

**IN THE THIRD MEETING OF THE SECOND
SESSION OF THE SEVENTH PARLIAMENT OF
THE FOURTH REPUBLIC**

REPORT OF THE

COMMITTEE ON SUBSIDIARY LEGISLATION

ON THE

**GHANA CIVIL AVIATION (REVOCATION)
REGULATIONS, 2018, (L.I. 2362)**

NOVEMBER 2018.



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1.0 INTRODUCTION

The Ghana Civil Aviation (Revocation) Regulations, 2018, (L.I. 2362) was laid before Parliament on Thursday, 26th September, 2018 in accordance with Article 11(7) of the Constitution. Pursuant to Orders 77 and 166 of the Standing Orders of Parliament, the Rt. Hon. Speaker referred the Instrument to the Committee on Subsidiary Legislation for consideration and report.

2.0 REFERENCE DOCUMENTS

The Committee referred to the following documents during its deliberations:

- i. The Constitution
- ii. The Standing Orders of Parliament
- iii. The Ghana Civil Aviation Act, 2004 (Act 678);
- iv. The Ghana Civil Aviation (Amendment) Act, 2016 (Act 906);
- v. The Ghana Civil Aviation (Safety) Regulations, 2011 (L.I. 2000);
- vi. The Ghana Civil Aviation (Air Navigation) Regulations, 2011 (L.I. 2001);
- vii. The Ghana Civil Aviation (Aeronautical Communication) Regulations, 2011 (L.I. 2002);
- viii. The Ghana Civil Aviation (Security) Regulations, 2011 (L.I. 2003); and
- ix. The Ghana Civil Aviation (Aerodrome) Regulations, 2011 (L.I. 2004)

3.0 DELIBERATIONS

The Committee met with Officials of the Ministry of Aviation and the Ghana Civil Aviation Authority. At the invitation of the Committee, the Leadership of the Committee on Roads and Transport attended the meeting. In attendance were Officials of the Legislative

Drafting Division of the Office of the Attorney-General and Ministry of Justice to assist the Committee in its deliberations.

4.0 **BACKGROUND**

4.1 Ghana Civil Aviation Authority (GCAA) is mandated to enforce the standards and recommended practices developed by the International Civil Aviation Organisation (ICAO) as well as Conventions adopted by the Organisation. The ICAO, based on periodic audits to assess the level of compliance by member countries regularly amends the standards and recommended practices. Lapses identified in the laws of respective countries are to be addressed in order not to compromise on air safety.

4.2 Pursuant to ICAO recommendations, Ghana had to amend the Ghana Civil Aviation Act, 2004 (Act 678) in conformity with safety standards in air navigation. Section 21 of Act 678 empowered the Director-General, in consultation with the Minister to make regulations by Legislative Instrument for a number of activities related to air safety and navigation. The Ghana Civil Aviation (Amendment) Act, 2016 however, has taken that power away from the Minister. In place of that, the Act gives the Director-General the power to issue Directives to securing the highest practical degree of uniformity in regulations, standards and procedures in relation to aircraft, personnel, airways and auxiliary services to facilitate and improve air navigation as well as adopt and amend from time to time the standards, recommendation, practices and procedures of ICAO in relation to several activities listed in Section 5 of Act 906.

4.3 Prior to the passage of Act 906, five Legislative Instruments had been enacted to regulate the aviation sector. These are:

- The Ghana Civil Aviation (Safety) Regulations, 2011 (LI 2000);
- The Ghana Civil Aviation (Air navigation) Regulations, 2011 (LI 2001);
- The Ghana Civil Aviation (Aeronautical Communication) Regulations, 2011 (LI 2002);

- The Ghana Civil Aviation (Security) Regulations, 2011 (LI 2003); and
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- The Ghana Civil Aviation (Aerodrome) Regulations, 2011 (LI 2004)

4.4 These Regulations are still in force. With the passage of Act 906 and the power given to the Director-General to issue Directives, it is imperative that the aforementioned existing L.I.'s regulating air safety and air navigation be revoked in accordance with the Ghana Civil Aviation (Amendment) Act, (Act 906). The revocation is to avoid a situation where the Directives issued by the Director-General, may contradict some of the provisions of the existing L.I's.

5.0 OBSERVATIONS

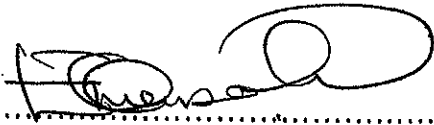
5.1 The Committee was informed by the officials of the GCAA that the inability of the Authority to issue Directives to incorporate the frequent amendments requested by ICAO is affecting the country's rankings. The Committee was also informed that pursuant to Section 5 of Act 906, the Director-General has developed the first draft Directives, incorporating all the nineteen ICAO Annexes, Instructions and other International Air Law Instruments. The draft Directives were subjected to a Stakeholders Conference attended by Officials of GCAA, Ghana Airport Company Ltd., Ghana Air Force and some Airline Operators. The draft Directives have since been finalised and will be gazetted as soon as the Legislative Instruments are revoked.

5.2 The Committee expressed concern about the inability of the Legislature to scrutinise the Directives to be issued by the Director-General of the GCAA. The Officials assured the Committee that the Director-General would issue the Directives under ICAO's strict supervision.

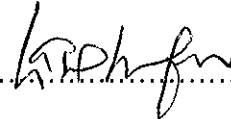
6.0 **RECOMMENDATION AND CONCLUSION**

The Committee has carefully examined the Legislative Instrument and accordingly recommends to the House to adopt its Report and allow the Ghana Civil Aviation (Revocation) Regulations, 2018, (L.I.2362) to come into force at the expiration of twenty-one sitting days of Parliament in accordance with Article 11(7) of the Constitution.

Respectfully submitted.



ERIC OWUSU-MENSAH
CLERK TO THE COMMITTEE



HON. BERNARD AHIAFOR
VICE - CHAIRMAN

NOVEMBER 2018.