

THE OFFICIAL GAZETTE 3RD DECEMBER, 2018
LEGAL SUPPLEMENT — A



ACT NO. 21 OF 2018
CIVIL AVIATION ACT 2018

I assent.



David Granger,
President.
2018.12.03.

ARRANGEMENT OF SECTIONS

SECTION

PART I
PRELIMINARY

1. Short title and commencement.
2. Interpretation.
3. Application of Act to military aircraft.
- 3A. Administration of Act and development of civil aviation in Guyana.

PART II
ESTABLISHMENT OF THE GUYANA CIVIL AVIATION AUTHORITY

4. Establishment of the Guyana Civil Aviation Authority.
5. Functions of the Authority.
6. Discharge of functions and exercise of powers.
7. Establishment of institutions.

PART III
THE BOARD OF THE AUTHORITY

8. The Board.
9. Minister's directions to the Board.
10. Functions of the Board.
11. Delegation.
12. Corporate Plan.
13. Minister's Response to Corporate Plan.

PART IV
THE DIRECTOR-GENERAL OF CIVIL AVIATION

14. Appointment of the Director-General.
15. Powers and functions of the Director-General.
16. Administrative powers and functions of the Director-General.
17. Designation of inspectors and authorised officers and authorised persons.
18. Delegation.

PART V
FINANCE OF THE AUTHORITY

19. Funds and resources of the Authority.
20. Application of funds.
21. Borrowing powers of Authority.
22. Guarantee of loans.
23. Investment by Authority.
24. Accounts and audits.
25. Bad debts.
26. Annual report.
27. Copy of annual report.
28. Financial year.

- PART VI**
ESTABLISHMENT OF AERODROMES AND CONTROL OF LAND
29. Minister to establish aerodromes.

30. Restriction on use of aerodromes and areas in vicinity of airport.
31. Obstruction near aerodromes.
32. Sanitary control at aerodromes.
33. Minister to control land in the interest of aviation.
34. Power to stop or divert roads.

**PART VII
CIVIL AVIATION SYSTEM**

35. General requirements for participants in Civil Aviation System.
36. Requirement for an aviation document.
37. Application for and grant of aviation document.
38. Examinations and tests for the grant or renewal of aviation documents.
39. Access to premises.
40. Suspension of aviation documents and imposition of conditions.
41. Revocation of aviation documents and imposition of conditions.
42. Criteria for suspension or revocation of or imposition of conditions on aviation document.
43. Amendment or revocation of aviation documents by request.
44. Criteria for fit and proper person test.
45. Validation.

**PART VIII
AIR TRANSPORT UNDERTAKINGS**

46. Licensing of air transport undertaking.
47. Variation, suspension and revocation of licences, permits, etc.
48. General duties in relation to licensing function of the Authority.

**PART IX
AIRCRAFT**

49. Establishment of Aircraft Registry.
50. Registration of aircraft.
51. Right of access.
52. Restrictions on operation of civil aircraft.
53. Liability for trespass, nuisance and surface damage.
54. Nuisance caused by aircraft at aerodrome.
55. Liability where aircraft is let or hired.
56. Airport and air navigation facilities to be made available.

**PART X
AIR NAVIGATION SERVICES**

57. Establishment of Air Navigation Services Unit.
58. Charges for air navigation services.
59. Installation causing interference with navigational aids.

60. Protected installation.

**PART XI
CIVIL AVIATION SAFETY AND SECURITY**

61. National civil aviation security policy.
62. National Civil Aviation Security Programme.
63. National Civil Aviation Security Committee.
64. Functions of the Authority under this Part.
65. Security programme information confidential.
66. Civil Aviation Security Programme binding.
67. Safety and security inspections, monitoring, etc.
68. Powers and functions of pilot-in-command.
69. Detention of aircraft, imposition of prohibitions and conditions and seizure of products and goods.
70. Commercial air transport security.

