

**PART XVIII**  
**AIR TRANSPORT SERVICES**

**288. Licensing of air transport services.-** Except as provided in rule 217, no air transport service shall be established or shall operate within Bangladesh except under the authority of, and in accordance with, a licence issued by the Chairman:

Provided that the Chairman may permit the operation of air transport services to or across Bangladesh from and to places outside Bangladesh by persons not domiciled in Bangladesh or by companies registered outside Bangladesh with aircraft registered in Bangladesh or outside Bangladesh, on such terms and conditions as he may think fit.

**289. Filing of Tariff.-** (1) Every operator of an air transport service operating in accordance with rule 217 and 288 shall file with the Chairman, a tariff showing fares, rates and charges for air transportation of passengers and cargo to and from Bangladesh between the points served by it including the rates, terms and conditions of commission payable to the passengers or sales agents.

(2) If an operator is participating in a joint tariff with other air transport services, a separate declaration shall also be filed with the Chairman confirming the applicability of the joint tariff.

(3) A tariff (including a joint tariff) or any amendment thereof shall be filed at least thirty days in advance of its introduction.

(4) The Chairman may, for reasons to be recorded in writing, reject any tariff so filled under this rule and any tariff so rejected shall be ineffective.

**290. Levy of fixed fares, rates and charges.-** (1) No operator shall charge or demand or collect or received any greater or less or different compensation for air transportation or for any service connected therewith other than the approved fares, rates or charges.

(2) No operator shall in any manner or by any device directly or indirectly or through any agent or broker or otherwise, refund or remit any portion of the approved fares, rates and charges or extend to any person any privileges or facilities with respect to any matters required by the Chairman under rule 289.

**291. Changes in tariff.-** (1) No changes shall be made in fares, rates and charges or in classifications, rules regulations, practices or services affecting such fares, rates and charges or value of the services thereunder specified in any effective tariff including any change in the terms or conditions of the commission payable to the passenger or cargo sales agent except after previous approval by the Chairman.

(2) An application for such changes shall be made to the Chairman at least thirty days in advance.

(3) The Chairman may, for reasons to be recorded in writing, revise or disallow any change.

(4) The revised tariff shall, after approval by the Chairman be published in such form and manner as may be specified by the Chairman.

(5) All or any of the records relating to tariff required to be maintained under these rules shall, on demand, by the Chairman, by general or special order in writing, be produced for inspection.

**292. Appeal.-** Any operator of an air transport service aggrieved by the decision of the Chairman under sub rule (3) of rule 291 or under sub rule (4) of rule 289 may, within a period of thirty days from the date of such decision, prefer an appeal to the Government and the Government shall, after giving the appellant an opportunity of being heard, pass such orders as it deems fit.

**293. Application for license.-** (1) Applications for a licence to operate an air transport service shall be made to the Chairman not less than sixty days before the date on which it is desired to commence the service.

(2) The application shall be made in the form specified by the Chairman and shall be signed by the person applying for the licence and, if made by any body corporate, shall be signed by a person duly authorized in that behalf by such body.

**294. Particulars and conditions of licence.-** (1) A licence granted under this Part shall contain Operations Specifications consisting of the following sections:-

Section -1. General provisions:

(i) Name and address of Operator;

(ii) Number of the license;

(iii) Date of issue and period of validity;

(iv) Classes of operations ( mentioned in rule 105) authorised;

(v) The types and the Registration Marks of the aircraft authorised for use;

Section-2. En-route authorisations and limitations;

Section -3, Aerodrome authorisations and limitations;

Section-4. Aircraft maintenance authorisations;

Section-5. Aircraft mass (weight) and balance authorisation;

Section-6. Minimum Equipment List authorisation, if applicable;

Section-7. Aircraft leasing authorisation, if applicable; and

any additional Sections as may be considered appropriate by the Chairman.

(2) A licence for the operation of air transport services, scheduled or non-scheduled, shall be subject to the conditions hereinafter specified and to such other rules as may from time to time be made by the Government.

(3) Any person desires to have a licence to operate air transport services in Bangladesh shall either be a body corporate created by Statute or be registered in accordance with the provisions of the Companies Act, 1994 and shall be subject to the provisions of the statute or the Companies Act and the rules made there under.

(4) A copy of the Memorandum and Articles of Association of the company, in duplicate, or, as the case may be, the statute creating the body corporate as mentioned in sub-rule (3) shall be forwarded to the Chairman along with the application for licence.

(5) The licensee shall conduct its business in accordance with the statute or, as the case may be, the Companies Act, 1994, and the air navigation orders, and shall supply such information as may be required by the Government and shall comply within the notified period with the instructions which may be issued.

(6) The licensee shall so conduct its air transport operations as not to involve in the breach of any obligations imposed upon the Government.

(7) Before the commencement of operation, the licensee shall submit to the Chairman for his approval-

(a) copies of the proposed Engineering, Operation and Route Manuals;

(b) detailed schedule of each route to be operated showing points of call;

(c) frequency to be operated on each route with the proposed time table;

(d) type of aircraft to be used;

(e) equipment available;

(f) management proposed with details of traffic maintenance and operational organisations.

(8) The licensee shall submit for previous approval of the Chairman all proposals for fares to be charged for the carriage of passengers and freight on each route to be operated

by it and no rules and regulations made by the licensee for the carriage of passengers and freight shall be published without the previous approval of the Chairman.

(9) No alternation in the route or the frequency or the time and fare table shall be effected without the approval in writing of the Chairman and any change proposed shall be submitted to the Chairman sufficiently in advance.

(10) Except by a special permission of the Government, no licence shall be given to a body corporate for the carriage of freight or passengers on a route on which any Bangladeshi operator is already operating under a licence.

