

Civil Aviation Authority of Nepal
CIVIL AVIATION SECURITY RULES, 2016

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CIVIL AVIATION SECURITY RULES, 2016

The Government of Nepal has framed the following rules by exercising the Authority conferred by Section 3 of the Civil Aviation Act, 1959.

Chapter-1

Preliminary

1. Brief Name and Commencement

- (1) These Rules shall be called by the name of Civil Aviation Security Rules, 2016.
- (2) These Rules shall come into effect forthwith.

2. Definitions

Unless provided otherwise by the subject or context, in these Rules-

- (a) *Unidentified baggage*. Baggage at an airport, with or without a baggage tag, which is not picked up by or identified with a passenger.
- (b) *Unaccompanied baggage*. Baggage that is transported as cargo and may or may not be carried on the same aircraft with the person to whom it belongs.
- (c) *Unclaimed baggage*. Baggage that arrives at an airport and is not picked up or claimed by a passenger.
- (d) *Unlawful Interference* means any act that runs against the safety of civil aviation and this term also includes attempts of making such act.
- (e) *Accompanied hold baggage*. Baggage which is accepted for carriage in the hold of an aircraft and which is checked in by the passenger who is on board.
- (f) *Act* means the Civil Aviation Act of 1959. *Transfer passengers and baggage*. Passengers and baggage making direct connections between two different flights.
- (g) *Transit passengers*. Passengers departing from an airport on the same flight as that on which they arrived.

- (h) *Civil Aviation* means the passengers, aircrafts, aircraft staffs, staffs of various agencies involved in the operation of airport, personnel providing catering services, security personnel or visitors and that term also includes the physical infrastructure, equipments or devices needful for the running of airport.
- (i) *Civil Aviation Office* means the airport based office of the Authority.
- (j) *Civil Aviation Security*. Safeguarding civil aviation against acts of unlawful interference. This objective is achieved by a combination of measures and human and material resources.
- (k) *Civil Aviation Security Official* means the appropriate authority for civil aviation security designated as per Rule 7.
- (l) *Prohibited Goods* mean the arms, explosives and other goods that may be used to endanger civil aviation security and the term also includes any other items banned for transportation by an aircraft.
- (m) *Authority* means the Civil Aviation Authority of Nepal established pursuant to the Civil Aviation Authority Act of Nepal, 1996.
- (n) *Baggage* means the goods of individual use of the passengers or aircraft staffs agreed by the Aircraft to carry through its aircraft.
- (o) *Airport Security Committee* means the Airport Security Committee constituted as per Rule 10.
- (p) *Committee* means the National Civil Aviation Security Committee constituted as per Rule 3.
- (q) *Security Screening*. The application of technical or other means which are intended to identify and/or detect weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference.
- (r) *Security Check* means the checking of baggage accompanied by the passengers, aircraft staffs, airport staffs and visitors for the purpose of detecting arms and explosives being tried to smuggle in together concealed with other items; or for

discovering other banned items that might have been carried along by them in ignorance.

(s) *Hold Baggage* means the baggage to be stored at the aircraft hold.

(t) *Hand Baggage* means the entire goods other than the clothes worn by the passengers and aircraft staffs as well as the belongings inside their pockets, which are to be carried along by them through the aircraft.

Chapter-2

Formation of the Committee and its Functions, Duties and Authority

3. Formation of the Committee

(1) There shall be a National Civil Aviation Security Committee for the purpose of making civil aviation secure and to forge coordination in aviation security at the national level.

(2) The composition of Committee shall be as follows:

(a) Minister or State Minister of Culture, Tourism and Civil Aviation: Chairperson

(b) Attorney General or a Deputy Attorney General appointed by him or her: Member

(c) Secretary, Ministry of Finance: Member

(d) Secretary, Ministry of Law, Justice and Parliamentary Affairs: Member

(e) Secretary, Ministry of Home Affairs: Member

(f) Secretary, Ministry of Defence: Member

(g) Secretary, Ministry of Culture, Tourism and Civil Aviation: Member

(h) Operations Head, Nepal Army, Army Headquarters: Member

(i) Inspector General, Nepal Police: Member

(j) Inspector General, Armed Police Force: Member

(k) Chief Investigation Director, National Investigation Department: Member

(l) Director General, Authority: Member Secretary

(3) The Authority shall function as secretariat of the Committee.

4. Meeting Procedures of the Committee

(1) The meeting of Committee shall held as required but not less than once in a year.

(2) The Member Secretary shall call the meeting of Committee in a place, date and time as fixed by the Chairperson.

(3) The quorum of Committee for meeting purposes shall satisfy upon the attendance of more than 50 percent of its total members.

(4) The Chairperson shall chair the meeting of Committee and in his or her absence, by the member selected by the attending members from among themselves.

(5) The opinion of majority shall be valid in the meeting of Committee, and in case of tie of votes, the Chairperson shall cast his or her decisive vote.

(6)The Committee may invite civil aviation security expert(s) in its meeting as required.

(7)The Member Secretary shall attest and upkeep the minutes of the meeting of Committee.

(8)The meeting related other procedures shall be as determined by the Committee itself.

5. Functions, Duties and Authority of the Committee

The functions, duties and Authority of the Committee shall be as follows:

- (a) To advise the Government of Nepal on the legal reforms and national policies to be adopted in respect to civil aviation security.

- (b) To forge security coordination among the various agencies so as to implement the National Civil Aviation Security Program on the basis of sectors and nature of threats against the civil aviation security.
- (c) To direct the Civil Aviation Security Official and other relevant agencies as regards the security measures to be implemented for bracing the possible threats against the civil aviation security.
- (d) To direct the concerned agencies in case a need is felt for upgrading the civil aviation security technology or for providing additional security.
- (e) To ensure the implementation of security measures while constructing, renovating or expanding airports.
- (f) To approve and enforce the manuals of National Civil Aviation Security Program, National Civil Aviation Security Quality Control Program, National Civil Aviation Security Training Program, Airport Security Program, and other civil aviation security related manuals, as well as the Standard Operating Procedures of Civil Aviation.
- (g) To make necessary provisions for the enforcement of provisions of Annex 17 and other Annexes adopted by the International Civil Aviation Organization as regards the security of civil aviation.
- (h) To direct the concerned agencies for involving the security personnel trained in civil aviation security in the checking and screening functions.
- (i) To conduct inspection and monitoring from time to time on whether the provisions of Act and these Rules have been complied with or not as regards the civil aviation security; and in course of inspection and monitoring, if it is found that someone is neglecting or lingering in observing such provisions, then to correspond to the concerned agency for instituting needful action.