**PART XII
ACCIDENT AND INCIDENT INVESTIGATIONS**

71. Investigation of aviation accident and incident.

**PART XIII
COMPLAINTS AND INVESTIGATIONS**

72. Complaints and investigations by Director- General.

**PART XIV
RIGHTS OF APPEAL**

73. Rights of appeal.

**PART XV
INTERNATIONAL AND REGIONAL OBLIGATIONS**

74. Minister to enter into international and regional agreements.
75. Application of the Convention on the Unification of Certain Rules for International Carriage by Air.
76. Application of CASSOS Agreement.

**PART XVI
GENERAL OFFENCES**

77. Applying for an aviation document while disqualified.
78. False or misleading aircraft marking.
79. Prohibitions of advertisement.
80. Reporting and record keeping violations.
81. Conveying of false information.
82. Flight over foreign country or territory without authority or for improper purpose.
83. Trespassing on aerodromes.

84. Refusal to testify or produce documents.
85. Removal of property or parts of aircraft involved in accident.
86. Interference with air navigation.
87. Obstruction of persons duly authorised by Director-General.
88. Contravention of emergency regulation, prohibition or condition.

PART XVII
SAFETY OFFENCES

89. Prohibitions.
90. Endangerment caused by holder of aviation document.
91. Operating aircraft in negligent manner.
92. Failure to obtain authorisation to operate an aircraft.
93. Failure to comply with inspection, monitoring, etc. requirements.
94. Acting without required medical certificate.
95. Making of fraudulent or false statements to obtain medical certificate.
96. Failure to disclose information required by the Director-General.
97. Disqualification of holder of aviation document and imposition of conditions on holding of document for certain offences.
98. Effect of disqualification.
99. Commencement of period of disqualification.
100. Retention and custody of document.
101. Removal of disqualification.
102. Particulars of disqualification order to be sent to the Director-General.
103. Additional penalty for offences involving commercial gain.
104. Offence to operate an aircraft under the influence of alcohol, etc.

PART XVIII
SECURITY OFFENCES

105. Offences related to the safety and security of airports.
106. Offences under section 105 are extraditable.
107. Acts contrary to public safety and order at airport.
108. Impersonation or obstruction of authorised persons.
109. Communicating false information affecting safety.
110. Taking of firearms, ammunitions and other explosives onto aircraft or into security restricted area.
111. Hijacking.
112. Offences in connection with hijacking.
113. Other offences related to aircraft.
114. Offence of hijacking and offences under section 113 are extraditable.
115. Application of sections 111 and 112.

PART XIX
UNRULY PASSENGER OFFENCES

116. Application.
117. Liability for unruly passenger offence despite extra-territoriality.
118. Liability for other offences despite extra-territoriality.
119. Acts endangering aircraft or persons in aircraft.
120. Disruptive conduct towards crew members.
121. Interference with aircraft.
122. Misconduct on an aircraft.
123. Non-compliance with commands given by pilot-in-command.
124. Offensive behaviour or words.
125. Portable electronic devices not to be operated.
126. Non-compliance with seating and seatbelt instructions.
127. No smoking on board aircraft carrying passengers.
128. Dangerous goods on aircraft.

PART XX
GENERAL

129. Jurisdiction of the Guyana Courts.
130. Compounding of offences.
131. General penalty.
132. Limitation of time as to summary proceedings.
133. Service of documents.
134. Evidence and proof.
135. Evidence of air traffic services provider.
136. Obligation to identify pilot-in-command.
137. Insurance.
138. Wrecks and salvage.
139. Exemption of aircraft from seizure on patent claims.

PART XXI
CIVIL AVIATION REGULATIONS

140. Power to give effect to Chicago Convention and regulate air navigation.
141. Application of regulations to military aircraft.
142. Standards.
143. Emergency rules and regulations.
144. Procedures for making emergency rules and regulations.
145. Incorporation of regulations by reference.
146. Regulation in time of war.

PART XXII
MISCELLANEOUS

147. Subsidiary legislation.
148. Transitional provisions.
149. Repeal and savings.

FIRST SCHEDULE – Appointments and Conduct of Proceedings of the Board and
Related Matters

SECOND SCHEDULE – Protected Installations

THIRD SCHEDULE – Constitution and Procedure of the Tribunal

FOURTH SCHEDULE – The Caribbean Aviation Safety and Security Oversight System
Agreement

AN ACT to establish the Guyana Civil Aviation Authority, to make provisions to enable effect to be given to the Chicago Convention and the Agreement establishing the Caribbean Aviation Safety and Security Oversight System, to provide for offences relating to the safety and security of passengers, aircraft and airports, for the regulation, control and orderly development of civil aviation in Guyana and for related matters.

