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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

L.D.B. 20/51 (iii).

THE AIR NAVIGATION ACT, (CHAPTER 365)

REGULATIONS made by the Minister of Ports and Aviation under Section 24 of the Air Navigation Act (Chapter 365) read with Sections 3 (1) (b) and 3 (2) (m) of the aforesaid Act.

CHAMAL RAJAPAKSA,
Minister of Ports and Aviation.

Colombo,
03rd October, 2007.

Regulations

1. These regulations may be cited as the Air Navigation (Air Defence) Regulations, No. 1 of 2007.

2. The Minister may, from time to time, for the purpose of national security or for the purpose of maintaining public order, or for military necessity and public safety, establish Air Defence Identification Zones (hereinafter in these regulations referred to as “ADIZ”), Prohibited Areas and Restricted Areas in the airspace over the territory of Sri Lanka. The Director - General of Civil Aviation shall cause to be published in the *Gazette* a Notification relating to the establishment of these Zones or Areas and the positioning of the same. The Notification shall also specify the details and procedures which are applicable to each of these Zones or Areas.

AIR DEFENCE IDENTIFICATION ZONES

3. Upon the establishment of ADIZ in terms of regulation 2, the Director-General of Civil Aviation, may by Order published in the *Gazette* specify as appropriate,-

- (a) specific details including lateral and vertical limits of the ADIZ;
- (b) the nature of accessibility to the ADIZ and the restrictions and hazards applicable in respect of such area;
- (c) the times of activity within each such ADIZ; and
- (d) the requirements applicable to pilots or aircraft operating in such areas or the conditions or limitations subject to which pilots or aircraft may operate within such areas.

4. The Director-General of Civil Aviation may from time to time, in addition to the provisions of these regulations, issue in the interests of national security, special security instructions to persons operating an aircraft within an ADIZ. It shall be the duty of such persons to comply with such instructions.

5. No flight or aircraft shall operate within, into or out of an ADIZ without a valid Air Defence Clearance (ADC). Air Traffic Controllers shall not permit any aircraft to depart from any airfield within the ADIZ or enter ADIZ from outside without having obtained valid Air Defence Clearance. An ADC will be issued in the form of a number called “an ADIZ number”. Any aircraft flying without an ADIZ is liable for interception by the Sri Lanka Air Force under the interception procedure as published in the Sri Lanka AIP. The Director - General of Civil Aviation shall from time to time, issue guidelines relating to the issue of Air Defence Clearance for the purposes of these regulations.

6. Notwithstanding the other provisions of these regulations, in an emergency that requires immediate decision and action for the safety of the flight, the pilot in command of an aircraft operating within an ADIZ may deviate from the provisions of these regulations to the extent as is required by such emergency. The pilot shall as soon as possible thereafter, report the reasons for such deviation to the Air Traffic Services Unit (hereinafter in these regulations referred to as “the ATS Unit”) under whose control the aircraft is operating or with whom the aircraft is in contact.

7. An ATS Unit may, with the approval of the Director-General of Civil Aviation and with the concurrence of the Commander, Sri Lanka Air Force or his designated representative, exempt from the operation of the provisions of these regulations, other than from the requirements of regulation 4, for a temporary period the following operations—

- (a) aircraft operations that are conducted wholly within the boundaries of an ADIZ and are not currently significant to the air defence system; and
- (b) aircraft operations conducted in accordance with special procedures as are prescribed by the Sri Lanka Air Force.

8. Unless otherwise authorized by air traffic control, no person shall operate an aircraft into or within a ADIZ or whose point of departure is within an ADIZ, unless such person files and activates a flight plan with the appropriate aeronautical facility at least sixty (60) minutes prior to the intended time of departure, as specified by the Director-General of Civil Aviation.

9. (1) Unless otherwise exempted by the Director - General of Civil Aviation, no person shall operate a civil aircraft within an ADIZ established under these regulations unless that aircraft is equipped with a SSR transponder and automatic pressure altitude reporting equipment having altitude reporting capability that automatically replies to interrogations by transmitting pressure altitude information in one hundred (100) - foot increments.

(2) Each person operating an aircraft within ADIZ established under these regulations, shall operate the transponder, including altitude encoding equipment and shall reply on the appropriate code assigned by ATC.

10. No pilot may operate an aircraft in such a manner penetrating an ADIZ unless-

- (a) that pilot reports the time, positions, and altitude at which the aircraft passed the last reporting point before penetration and the estimated time of arrival over the next appropriate reporting point along the flight route, to an appropriate ATS Unit before penetration; or
- (b) if there is no appropriate reporting point along the flight route, the pilot reports, not less than fifteen (15) minutes before penetration, the estimated time, position, and altitude at which he will penetrate:

Provided that, if the point of departure of the aircraft is within an ADIZ or so close to the ADIZ boundary that it prevents the pilot from complying with the requirements of paragraphs (a) or (b) above, the pilot shall report to an appropriate ATS Unit immediately after taking off, the time of departure, the altitude and estimated time of arrival over the first reporting point along the flight route.