Chapter-3

Provisions of the National Civil Aviation Security Program

6. Design and Implementation of the National Civil Aviation Security Program

(1) The Committee shall design and implement a National Civil Aviation Security Program for safeguarding civil aviation from unlawful interference.

(2) The matters to be included in the Program of Sub-Rule (1) shall be as stated in Appendix 1.

7. To Act as Civil Aviation Security Official

The Director General of Authority shall act as the Civil Aviation Security Official.

8. Functions, Duties and Authority of the Civil Aviation Security Official

(1) In addition to those stated in these Rules elsewhere, the functions, duties and Authority of the Civil Aviation Security Official shall be as follows:

(a) To frame the manuals of National Civil Aviation Security Program, National Civil Aviation Security Quality Control Program, National Civil Aviation Security Training Program, Airport Security Program, and civil aviation security, as well as the Standard Operating Procedures of Civil Aviation, also on the basis of inputs from the Airport Security Committee; and to submit the same before the Committee for approval.

(b) To notify the individuals and agencies related to civil aviation security on the National Civil Aviation Security Program.

(c) To exchange coordination and cooperation among various agencies on matters of civil aviation security.

(d) To approve the civil aviation security programs designed by Aircraft operators and other agencies and cause for their implementation.

- (e) To offer inputs to the Committee with regard to the reforms to be made in the laws pertaining to civil aviation security.
- (f) To conduct the needful inspection, tests, audits and security surveys for ensuring compliance with the prevailing laws on civil aviation security and National Civil Aviation Security Program, Airport Security Program, standards and recommendation of the International Civil Aviation Organization and the security programs of Aircraft operators.
- (g) To direct the concerned agencies for rectifying the flaws seen in civil aviation security and detected from the inspection, tests, audits and security surveys.
- (h) To provide for the amenities and infrastructure including the buildings, security appliances, fuel, etc. for the security of civil aviation and airports.
- (i) To conduct monitoring and evaluation for confirming whether the security measures are adequate or not in proportion to the threats against civil aviation security.
- (j) To notify the concerned State as soon as possible in case information on threats against civil aviation security of a foreign State is received.
- (k) To forthwith notify the officials of the Board of Authority, Chairperson and members of the Committee and the Secretary of concerned Ministry in case any threat is felt against the civil aviation security.
- (l) To maintain confidentiality of the information, threats, messages and documents pertaining to civil aviation security.
- (m) To notify the concerned agency or individual in case any staff or worker is found not proper to be deputed in the airport functions.
- (n) To designate responsibilities of Aircraft operators, Civil Aviation Office and all agencies stationed in the airport including the customs, immigration, security agencies, etc. on civil aviation security and to conduct monitoring for finding out whether the prescribed responsibilities have been met or not.

(o) To approve the needful security plan and enforce the same for fully guaranteeing airport security prior to the construction or reconstruction of airports, expansion or prior to the addition or expansion of buildings, services and amenities.

(p) To recommend for the inclusion of civil aviation security measures while executing air agreements with other nations.

(q) To correspond to the concerned agency or institution for the operation of training and certification courses needful for civil aviation security.

(r) To correspond to the concerned agency for denying or withholding approval for flying in Nepal to the Aircraft operators who fail to submit or implement the civil aviation security program.

(s) To notify the International Civil Aviation Organization in case of an unlawful interference against the civil aviation security also including the efforts made to thwart the recurrence of such event.

(2) The Civil Aviation Security Official may issue needful directives to the concerned agency, Aircraft operator or staff on civil aviation security; and it shall be the duty of the latter to adhere to such directives.

(3) In case any staff fails to observe the directive(s) issued pursuant to Sub-Rule (2) and causes impediment in civil aviation security, or is capable of causing such impediment, then the Civil Aviation Security Official shall correspond to the concerned agency to relieve such staff from airport responsibility.

Chapter-4

Provisions of Airport Security

9. Provisions of Airport Security Program

(1) In order to effectively execute the National Civil Aviation Security Program, each Civil Aviation Office shall have to devise an Airport Security Program and duly submit it to the Civil Aviation Security Official for approval.

(2) The matters to be included in the Airport Civil Aviation Security Program pursuant to Sub-Rule (1) shall be as specified in Appendix 2.

(3) The Civil Aviation Security Official, after examining the suitability of Program obtained as per Sub-Rule(1), may cause to revise it as required and may affix terms and conditions, while approving such Program.

10. Airport Security Committee

(1) In order to effectively execute, inter alia, the National Civil Aviation Security Program and the decisions of Committee, there shall be an Airport Security Committee in each of the airports.

(2) The composition of Airport Security Committee shall be as follows:

(a) Head of the Civil Aviation Office: Chairperson

(b) An officer level representative of the concerned District Administration Office:
Member

(c) Inspector (at least) of the concerned District Police Office: Member

(d) An officer level representative (at least) of the Nepal Army based in the concerned district: Member

(e) An officer level representative (at least) of the Armed Police Force based in the concerned district: Member

(f) An officer of the National Investigation Office of the concerned district: Member

(g) Police Head of the airport security: Member

(h) Head of the Nepal Army or Armed Police Force deputed for airport security: Member

(i) A representative of the Municipality or Village Body in which the airport is based: Member

(j) Airport Heads of all aircraft operating their services in the concerned airport: Members

(k) An officer of the Civil Aviation Office designated by the Airport Security Committee: Member Secretary

(3) Notwithstanding whatever is provided in Sub-Rule (2), there shall be the following members in the International Airport Security Committee:

(a) Head of the Civil Aviation Office at the international airport: Chairperson

(b) Head of the Immigration Office at the international airport: Member

(c) Head of the Customs Office at the international airport: Member

(d) Head of the Engineering Directorate of the Nepal Army based at the international airport: Member

(e) Police Head of the international airport security: Member

(f) Head of the Vigilance Sub Section of the National Investigation Office based at the international airport: Member

(g) Heads of the Airport Operation, Flight Operation and Technical Services Department and the Terminal Management Division of the Civil Aviation Office, International Airport: Members

(h) Head of the Nepal Airlines Corporation based at the international airport: Member

(i) General Secretary, international Aircraft organization: Member

(j) General Secretary, internal Aircraft organization: Member

(k) Head of the Aviation security Division of the Civil Aviation Office, International Airport: Member Secretary

11. Meeting of the Airport Security Committee

(1) The meeting of the Airport Security Committee shall sit as required but not less than four times a year.