A.D. 2018

Enacted by the Parliament of Guyana:-

**PART I
PRELIMINARY**

Short title and commencement.

1. (1) This Act may be cited as the Civil Aviation Act 2018.

(2) Section 57 shall come into operation on a date appointed by the Minister by order.

Interpretation.

2. (1) In this Act –

“act of unlawful interference” means an act or attempted act that could jeopardise the safety of civil aviation, including but not limited to –

- (a) unlawful seizure of aircraft;
- (b) destruction of an aircraft in service;
- (c) hostage-taking on board an aircraft or on aerodromes;
- (d) forcible intrusion on board an aircraft, or at an airport or on the premises of an aeronautical facility;
- (e) introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes;
- (f) use of an aircraft in service for the purpose of causing death, serious bodily injury or serious damage to property or the environment; or
- (g) communication of false information relating to the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public at an airport or on the premises of a civil aviation facility;

“aerodrome” means any area of land or water designed, equipped, set apart or used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, and also

includes an airport;

“aeronautical product” means anything that comprises or is intended to comprise any part of an aircraft or that is or is intended to be installed in or fitted or supplied to an aircraft, and includes fuel and other similar consumable items necessary for the operation of the aircraft;

“airman” means –

- (a) any individual who engages, as the person in command or as a pilot, mechanic or member of the crew, or who navigates an aircraft while the aircraft is in motion;
- (b) any individual in charge of the inspection, maintenance, over-hauling or repair of aircraft, aircraft engines, propellers or appliances;
- (c) any individual who serves in the capacity of flight operations officer; or
- (d) any individual who serves in the capacity of air traffic controller;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than by the reactions of the air against the surface of the earth;

“aircraft engine” means any engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances and accessories, other than propellers;

“air navigation” means the practice of controlling, guiding and operating aircraft from airport of departure to pre-determined airport of destination, including alternate airports;

“air navigation facility” means any facility used, available for use, or designed for use in aid of air navigation, including airports, landing areas, lights, any apparatus or equipment for disseminating weather information, for signalling, for radio directional finding, or for radio or other electromagnetic communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or in the landing and take-off of aircraft;

“air navigation services” means services provided to air traffic during all phases of operations to ensure their safe and efficient movement, and includes –

- (a) air traffic control services, including air traffic control services for arriving and departing controlled flights, for controlled flights in controlled areas or for traffic within any maneuvering area and other aerodrome traffic;
- (b) air traffic advisory services provided within advisory airspace to ensure

separation, insofar as is practical, between aircraft which are operating on flight plans in accordance with Instrument Flight Rules;

- (c) flight information services;
- (d) alerting services provided to notify appropriate organisations regarding aircraft in need of search and rescue aid, and to assist such organisations as may be required;
- (e) communications, navigation and surveillance services;
- (f) dissemination of meteorological information for air navigation;
- (g) search and rescue alerting coordination services; and
- (h) aeronautical information services for the provision of aeronautical information and data necessary for the safety, regularity and efficiency of air navigation;

“Air Navigation Services Unit” means the Air Navigation Services Unit of the Authority established under section 57;

“air operator” means any person, organisation or enterprise who or which holds an air operator certificate and undertakes to engage in, domestic or international, commercial air transport, whether directly or indirectly or by a lease or any other arrangement;

“Air Operator Certificate” means a certificate authorising an operator to carry out specified commercial air transport operations;

“airport” means any defined area of land or water intended or designated to be used either wholly or partly for purposes of the landing, departure, movement and servicing of aircraft, and includes any buildings, installations and equipment on or adjacent to such area and used for such or related purposes; and lawfully recognised as an airport;

“air transport service” means a service for the carriage by air of passengers or cargo;

“appliances” means instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight, including parachutes, communication equipment and any other mechanism installed in or attached to aircraft during flight, and which are not part or parts of aircraft, aircraft engines, or propellers;

