the required documents or forms as prescribed in the Regulation for its statistical verification, a fine not less than Five Hundred thousand United States Dollars (\$500) for everyday the breach subsist after a demand has been made.
    - (ii) false declaration of information on airline operations relating to 5% Sales Charge shall attract fine to the tune of 200% of the total value of under declared number of passengers (in case of passenger operation) and under declared weight (in case of cargo operation). The currency of payment shall be the currency of the transaction(s).
    - (iii) false declaration of documents relating to statistical verification shall attract a fine not less than sixty thousand United States Dollars (\$60,000) or have its aircraft operating authorization suspended.

- (iv) delay of submission of documents shall attract a fine not less than two hundred and fifty thousand Dollars (\$250,000) for everyday the breach subsists.
- (v) Delay in remittance of 5% Sales Charge shall attract monthly surcharge of 1% compound interest on the outstanding balance for final settlement.
- (g) It shall be an offence for any aerodrome/air navigation service provider to engage in over-charging, discrimination in the application of charges, anti-competitive practices or any unfair business practices. Any aerodrome/air navigation service provider who is culpable for offences in this regard shall be liable to a fine of not less than Thirty thousand United States Dollars (\$30,000).
- (h) Any aerodrome/air navigation service provider, including Meteorological, Ground Handling Service Providers who contravenes the provision of these regulations shall be liable to a fine of three thousand United States Dollars (\$3,000) for everyday the breach subsists.
- (i) Any company or an allied service provider which violates the conditions under which the License or Certificate of Registration was granted shall be liable to a fine not less than fifteen thousand United States Dollars (\$15,000) or a suspension or revocation of the License or Certificate of Registration.

- (j) Any carrier operating air transport services to, from or within Sierra Leone, aerodrome operator, aviation fuel suppliers, or any provider of ground services, air traffic control services, aircraft maintenance services, who does not have adequate insurance cover and does not make quarterly returns to the Authority evidencing that such adequate insurance is maintained and that all conditions necessary to create an obligation on the insurer to provide indemnity in the event of a loss have for the time being been fulfilled, shall be guilty of an offence and liable on conviction to a fine of not less than six million United States Dollars (\$6,000,000) and its Principal Officers shall be liable to imprisonment for a term of not less than two (2) years.
- (k) Any foreign or domestic air carrier that refuses to file its fares and tariff charges with SLCAA or gives false information on its fares and tariff shall be liable to a fine of not less than six hundred United States Dollars (\$600) for everyday the breach subsists after a demand has been made.
- (l) It shall be an offence for any airline or service provider not to implement any directive by SLCAA on the protection of consumer interest. Any airline or service provider who fails to honour its services standards and advertised promotions or continues to violate the provisions of this regulation shall be liable to a fine not less than twenty one thousand United States Dollars (\$21,000)

- (m) Any service provider who fails to investigate a complaint requesting for compensation or fails to respond to the authority's letter after two (2) reminders shall be guilty of an offence and shall be liable to a fine of two hundred and fifty United States Dollars (\$250) per day payable to SLCAA starting from the date of receipt of the 2nd Reminder. (The act of default shall be published in any media that the Authority shall choose).'
- (m) Any airline that refuses to compensate passengers that are unable to travel with an overbooked flight shall be guilty of an offence and be liable to fine of six thousand United States Dollars (\$6,000) payable to SLCAA for each incident or have its operating authorization suspended.
- (n) Any airline found to be negligent in baggage handling resulting in frequent delayed, damaged or loss of baggage shall be liable to a fine of three thousand United States Dollars (\$3,000) payable to SLCAA for each reported case.
- (o) Any travel agent or airline that delays the process of ticket refund beyond thirty (30) days for international passengers from the date of request shall be liable to refund the full value of the ticket and an additional 5% of the ticket value payable to the claimant (ticket holder).

- (p) Any travel agent or airline that delays immediate refund on ticket for domestic passengers shall be liable to the full value of the ticket and an additional 5% of the ticket value payable to the claimant (ticket holder).

MADE this 14th day of *March*, 2016.

LEONARDBALOGUNKOROMA,  
*Minister of Transport and Aviation.*

FREETOWN,  
SIERRA LEONE