(2) The Member Secretary of the Airport Security Committee shall call the meeting in a place, time and date appointed by its Chairperson.

(3) The quorum necessary for holding the meeting shall be satisfied upon the presence of more than 50 percent of total members of the Airport Security Committee.

(4) The meeting of Airport Security Committee shall be chaired by its Chairperson and in case of his or her absence, by a member selected by the attending members from among themselves.

(5) The opinion of majority shall be valid in the meeting of Airport Security Committee, and in case of tie of votes, the Chairperson shall cast his or her decisive vote.

(6) The Airport Security Committee may, as required, invite the expert(s) of civil aviation security in its meeting.

(7) The Member Secretary shall attest and upkeep the minutes of the meeting of Airport Security Committee.

(8) The other procedures of the meeting of Airport Security Committee shall be as determined by the Committee itself.

12. Functions, Duties and Authority of Airport Security Committee

The functions, duties and Authority of the Airport Security Committee shall be as follows:

- (a) To implement the Airport Security Program.
- (b) To forge coordination among various agencies for the execution of Airport Security Program and National Civil Aviation Security Program.
- (c) To conduct inspection and monitoring on whether the programs of Clauses (a) and (b) have been executed or not.
- (d) To assess the airport security process and its implementation in line with the National Civil Aviation Security Program and the Security Manual of the International Civil Aviation Organization.
- (e) To prepare a list of places or restricted areas considered as sensitive from the view point of airport security and to update the same; to timely examine the devices and equipments used for the security of such places or areas and keep them in an operational condition.
- (f) To ensure that the security measures installed in the airport are capable of thwarting any type of security risks or breaches against civil aviation security.
- (g) To conduct security surveys, audit and inspection for assessing the effectiveness of airport security as well as its loopholes or lapses, and to obtain reports of the same.
- (h) To draft an annual report together with action plan on the status of airport security and the provisions to be made in future, and to submit the same each year to the Authority.

- (i) To arrange for necessary trainings of the employees related to the airport operations and security.
- (j) To cause to include the needful security measures as well for fully assuring airport security, in course of designing plans of airport construction, reconstruction or expansion.

(2) The Airport Security Committee, if it so desires, may also form Security Sub-Committee from among its members in order to assist in its functions.

(3) The functions, duties and Authority of the Sub-Committee formed as per Sub-Rule (2) shall be as specified by the Airport Security Committee, during the formation of such Sub-Committee.

13. Designation of Airport Security Official

(1) The Head of Civil Aviation Office shall designate any employee conversant with the technical knowledge of airport security maintenance and serving in the airport as the Airport Security Official.

(2) Notwithstanding whatever is provided in Sub-Rule (1), in case of an international airport, the Head of the Aviation Security Division of the Civil Aviation Office based in such airport shall act as the Airport Security Official.

14. Functions, Duties and Authority of the Airport Security Official

(1) The functions, duties and Authority of the Airport Security Official shall be as follows:

(a) To implement and cause to implement the Airport Security Program.

(b) To conduct security survey, audit, inspection, exercise or test of the implementation status of Airport Security Program, as required.

(c) To frame procedures on the operation of airport and implement the same after having it approved by the Airport Security Committee.

- (d) To recommend to the Head of Civil Aviation Office, if any reforms are to be made in the Airport Security Program for handling the existent and possible security threats to the airport as well as other problems.
- (e) To supervise on whether the airport security measures are adequate or not.
- (f) To forge coordination among other airport based agencies for the security of airport.
- (g) To provide for immediate mobilization of security personnel, firefighters and rescuers in case of emergencies.
- (h) To conduct the needful counseling and orientation for the staffs of all agencies serving at the airport so as to make them watchful and familiar on matters of airport security.
- (i) To take initiatives for offering necessary training in the Airport Security Program.
- (j) To recommend to the Head of Civil Aviation Office as regards the security measures to be enforced while constructing, reconstructing, expanding or renovating airports.
- (k) To upkeep records of security threats and unlawful interference that loom over the airport, details of contraband seized during screenings and incidents or accidents pertaining to airport security.
- (l) In case any airport is subjected to unlawful interference, to notify the Head of Civil Aviation Office after compiling the entire relevant information.
- (m) To make necessary measures for preventing any type of vandalism, rioting or strikes inside the airport.
- (n) To perform other functions as required that will not be inconsistent to these Rules, Civil Aviation Security Program and Airport Security Program, in order for maintaining high standards of security at the airport.

(o) To enter into the restricted areas, hangers of aircraft operator and the entire sectors of airport, as required, and to inspect the same.

(p) To enter into the aircraft after acquiring permit from the concerned aircraft operator.

(q) In case any employee errs in discharging the responsibility of civil aviation security, to correspond with the Office Head for rectifying that error and to caution such errant employee by gauging the nature of such error.

(r) In case any employee based at the airport is found to have committed grave error in security, to recommend to the Head of Civil Aviation Office, for corresponding to the concerned agency so as to institute departmental action against him or her.

(s) In case grave security breach would occur if any staff of an airport based agency is to be retained in airport functions, to recommend to the Head of Civil Aviation Office, for corresponding to the concerned agency so as to remove him or her from such responsibility.

(t) To regularly inspect and examine the screening of incoming visitors or the baggage getting into the airport.

(u) To issue admit cards for entering into the airport, except for the airborne passengers.

(2) In case the Head of Civil Aviation Office has been performing as the Airport Security Official as per Sub-Rule (1), then the recommendations to be made to the Head of Civil Aviation Office pursuant to Clauses (d) (j) (l) (q) or (s), shall have to be submitted to the Airport Security Committee.