(11) The Chairman or an authorised officer shall have the right of access, in the normal course of discharge of his duties, to the licensee's workshop, stores and offices.

**295. Special Provisions for the Commercial Operators.-** (1) The copy, in duplicate, of the annual accounts and auditor's report shall be sent to the Chairman at the time such accounts and reports are furnished to the Government.

(2) No appointment to any executive post requiring high technical or flying experience, shall be made without the previous approval of the Chairman.

(3) No purchase of an aircraft or an engine by the licensee and no sale thereof shall be effected without the approval of the Chairman.

(4) The licensee shall, at any time during its operations, take out an insurance policy approved by the Government to ensure against claims on the licensee as provided in the Warsaw Convention 1929, and the Hague Protocol of 1955. The licensee shall at all times, effect adequate insurance against "third party" risks to cover claims relating to damage to personnel or property resulting from the crash or improper operation of its aircraft.

(5) The licensee shall be liable for any expenses incurred by the Government in connection with air and sea rescue operation resulting from improper or negligent operation of a licensee's aircraft.

(6) The licensee shall pay all landing, housing and route navigational charges relating to aircraft operating in Bangladesh according to the rates specified by the Government.

(7) No aircraft, except with the previous permission in writing of the Chairman, shall be operated under a license issued under these rules unless the crew of the aircraft are in the regular employment of the license.

*Explanation.- For the purposes of this rule crew employed on hourly, daily or part-time basis shall not be considered to be in regular employment.*

**296. Amendment of terms of licence.-** (1) The Chairman may, at any time, if it appears

to be necessary for securing the more effective development of air transport or otherwise in the public interest, amend the terms of a licence after giving the holder thereof a reasonable opportunity of showing cause against the proposed amendment.

(2) The Chairman may, on the application of the holder of a licence, make such amendment in the licence as appears to be unobjectionable.

(3) When a licence is amended under sub-rule (1) or (2) the licence shall submit it to the Chairman who shall make an endorsement thereon showing reasons in brief for the amendment.

**297. Revocation and suspension of licence.-** (1) The Chairman may revoke, or suspend for such period as he thinks fit, a licence, if he is satisfied that any of the conditions thereof has not been complied with or that the failure to comply is due to any willful act or omission on the part of the licensee or is due to such negligence on his part and committed so frequently that the licence should, in the public interest, be revoked or, as the case may be, suspended.

(2) Before any action is taken under sub-rule (1), the Chairman shall give to the licensee in the case of revocation not less than thirty days' notice and in the case of suspension, fifteen days' notice in writing specifying the grounds upon which it is proposed to revoke or, as the case may be, suspend the licence, and shall give him an opportunity of showing cause against the proposed action.

(3) Where a licence is revoked under sub-rule (1), the Chairman shall record in writing the reason for its decision and the licensee shall be entitled to a copy thereof, showing the date on which revocation is to take effect.

(4) Where a licence is suspended under sub-rule (1), the licensee shall submit the licence to the Chairman who shall make an endorsement thereon showing the period of, and the reasons in brief, for the suspension.

**298. Appeal.-** Any person aggrieved by an order under rule 297 may, within sixty days from the date of making the order of revocation or, as the case may be suspension prefer an appeal to the Government and the Government shall, after giving an opportunity to the parties concerned of being heard in person or through legal representative, give its decision which shall be final.

**299. Transfer of licence.-** A licence granted under this Part shall not be transferable. But if an application is made by a licensee to the Chairman, a fresh licence shall be issued to that licensee if it has amalgamated or has agreed to amalgamate its services with the services of another licensed transport company.

**300. Continuance of rights.-** Nothing in this Part shall be construed as conferring upon the licensee any right, after the expiry of the validity of the licence, to the issue of a new licence for the operation of a transport service on the same route or to the continuance of any other benefits arising from the provisions of this part or any licence granted

thereunder.

**301. Custody, production and surrender of licences.**- (1) A licence issued under this part shall be kept at the principal office of the holder thereof in Bangladesh and shall be produced for inspection, on demand, by any Magistrate, any police officer not below the rank of Superintendent of police, any Customs Officer, any authorized Officer of the Civil Aviation Authority or any person authorized by the Government by special or general order in writing in this behalf.

(2) On the expiration of the licence whether by efflux of time or in consequence or a decision of the Government under these rules, or when a license is suspended by the Chairman the holder shall surrender the licence to the Chairman for endorsement or cancellation as the case may require provided no appeal has been filed under rule 298.

**302. Carriage of mails.**- A licensee shall perform all such reasonable services in regard to the conveyance of mails as the Director of Post may, from time to time require. The remuneration for carriage of mails shall be such as may be determined from time to time by the Director General of Posts. The mails to be carried in conformity with any international agreement ratified by the Government. Any dispute arising out of the carriage of mails by a licensee shall be decided by the Government.

**303. Fees.** – The Chairman may notify through ANO fees for the application form for Air Transport Operating Licence (ATOL), issue of ATOL, renewal of ATOL and issue of a duplicate copy of the ATOL.

**304. Periodical returns.** – (1) Every person to whom a licence has been granted under this part shall submit to the Chairman in such form as may be specified-

(a) monthly returns regarding the operation of the licensed air transport services and other air transport operations of the licence holder which shall reach the Chairman not later than forty-five days after the expiry of the month to which the return relates; and

(b) annual returns regarding the financial results of the undertaking during each calendar year which shall reach the Chairman not later than three months after the expiry of the year to which the return relates.

(2) No information furnished in an annual return under clause (b) of sub-rule (1) shall be published or disclosed in respect of any individual air transport service or licensee without the consent of the licensee, and if any person publishes or discloses any such information without such consent he shall be guilty of an offence punishable under these rules.