11. The pilot in command of an aircraft or any person operating a civil aircraft into, within or out of an ADIZ shall-

- (a) where a flight plan has been filed to operate within an ADIZ, inform the appropriate ATS Unit of its arrival at the aerodrome or where the destination aerodrome is situated outside the ADIZ, the fact of its departure from the ADIZ; and
- (b) have a functioning two-way radio, and the pilot must maintain a continuous listening watch on the appropriate frequency, with the relevant ATS Unit:

Provided that, if a pilot operating an aircraft within an ADIZ is unable to maintain a two-way radio communication due to failure, such pilot shall thereafter proceed in accordance with the procedures specified by the Director-General of Civil Aviation:

Provided further, that except in an emergency which demands the safety of an aircraft and its occupants-

- (a) no pilot operating within an ADIZ may deviate from the provisions of an ATC clearance or ATC instructions; and
- (b) no pilot operating within an ADIZ may deviate from the filed Instrument Flight Rules or Visual Flight Rules flight plan when operating an aircraft in uncontrolled airspace unless that pilot notifies an appropriate ATS Unit before deviating.

PROHIBITED AREAS

12. (1) Upon the declaration of a Prohibited Area in terms of regulation 2 of these regulations, the Director - General of Civil Aviation may by Order published in the *Gazette* restrict the flight of aircraft over that area, to such class of aircraft and to such altitudes or such times as are specified in such Order.

(2) No aircraft shall fly over a Prohibited Area in contravention of an order issued under paragraph (1).

(3) Where a person in control of an aircraft finds that the aircraft is over a Prohibited Area in contravention of the provisions of paragraph (2) of this regulation, he shall-

- (a) take immediate measures to have the aircraft flown outside of the Prohibited Area; and
- (b) forthwith report the circumstances to the nearest ATC Unit.

(4) The provisions of regulation 3 of these regulations shall *mutatis mutandis* apply to and in respect of a Prohibited Zone declared under regulation 2.

RESTRICTED AREAS

13. (1) Upon the declaration of a Restricted Area in terms of regulation 2 of these regulations, the Director-General of Civil Aviation may by Order published in the *Gazette* restrict the flight of aircraft over that area, to such class of aircraft and to such altitudes or such times as are specified in such Order.

(2) No aircraft shall fly over a Restricted Area in contravention of an order issued under paragraph (1).

(3) Where a person in control of an aircraft finds that the aircraft is over a Restricted Area in contravention of the provisions of paragraph (2) of this regulation, he shall-

(a) take immediate measures to have the aircraft flown outside of the Restricted Area; and

(b) forthwith report the circumstances to the nearest ATC Unit.

(4) The provisions of regulation 3 of these regulations shall *mutatis mutandis* apply to and in respect of a Restricted Zone declared under regulation 2.

GENERAL

14. These regulations shall not apply in relations to-

(a) any aircraft participating in "Search and Rescue Missions" being operated under special authority issued by the Director - General of Civil Aviation.

(b) the operation of any aircraft, the flight of which remains within five (05) nautical miles of the point of departure below and one thousand (1000) feet above ground level; and

(c) light aircraft, radio controlled (remote controlled) model aircraft, hot air balloons, glider planes, para gliders, powered para gliders, hang gliders, powered hand gliders, gyro copters, kites or any other flying device used for sports and recreational activities operating within Ruhunu Open Skies Area at a height below three thousand (3000) feet above Mean Sea Level.

15. As soon as possible after the declaration or publication or both as the case may be in the *Gazette* of an ADIZ, Prohibited Area or a Restricted Area, the Director General of Civil Aviation shall forthwith notify the extent and location of every Zone or Area so declared or published and shall also publish such particulars in the AIP.

16. The Ceylon Air Navigation Regulations 1955, published in *Gazette* Extraordinary No. 10812 of July 1, 1955 are hereby amended by the repeal of regulation 127 of those regulations.

17. For the purposes of these regulations unless otherwise specified herein,-

"aeronautical facility" means, a facility where flight plans are normally filed prior to or during flight operations:

"Aeronautic Information Publication (AIP)" means the aeronautic information publication made or issued by the Director-General of Civil Aviation in terms of the Annex 15 to the Chicago Convention on International Civil Aviation;

"Air Defence Identification Zone (ADIZ)" means an area of airspace declared under regulation 2, over the territory of Sri Lanka, in which the ready identification, location, and control of civil aircraft is for the purposes of these regulations, required in the interest of national security;

"Air Traffic Services Unit" means, the Unit from which Air Traffic Services are provided;

"flight plan" means the Air Traffic services flight plan;

"Instrument Flight Rules (IFR)" means the rules applicable to a flight operated within an ADIZ in terms of the Instrument Flight Rules;

"Prohibited Area" means, an airspace declared under regulation 2, of defined dimensions, above the territory of Sri Lanka, within which the flight of aircraft is prohibited;

“Restricted Area” means, an airspace declared under regulation 2, of defined dimensions, above the territory of Sri Lanka, within which the flight of an aircraft is restricted in the manner specified by the Director-General of Civil Aviation.

“Ruhunu Open Skies Area” means the airspace above the Area bounded by the line joining Kalutara, Neboda, Elpitiya, Akuressa, Panamurre, Balangoda, Kirigalpotta Mountain Peak, Haputale, Hali - Ela, Lunugala, Kirinda a point two (2) nautical miles to the sea at Kirinda (“point A”) and the line parallel to the coast line from “point A” to a point two (2) nautical miles to the sea at Kalutara (“point B”) and the line joining “point B” and Kalutara;

“territory of Sri Lanka” shall be the land area and the territorial waters as specified in Article 5 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

“Visual Flight Rules (VFR)” means, the rules applicable to a flight conducted by a civil aircraft within an ADIZ in terms of the Visual Flight Rules;

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