Chapter-5

Provisions of Aircraft Operator's Security Program

15. Design and Implementation of Aircraft Operator's Security Program

(1) The aircraft operators and civil aviation training institutions shall have to formulate their individual aircraft operator's security programs and training programs in a manner assistive to the National Civil Aviation Security Program and submit the same to the Civil Aviation Security Official for approval.

(2) The matters to be included in the security program and training program pursuant to Sub-Rule (1) shall be as specified in Appendix 3.

(3) The Civil Aviation Security Official, upon examining the suitability of aircraft operator's security program received pursuant to Sub-Rule (1), shall have to approve it by causing modifications, as required.

16. Provision of Aircraft Operator Security Official

(1) Every Aircraft operator and civil aviation training institute shall have to appoint a person trained in aviation security as the Aircraft Operator Security Official of that institution.

(2) The functions, duties and Authority of the Aircraft Operator Security Official appointed as per Sub-Rule (1) shall be as follows:

(a) To conduct security surveys and inspections for guaranteeing the implementation of Aircraft Operator's Security Program.

(b) To forge coordination among the Head of Civil Aviation Office, Airport Security Official and other concerned agencies for the cause of Aircraft Operator's Security Program.

(c) To maintain an updated information on the possible threats against an aircraft and to notify the same before the Head of Civil Aviation Office, Airport Security Official and the Chief Executive of aircraft operator.

(d) To conduct monitoring and evaluation of the implementation status of the Aircraft Operator's Security Program.

(e) To provide for the needful training to the employees engaged in the effective execution of Aircraft Operator's Security Program.

Chapter-6

Provisions of Quality Control of Civil Aviation Security

17. Provisions of Quality Control of Civil Aviation Security

(1) The Authority shall have to design a National Program on Quality Control of Civil Aviation Security for maintaining the quality standards specified in the National Civil Aviation Security Program and for making the works of employees involved in its implementation effective, and enforce the same.

(2) The Authority shall have to routinely conduct inspection and monitoring as to whether the National Civil Aviation Security Program is being followed or not.

(3) The Authority shall have to designate inspectors or auditors for ensuring whether the standards specified in the National Civil Aviation Security Program have been met or not and to further identify the additional security measures of civil aviation; and to commission regular security surveys, audits, inspections, tests and investigations from the designated inspectors or auditors.

18. To Possess Information on the Conduct of Employees

(1) The Airport Security Official shall have to possess information on the conduct of staffs deputed at the airport from various agencies as well as the persons engaged in the enforcement of Airport Security Program.

(2) The Airport Security Official shall have to update the information gained as per Sub-Rule (1) in every 2 years.

(3) Prior to assigning responsibility of Airport Security Program to the employees who have joined duty after a long leave or have just returned from abroad, information as per Sub-Rule (1) needs to be collected.

19. Trained Employees to be deputated at Work

(1) The Airport Security Official shall have to engage only those employees, that are trained as per the requirements set by the Committee in the airport based security screening function.

(2) Each agency involved in the function of civil aviation security shall have to maintain an updated record on who of its employees have received such training or not, as per Sub-Rule (1).

(3) The persons involved in the survey, audit, inspection, check and investigation of the civil aviation security process or engaged in the civil aviation security sector shall have to acquire training as determined by the Committee.

20. Other Provisions on Quality of Civil Aviation Security

(1) The Airport Security Official, in order to prevent unlawful interference on civil aviation security, shall have to evaluate the National Civil Aviation Quality Control Program from time to time, make the needful improvements therein, and to forge coordination with the concerned agency or institution for its implementation.

(2) The official attached with the survey, audit, inspection, test and investigation of the civil aviation security process shall have to make available the needful papers, details and information to the Civil Aviation Office, aircraft operator, Airport Security Official as well as all other agencies based at the airport.

(3) The agencies or officials tasked with the responsibility of civil aviation security as per these Rules shall have to enforce a confidential reporting system so as to analyze

information derived from the staffs of aircraft operators, passengers, staffs deputed for that purpose or from other sources, and to maintain secrecy.

Chapter-7

Provisions of Security Check of Individuals and Baggage

21. Control of Unauthorized Entry

(1) The security personnel assigned in airport security shall have to make such a provision that would block the entry of unauthorized persons inside the restricted area of airport.

(2) The security personnel assigned in airport security, prior to granting entry to the statutorily authorized individual inside the restricted area, shall have to maintain a record of details of such entrant and in case a vehicle is used, the details of the same as well.

(3) The security personnel may allow the entry of persons other than a passenger or a staffer deputed in airport duty, only when it will not negatively impact the security of airport.

22. Provisions of Aircraft Security

The aircraft operator shall have to provide as follows for ensuring the security of aircraft(s):

- (a) To conduct security checks of aircraft prior to the boarding of passengers or loading of baggage, and before the aircraft takes off, so as to ensure that no contraband is being carried on board.
- (b) To not permit any passenger disembarking from the aircraft to leave any belonging inside, once the aircraft has landed.
- (c) To deny the entry of unauthorized persons inside the cockpit.
- (d) To deny the entry of unauthorized persons inside the aircraft, other than the concerned passengers and staffs.

23. Security Check of Passengers, Individuals and Baggage

(1) The security personnel, prior to granting entry to the passenger or an individual into the aircraft or restricted area of airport, shall have to conduct a security check of the body hand baggage and baggage of such passenger or individual.

(2) The security personnel shall have to conduct a security check of the body hand baggage and baggage as per Sub-Rule (1) also of the transferred passengers as well as of the transit passengers allowed to disembark from the aircraft.

(3) In case a passenger or individual who has undergone security check as per Sub-Rule (1) meets with or is suspected to have met with a passenger or individual who has not undergone such check, then security check shall have to be carried out again of such passenger or individual, as per this rule.

(4) In case a hand baggage, baggage or item is mingled or suspected to have mingled with an item which has not undergone such check, then security check shall have to be carried out again of such items, as per this rule.

24. Provision of a Separate Room for Transit Passengers

If the transit passengers are allowed to disembark from the aircraft and reach up to the terminal building of airport, then the Civil Aviation Office shall have to provide for a separate room at the airport for their use so that they are barred from meeting with a passenger who has not undergone security check or to prevent the baggage which has not undergone security check to be mingled with the baggage already security-checked.

