

Seychelles

## Civil Aviation (Control of Obstructions) Act Act 8 of 1970

Legislation as at 30 June 2012

FRBR URI: /akn/sc/act/1970/8/eng@2012-06-30

There may have been updates since this file was created.

PDF created on 21 February 2024 at 18:16.

*Collection last checked for updates: 30 June 2014.*

[Check for updates](#)



### About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

[www.laws.africa](http://www.laws.africa)  
[info@laws.africa](mailto:info@laws.africa)

There is no copyright on the legislative content of this document.  
This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Civil Aviation (Control of Obstructions) Act  
Contents

1. Short title ..... 1

2. Interpretation ..... 1

3. Declaration of controlled area ..... 1

4. Restriction on erection of structures in controlled area ..... 1

5. Directions affecting controlled area ..... 1

6. Directions to be served on persons affected ..... 2

7. Enforcement of directions ..... 2

8. Compensation ..... 2

9. Power to enter private land ..... 3

10. Penalties ..... 3

11. Regulations ..... 3

## Seychelles

# Civil Aviation (Control of Obstructions) Act Act 8 of 1970

Commenced on 9 October 1970

[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]

[Act 8 of 1970; S.I. 95 of 1975; Act [23 of 1976](#)]

### 1. Short title

This Act may be cited as the Civil Aviation (Control of Obstructions) Act.

### 2. Interpretation

In this Act, unless the context otherwise requires—

"**aerodrome**" means any area of land designed, equipped, set apart or commonly used or intended to be used for affording facilities for the take off and landing of aircraft, whether or not such area has been notified or licensed as an aerodrome;

"**controlled area**" means any area of land that is a controlled area by virtue of a notice made under [section 3](#);

"**direction**" means a direction given under [section 5](#);

"**Director**" means the person for the time being performing the functions of Director of Civil Aviation;

"**land**" includes land covered with water;

"**owner**", in relation to any land, includes the person for the time being receiving the rent thereof, either solely or with another, or who would receive the rent if the land were let to a tenant;

"**structure**" includes any building or construction;

"**tree**" means any tree, bush, plant or vegetation.

### 3. Declaration of controlled area

- (1) If the Minister is satisfied that it is necessary to do so in order to safeguard the flight path of aircraft or otherwise to secure the safe and efficient use for air navigation purposes of any aerodrome, he may, by notices in the *Gazette*, declare that any area of land specified in the notice shall be a controlled area for the purposes of this Act.
- (2) Any such notice may contain such consequential, incidental and supplemental provisions as appear to the Minister to be necessary or expedient for the purposes of the notice.

### 4. Restriction on erection of structures in controlled area

Notwithstanding the provisions of any law for the time being in force or the terms of any grant, lease or licence, the Director may, by order in the *Gazette*, prohibit the erection within a controlled area of any structure above a height specified in such order.

### 5. Directions affecting controlled area

- (1) The Director may, from time to time, give directions in writing—
  - (a) for requiring the total or partial demolition of any structure within a controlled area;

- (b) for requiring the removal of rocks or boulders within a controlled area;
  - (c) for restricting the height of trees upon any land within a controlled area, or for requiring any tree upon any such land to be cut down or reduced in size;
  - (d) for extinguishing any private right of way over land within a controlled area;
  - (e) for restricting the installation of cables, mains, pipes, wires or other apparatus upon, across, under or over any land within a controlled area;
  - (f) for extinguishing, at the expiration of such period as the Director may determine, any subsisting right of installing or maintaining any such apparatus as aforesaid upon, across, under or over any land within a controlled area, and for requiring that before the expiration of such period as the Director may determine any such apparatus shall be removed from such land.
- (2) No direction given under this section shall be questioned in any court.

## 6. Directions to be served on persons affected

- (1) The following provisions shall have effect as respects a direction given under subsection (1) of [section 5](#):—
- (a) in the case of a direction given for the purposes specified in paragraphs (a), (b) and (c) thereof, the direction shall be served upon every owner and occupier of the land to which the direction relates;
  - (b) in the case of a direction given for the purpose specified in paragraph (d) thereof, the direction shall be served upon every owner and occupier of any land to which the right of way is appurtenant;
  - (c) in the case of a direction restricting the installation of apparatus or extinguishing rights to install or maintain apparatus, the direction shall be served upon every person whose rights to install or maintain the apparatus are affected by the direction; and
  - (d) in the case of a direction requiring the removal of any apparatus, the direction shall be served upon the person entitled to maintain the apparatus.
- (2) Every direction shall state as fully and as accurately as possible the effect of the direction and the nature and extent of the acts required to be done for the purpose of complying therewith.
- (3) Service of a direction may be effected by sending it by registered post or by leaving it at the usual or last known place of abode of the person concerned or, if the usual or last known place of abode of such person cannot be readily ascertained, by fixing the direction conspicuously on some part of the land in question.

## 7. Enforcement of directions

If the Director is not satisfied that a direction is being complied with satisfactorily and expeditiously, he may authorise any person on his behalf to remove, pull down, cut down, or alter so as to bring in conformity with the requirements of any such direction, any structure, rock, boulder, tree, or apparatus which contravenes those requirements.

## 8. Compensation

- (1) Any person who has carried out any work for the purpose of complying with a direction shall be entitled to recover compensation from the Government in respect of any expenditure reasonably incurred by him in carrying out such works aforesaid.

- (2) Any person having an interest in land the value of which is diminished in consequence of anything done in relation to the land for the purpose of complying with or enforcing a direction shall be entitled to recover compensation from the Government for the diminution.
- (3) Any person who sustains material damage by being disturbed in the enjoyment of any right in or over land in consequence of any direction relating to the land (not being damage which consists of the diminution in the value of an interest in land) shall be entitled to recover compensation from the Government in respect of such damage.
- (4) The compensation payable to any person by virtue of this section shall be reduced by the value to him of any timber, apparatus or other materials removed for the purposes of complying with or enforcing a direction.
- (5) If any dispute arises concerning the amount or application of such compensation it shall be determined summarily by a Judge in Chambers on the petition of the Director or of any interested party.
- (6) The foregoing provisions of this section do not apply in the case of any direction relating to a structure erected in contravention of an order made under [section 4](#).

## 9. Power to enter private land

The Director and all persons acting on his behalf or under his authority shall have the right to enter upon, inspect and survey private property at all reasonable times for any purpose relating to the exercise (whether actual or contemplated) of any power conferred by this Act.

## 10. Penalties

Any person who—

- (a) contravenes any order made under [section 4](#), or
- (b) obstructs any person in the execution of any work being carried out for the purpose of complying with or enforcing a direction,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand rupees or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

## 11. Regulations

The Minister may make such regulations for the purpose of carrying out the objects and provisions of this Act as appear to the Minister to be necessary or expedient.