25. Screening of the Hold Baggage

(1) The security personnel shall have to conduct a security screening of each hold baggage prior to its loading into the aircraft.

(2) Provisions should be so made that there is no possibility of unauthorized intervention on the hold baggage from the time it is duly security-screened as per Sub-Rule (1) to its loading into the aircraft.

(3) In case it is suspected that security of the hold baggage duly security-screened as per Sub-Rule (1) has been breached, then security screening shall have to be made again of such hold baggage prior to its loading into the aircraft.

(4) Security screening of the hold baggage as per Sub-Rule (1) shall have to be made of the transferred passengers as well, unless it is guaranteed that the baggage has not been subject to unlawful interference continuously from the time of security screening conducted at the initial departure airport.

26. Provisions of Transport of Hold Baggage

(1) The aircraft operator is required to identify each accompanied and unaccompanied hold baggage and has to send via the aircraft only after creating an updated record of the same.

(2) The aircraft operator is required not to allow the loading of baggage of passengers who have failed to board the outbound aircraft.

(3) Notwithstanding whatever is provided in Sub-Rule (2), in case of unaccompanied hold baggage, if it is identified with adequate evidence, then it should be loaded into the aircraft only after duly conducting security screening as per Rule 25.

(4) As regards the security measures with respect to the unidentified hold baggage, the process specified by the Authority shall have to be adopted.

27. Provisions of Unidentified Baggage

(1) In case an unidentified baggage is found at the airport, the airport security personnel shall have to keep it separate with security precaution and have to conduct a security check of the same at the presence of representative(s) of the Civil Aviation Office.

(2) Once security check as per Sub-Rule (1) is conducted, in case it is found that the unidentified baggage contains contraband or other items proscribed by the law or it poses a security threat, then the security personnel shall take control of such baggage and destroy such stuff or, after identification of its owner, may hand him or her over to the concerned agency for facing action as per the prevailing laws, as required.

(3) Once security check as per Sub-Rule (1) is conducted, the Civil Aviation Office is required to identify the concerned owner and to notify the Aircraft operators at the airport as well for the purpose of identifying the aircraft or individual bringing or intending to fly such baggage.

(4) Even after issuing notice as per Sub-Rule (3) or relaying information, nobody claims the unidentified baggage, then the Civil Aviation Office shall take control over such stuff and make proper arrangement thereof.

28. Provisions of Unclaimed Baggage

(1) The unclaimed baggage landing at the airport via the aerial route shall be assigned to the custody of concerned aircraft operator.

(2) Notwithstanding whatever is provided in Sub-Rule (1), in case it is found that the unclaimed baggage contains contraband or other items proscribed by the law or it poses a security threat, then the security personnel shall take control of such baggage and destroy such stuff or may hand it over to the concerned agency for initiating action as per the prevailing laws, as required.

29. Acceptance of Cargo Goods via the Regulated Agent

(1) The aircraft operator shall have to make such a provision whereby the cargo goods to be transported by its aircraft are to be accepted by the regulated agent.

Clarification: For the purpose of these Rules, regulated agent means an agent duly authorized by the Authority to perform air cargo related functions as per the prevailing laws.

(2) The aircraft operator shall have to fully guarantee the security check of regulated agent, and the security control of safe storage and transportation; and have to conduct regular inspection and audit of such functions.

30. Security Check of Cargo, Postal and other Items

(1) The aircraft operator shall have to conduct security check or screening of the cargo, postal items and other stuff by employing security gadgets, prior to their loading into the aircraft.

Clarification: For the purpose of this Chapter, postal items mean the courier goods, express parcel and mail as well.

(2) In case it becomes impossible to check or screen the cargo, postal items and other stuff as per Sub-Rule (1) due to the absence of security gadgets, the aircraft operator shall have to keep such cargo, postal items and other stuff in a 24 hour cooling period and provide for a random screening of the samples by security agencies at the time of customs clearance.

(3) The aircraft operator shall have to maintain full security control of the goods that have already undergone security check or screening in pursuance of Sub-Rule (1) or (2).

31. Approval needed for providing Aircraft Catering Services

(1) The catering company, hotel or aircraft operator wishful of offering catering services to the aircraft operator shall have to gain approval of the Civil Aviation Security Official for rendering such services.

(2) An application should be tendered to the Civil Aviation Security Official for obtaining approval to provide catering services as per Sub-Rule (1), by enclosing the following details and documents:

(a) The security program of catering

(b) Security provisions to be maintained for the catering

(c) Other details and documents as prescribed by the Authority

(3) Upon examining the application received as per Sub-Rule (1), in case it is found that adequate security arrangements have been met by the applicant for preventing unlawful interference to aviation security, and the needful security controls are in place, the catering foodstuff is well stored, the catering materials are security checked, processes like the escorting of catering van up to the aircraft have been fulfilled, then the Civil Aviation Security Official may grant approval to such catering company, hotel or aircraft operator for running the aircraft catering services.

32. Inspection of Catering Services

(1) The Civil Aviation Security Official or an officer appointed by him or her shall have to undertake regular inspection of the security provisions observed by the catering company, hotel or aircraft operator which has been granted approval to run catering services, pursuant to Rule 31.

(2) While undertaking inspection pursuant to Sub-Rule (1), in case any flaw is found in the catering security measures, the inspecting officer may issue needful directions to the concerned catering company, hotel or aircraft operator; and it shall be the obligation of such catering company, hotel or aircraft operator to abide by such directives.

(3) In case the catering company, hotel or aircraft operator fails to abide by the directives given as per Sub-Rule (2), the Civil Aviation Security Official, upon the recommendation of inspecting official, may annul the approval of catering services.

(4) In case there are reasons for dissatisfaction on the security measures and their implementation as regards the catering security programs maintained and enforced by the catering company, hotel or aircraft operator authorized to extend catering services as per Rule 31, or if it is deemed that those security measures are inadequate in the face of existing security threats, then the Civil Aviation Security Official may impose additional security measures with respect to the operation of catering services.

(5) Under the additional security measures of Sub-Rule (4), the provisions of deployment of security agency at the catering premises, and other provisions suggested by the security agencies as regards the packing and loading of catering material and the escorting of catering van up to the aircraft shall be included.

33. Security Measures on Passengers of Special Nature

(1) In case air travel has to be conducted for the persons in custody or imprisonment as per the prevailing laws or for persons with unsound mind, then prior approval of the Civil Aviation Security Official or an officer appointed by him or her, should be obtained.

(2) In case approval has been granted for the air travel of persons in custody or imprisonment as per the prevailing laws or for persons with unsound mind, the concerned aircraft operator, prior to the travel of such persons, shall have to the notify the Pilot in Command of aircraft, adequate time in advance, for arranging proper security measures on the aircraft.

34. Security Measures to be maintained while Carrying Arms through Aircraft

(1) The permission of Ministry of Home Affairs should be obtained in case a person desires to carry arms through an aircraft.

(2) Notwithstanding whatever is provided in Sub-Rule (1), in case carriage of arms by air becomes essential for the security of a VIP (very important person) designated by the Government of Nepal, then the security personnel may carry such arms through the

aircraft by informing the security personnel deputed at the airport about the possession of such arms.

(3) A person permitted to carry arms as per Sub-Rule (1) shall have to submit such permission together with the details of the weapon to be carried before the concerned Civil Aviation Office, aircraft operator and the Airport Security Official.

(4) The persons or security personnel carrying arms through the aircraft as per Sub-Rule (1) and (2) shall have to detach bullets from the weapon or make any other required arrangement so that the weapon cannot be used under any circumstances; and further have to submit the weapon in the custody of Pilot in command or an aircraft staff appointed by him or her.

(5) In case the foreign aircraft operators landing in Nepali airports need to jeep armed personnel inside the aircraft, then permission has to be acquired from the Ministry of Home Affairs, subject to these Rules and other prevailing laws.

(6) A person entitled to carry arms with him or her, pursuant to these Rules, shall have to inform the Pilot in command of the aircraft in advance on the details of his or her name, surname, citizenship or passport number, destination and seat number.

(7) In case an In-flight Security Officer has to be kept inside an aircraft, permission of Ministry of Home Affairs shall have to be acquired accompanied by a recommendation of the concerned aircraft operator.

35. Peace and Order to be maintained Inside the Aircraft

(1) The liability of maintaining peace and order inside an aircraft in flight shall be of its Pilot in command.

(2) In course of maintaining peace and order inside an aircraft in flight, the Pilot in command may seek assistance of the Co-Pilot, other aircraft staff and of the passengers as required.

(3) In case the Pilot in command asks for assistance as per Sub-Rule (2), it shall be the duty of Co-Pilot, other aircraft staff and of the passengers to render such assistance.

36. May be taken into Custody

(1) In case anyone commits an act treated as a crime as per Section 9 A of the Act, that person should be kept in custody till the time of flight under the orders of Pilot in Command and has to be handed over to the country of the destination airport, once the aircraft lands therein.

(2) In case anyone fails to abide by the directives issued to the passengers by the Pilot in Command, Co-Pilot or other staffs of the aircraft concerning the prevention of any act that would affect the security of civil aviation or would cause unnecessary nuisance to a passenger, then such a person may be taken into custody as per Sub-Rule (1), under the charge of negatively impacting the security of civil aviation.

Chapter-8

Security Measures and Resistance against Unlawful Interference

37. Providing for Security from Unlawful Interference

(1) In case any unlawful interference is made on an aircraft landing in Nepali airports or if there is a suspicion of so, the Civil Aviation Security Official shall have to provide for proper security once such aircraft lands.

(2) The receiver of information on unlawful interference on an aircraft shall have to provide that information forthwith to the Civil Aviation Office and security agencies prior to its landing in Nepal.

(3) In case there is a suspicion that arms and ammunitions are concealed inside an aircraft to be used therein, the Civil Aviation Security Official shall have to provide for security search of the aircraft suspected of being capable of unlawful interference.

(4) In case any arms, ammunition or other suspicious stuff is found while conducting security search as per Sub-Rule (3), the Civil Aviation Security Official shall have to provide for its neutralization in coordination with the security agencies.

38. Providing Security of Passengers and Aircraft Operator's Staffs

(1) The Civil Aviation Security Official shall have to provide for adequate security measures for the security of passengers and aircraft staffs held inside the aircraft on which an unlawful interference has been made.

(2) In case any aircraft is subjected to unlawful interference, then the concerned airport shall have to offer air traffic control services and air navigation services to such aircraft as per the immediate condition of the passengers and aircraft staffs held inside the aircraft, and rationale thereto.

(3) To the extent possible, an aircraft subjected to unlawful interference shall not be allowed to enter into Nepal and land at the airports herein.

(4) Notwithstanding whatever is provided in Sub-Rule (3), in case it becomes expedient for the safety of occupants inside the aircraft, then a permission to land such an aircraft in Nepali airports may be granted by considering the immediate circumstances. Such an aircraft shall be given an isolated parking space.

(5) In case a hijacked aircraft depart from a Nepali airport and lands abroad, then the Civil Aviation Security Official shall have to provide for continuous exchange of information by forging contact and coordination with that country.

39. To Provide Information

(1) The agency providing air traffic control service of the Civil Aviation Office shall have to compile all relevant information of the aircraft subjected to unlawful interference, and has to forward the same to the other country providing air traffic control service, the country from where the aircraft first took off and its destination country.

(2) The Civil Aviation Security Official shall have to relay the information on the aircraft subjected to unlawful interference, passengers and staffs held therein, to the following parties by a prompt means of communication:

- (a) The country where the aircraft is state of registered,
- (b) The country where the aircraft has landed,
- (c) The countries, the citizens of which are held in the aircraft,
- (d) The countries, the citizens of which are controlled by the hijackers,
- (e) The countries, the citizens of which are killed or wounded,
- (f) International Civil Aviation Organization.

40. Exchange of Information and Report

(1) The Civil Aviation Security Official shall have to inform the International Civil Aviation Organization at the earliest by a speedy means, the entire information on the aircraft as well as security measures employed, as soon as unlawful interference on the aircraft is brought to an end.

(2) The concerned Civil Aviation Office shall have to prepare a detailed report of the aircraft subjected to unlawful interference and have to submit the same before the Ministry of Culture, Tourism and Civil Aviation via the Authority.

41. Emergency Plan to be made

The Civil Aviation Office shall have to prepare an airport emergency plan and enforce the same by having it approved by the Committee that would include the matters of countering the unlawful interference on the aircraft, safeguarding the passengers and aircraft staffs from any harm or loss, in case a harm or loss is inevitable, the measures in place to mitigate the same to the extent possible, the agencies responsible for the above duties, their respective roles and coordination as well as control of their functions.

Chapter-9

Division of Civil Aviation Security Functions

42. Responsibility of the Authority

The responsibility of the Authority with regard to civil aviation security, in addition to those prescribed in the prevailing laws, shall be as follows:

- (a) To forge coordination among all of the security agencies based in the airport.
- (b) To issue passes for entry into the restricted areas of airport and provide for the retrieval of passes from staffs or persons no longer serving at the airport or removed from such responsibility.
- (c) To identify, procure, install, operate, repair, maintain and calibrate the security equipments and devices needful for airport security.
- (d) To provide for physical infrastructure necessary for airport security such as security fence, walls, posts, etc.
- (e) To run airport security training and certification courses.
- (f) To analyze the possible security threats against civil aviation security and recommend at the Committee for revising the security programs.
- (g) To request for action to the Nepal Army as regards the aircraft entering into or flying out of Nepal without authorization against Section 9 A (a) (b) of the Act or entering into Nepal without obtaining air defence clearance from the Nepal Army.
- (h) To notify the Ministry of Culture, Tourism and Civil Aviation on matters of civil aviation security.
- (i) To perform other functions needful for civil aviation security.

43. Responsibility of Vigilance Section of the National Investigation Department

The responsibility of Vigilance Section of the National Investigation Department shall be as follows:

- (a) To keep a tab on the suspicious activities that may take place in security sensitive and restricted areas of the airport.
- (b) To inform the Civil Aviation Office on the possible activities capable of adversely affecting the civil aviation security by forging coordination with the concerned security agencies.

44. Responsibility of the Airport Security Police

The responsibility of Nepal Police deployed for airport security shall be as follows:

- (a) To bar the entry of persons other than those having entry passes in the restricted area of airport and to conduct security screening of the individuals with entry passes their baggage, as well as vehicles.
- (b) To bar the carriage of prohibited items into the restricted area of airport and aircraft that might compromise the civil aviation security.
- (c) To conduct security patrols of the airport area without inhibiting the other duties of controlling unauthorized entry, security screening and checks in any manner.
- (d) To provide security escorting as required.
- (e) To provide for security vigilance of the airport area.
- (f) During the course of security checks and screening, in case a contraband or its trafficker is found, then to take control of such stuff or person, to send them for legal action to the concerned police office or agency; and to report the same at the concerned Civil Aviation Office.
- (g) To forge needful coordination with the Civil Aviation Office on matters of airport security.
- (h) To discharge other functions of airport security as suggested by the Head of Civil Aviation Office.

45. Responsibility of Nepal Army

The responsibility of Nepal Army deployed for airport security shall be as follows:

- (a) To beef up security measures as per the decision of Committee and consonant to the nature of threat, in case threats against the civil aviation security go up.
- (b) To control the unauthorized entry or other activities that can compromise airport security.
- (c) To provide for round the clock guarding or airport.
- (d) To conduct security patrols of the sensitive areas or points such as the airport communication and aviation supportive equipments, radio angle detection and ranging (RADAR), VHF Omni-directional Range (VOR), Distance Measuring Equipment (DME), aviation fuel depot, control tower, etc.
- (e) To safely dispose the explosives or suspicious substances.
- (f) To search for and rescue an aircraft in distress or an aircraft out of contact.
- (g) To conduct screening for explosive or suspicious substances at the airport or aircraft by an expert squad in other cases of emergency, to survey the threats and warnings of explosive substances.
- (h) To perform security cordon, armed intervention and other needful functions for the safety of a hijacked aircraft and for the safe release of its occupants.
- (i) To forge needful coordination with the Civil Aviation Office on matters of airport security.
- (j) To discharge other security functions deemed as essential by the Committee.

46. Responsibility of Armed Police Force, Nepal

The responsibility of Armed Police Force, Nepal deployed for airport security shall be as follows:

- (a) To provide for security arrangements as per the decision of Committee and consonant to the nature of threat, in case threats against the civil aviation security go up.
- (b) To render necessary assistance to the Nepal Army in safely disposing explosive or suspicious substances.

- (c) To render assistance to the Nepal Army in Search of Rescue of an aircraft in distress or out of contact.
- (d) To render assistance in screenings for explosive or suspicious substances at the airport or aircraft by an expert squad in other cases of other emergency, to survey the threats and warnings of explosive substances.
- (e) To forge needful coordination with the Civil Aviation Office on matters of airport security.
- (f) To discharge other functions on civil aviation security as per the decision of Committee.

47. Responsibility of Airport Customs Office

In course of ingress and egress of passengers, storage of goods and customs clearance, if a suspicion arises that someone may cast adverse effect of any kind on aviation security; it shall be the responsibility of Airport Customs Office to immediately inform the police deputed for airport security and the concerned Civil Aviation Office on the same.

48. Responsibility of the Airport Immigration Office

In case of immigration process of passengers, if a suspicion arises that someone may cast adverse effect of any kind on aviation security, it shall be the responsibility of Airport Customs Office to immediately inform the airport security police and the concerned Civil Aviation Office on the same.

49. Responsibility of the Aircraft Operator

In addition to the functions, duties and Authority specified elsewhere in these Rules, the responsibility of Aircraft operator as regards civil aviation security shall be as follows:

- (a) To restrict access into the aircraft for its safety and to ensure that no arms, ammunition or other contraband has managed to sneak into the aircraft.
- (b) To develop separate security check lists for the originating aircraft, transit aircraft and turn around aircraft and conduct security inspection of the same.

- (c) To ensure that the security check or screening has been done of each passenger boarding the aircraft and of every baggage loaded into the same.

50. Responsibility of Service Providers inside the Airport

The responsibility of service providing institutions inside the airport shall be as follows:

- (a) To curb the unauthorized entry into their respective offices or work spaces and in case it cannot be curbed, to notify the security personnel deployed for airport security of the same.
- (b) To forthwith notify the security personnel deployed for airport security by keeping a vigil in case any suspicious activity or person is seen that would compromise airport security.
- (c) To impart the assistance as regards airport security sought by the Head of concerned Civil Aviation Office in cases of emergency.

51. Action in the Event of Lapse of Duty

(1) In case any aircraft operator, aviation training institute, hotel or other institute authorized for offering catering services or other institutes providing other services at the airport fail to discharge their responsibilities as per the Act and these Rules, then the Head of concerned Civil Aviation Office may institute the following action against them, upon recommendation of the Airport Security Official:

- (a) To cancel any or all flights in case of an aircraft operator.
- (b) To correspond to the concerned agency for needful action in case of aviation training institute.
- (c) To bar the provision of services or to annul the permit granted to run catering services in case of institutes offering catering or other services.

(2) In case any employee entrusted with the responsibility of aviation security as per the Act and these Rules fails to discharge his or her duties, the Head of Civil Aviation Office

upon the recommendation of Airport Security Official, shall relieve such staffer from the responsibility of aviation security and correspond to the concerned agency for instituting departmental action against him or her as per the prevailing laws.

(3) The notification of action taken as per Sub-Rule (1) or (2) shall have to be forthwith relayed to the Civil Aviation Security Official by the Head of Civil Aviation Office.

Chapter-10

Miscellaneous

52. Delegation of Authority

(1) The National Civil Aviation Security Committee may delegate some of the Authority conferred to it as per these Rules to any of its member, member-secretary or Civil Aviation Security Official, as required.

(2) The Airport Security Committee may delegate some of the Authority conferred to it as per these Rules to any of its member, member-secretary or Airport Security Official, as required.

53. May Issue Directives

(1) The Government of Nepal may issue necessary directives to the Committee or Authority on matters of civil aviation security.

(2) It shall be the obligation of the Committee or Authority to abide by the directives issued as per Sub-Rule (1).

54. Repeal and Saving

(1) The Aviation Safety (Provision) Rules, 1989 have been repealed.

(2) The acts and functions discharged as per the Aviation Safety (Provision) Rules, 1989 shall be deemed to have been performed as per these Rules.

Appendix 1

[Pertaining to Rule 6(2)]

Matters to be Included in the National Civil Aviation Security Program

1. Objectives of the National Civil Aviation Security Program.
2. Definition of terminologies used in the National Civil Aviation Security Program, as required.
3. Legal basis of National Civil Aviation Security Program.
4. Allocation of responsibilities of the various agencies involved in the National Civil Aviation Security Program, and relating to civil aviation security.
5. Provisions on security coordination and communication among the various agencies.
6. Protection of airport, aircraft and air navigation facilities.
7. The provisions and process of security checks and screening of individuals, baggage and vehicles in a bid to deny the entry of arms, ammunition and other contraband.
8. Installation, repair and maintenance of security equipments.
9. Provisions on the manpower deployed for the implementation of civil aviation security measures.
10. Management of emergency situations like aircraft hijacking.
11. Provisions on the needful surveys, audits, practices and checks so as to assess the National Civil Aviation Security Program.
12. Determination of National Civil Aviation Security Program in proportion to the threats perceived.
13. Financial arrangements required to bankroll civil aviation security.

Appendix 2

[Pertaining to Rule 9(2)]

Matters to be Included in the Airport Security Program

1. Objectives of the Airport Security Program.
2. Citation of statutory sources needed for the legal capacity of the Airport Security Program so as to ensure its recognition at the national and international level.
3. Individual responsibilities of the Civil Aviation Office, Police, Customs, Immigration, Aircraft Operator and other agencies involved in the operation of airport as per their nature of work, regarding airport security.
4. Implementation of measures of National Civil Aviation Security Program and the provisions of coordination among the airport based agencies inclusive of protection of airport from unauthorized intervention and other security features.
5. The contact and communication process for notifying the measures of National Civil Aviation Security Program, policies of Civil Aviation Security and various procedures of airport security among the various agencies.
6. Detailed report of the various amenities located at the airport, airport activities, as well as restricted and sensitive areas of the airport
7. Airport security measures as follows:
 - (a) Restricted areas and the control of access thereof,
 - (b) Provision of security checks and screening of the passengers, aircraft staffs, staffs deputed for the purpose, visitors and their baggage,
 - (c) Security provisions for hold baggage inclusive of screenings,
 - (d) Security provisions for cargo goods inclusive of screenings,
 - (e) Security control of catering,
 - (f) Provision of arms to be carried by an aircraft,
 - (g) Provision of aircraft security,
 - (h) Provision of security equipments and devices,

- (i) Provisions to encounter unauthorized intervention,
- (j) Provision of training the manpower engaged in enforcement of the security measures so as to effectively implement the same,
- (k) The surveys, inspections and tests required for the effective execution of the Airport Security Program,
- (l) Other essential provisions on security measures.

Appendix 3

[Pertaining to Rule 15(2)]

Matters to be Included in the Aircraft Security Program and Training Program

1. Security of hold baggage, cargo and postal goods, etc.
2. Control of unauthorized entry into the aircraft.
3. Security check of the interior and exterior of an aircraft.
4. Protocol to be adopted by the cockpit and cabin crew in case of security crisis.
5. Protocol to ensure security clearance and screening of the passengers and hand baggage.
6. Security procedures for the carriage of arms inside the aircraft.
7. Protocol for the security of aircrafts parked at the airport.
8. Provision of training for the employees involved in the enforcement of Aircraft Security Program as well as other staffs.
9. In case of an unauthorized intervention on an aircraft, the protocol to be followed by the Pilot in Command of the airport as well as the reporting procedure.
10. In case of a bomb threat on an aircraft, provision of an aircraft security check list for its security screening, supposed to be available on call.
11. Security measures to be followed while transporting passengers in judicial or administrative custody by air.
12. Provision of shutting off the cockpit door of an aircraft on call.
13. Provision of an Aircraft Security Official.
14. Matters determined by the Committee from time to time.

As directed

Shankar Prasad Adhikari

(Secretary of Government of Nepal)