“Authority” means the Guyana Civil Aviation Authority established under section 4;

“aviation document” means any licence, certificate, or other instrument issued by the Authority in respect of any person, aircraft, aerodrome or aviation related service, or such other document as may be approved by the Authority;

“aviation security” means a combination of measures and human and material resources intended to safeguard international civil aviation against acts of unlawful interference;

“Board” means the Board of the Guyana Civil Aviation Authority established under section 8;

“cargo” means any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage;

“Chairperson” means the Chairperson of the Board and includes a temporary Chairperson of the Board;

“Chicago Convention” means the Convention on International Civil Aviation concluded at Chicago, U.S.A. on 7th December, 1944 and includes any Protocol amending the Convention and any Annex to that Convention relating to international standards and recommended practices, being an Annex adopted in accordance with that Convention;

“Contracting State” means a country which is a party to the Chicago Convention;

“Commercial air transport operation” means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;

“corporate plan” means a plan prepared in accordance with section 12;

“crew member” includes a person assigned by an operator to duty on an aircraft during a flight duty period;

“dangerous goods” means articles or substances which are capable of posing a risk to health, safety, property and the environment when transported by air, and –

- (a) are listed in, or classified in accordance with, the ICAO’s Technical Instructions for the Safe Transport of Dangerous Goods by Air;
- (b) have properties that would result in the articles or substances being classified as dangerous goods under the ICAO’s Technical Instructions for the Safe Transport of Dangerous Goods by Air; or
- (c) may be listed as Dangerous Goods by the Authority;

“Director-General” means the Director-General of Civil Aviation appointed under section 14;

“flight” means any period from the moment when all the external doors of an aircraft are closed following embarkation, until the moment when any of such doors are open for disembarkation;

“Guyana Aircraft” means all aircraft registered in Guyana.

“loss or damage” includes in relation to persons, loss of life and injury to person;

“Member” means a member of the Board;

“Minister” means the Minister responsible for civil aviation;

“navigation of aircraft” means a function which includes the piloting of aircraft;

“operator” means -

- (a) a person, organisation or enterprise, engaged in or offering to engage in, aircraft operations, and any person who causes or authorises the operation of aircraft, in the capacity of owner, lessee or otherwise, whether with or without the control of the aircraft; and
- (b) who or which is deemed to be engaged in the operation of aircraft within the meaning of this Act;

“pilot-in-command” means the pilot designated by the operator, or in case of general aviation, the owner, as being in command and charged with the safe conduct of a flight;

“propeller” includes all parts and accessories of a propeller;

“rules of the air” means those provisions for securing the safety of aircraft in flight and in movement on the surface and the safety of persons and property on the surface and includes provisions for -

- (a) lights and signals to be shown by aircraft;
- (b) general, visual and instrument flight rules;
- (c) aerodrome traffic rules; and
- (d) aerodrome signals and markings;

“Security Committee” means the National Civil Aviation Security Committee established under section 63.

(2) A reference in this Act to any aircraft registered in Guyana, shall include

references to any aircraft which is for the time being under the management of a person who is qualified to be the owner of a legal or beneficial interest in an aircraft registered in Guyana.

Application of Act to military aircraft.

3. Except as provided under section 141, this Act does not apply to military aircraft.

Administration of Act and development of civil aviation in Guyana.

3A. The Minister shall be responsible for the general administration of this Act, for the formulation and development of policies on, and the regulation of, civil aviation, and for the fostering of economic policies which ensure efficient and safe air services.

PART II

ESTABLISHMENT OF THE GUYANA CIVIL AVIATION AUTHORITY

Establishment of the Guyana Civil Aviation Authority.

4. There is established a body corporate to be known as the Guyana Civil Aviation Authority which shall exercise such powers and discharge such functions as are conferred on it under this Act.

Functions of the Authority.

5. The functions of the Authority are –

- (a) to regulate, in accordance with this Act, civil aviation operations in Guyana;
- (b) to promote and maintain a standard of safety, security and efficiency for civil aviation that is equal to or above the standards prescribed by the Chicago Convention and any other international or regional aviation safety and security conventions, protocols, agreement or understanding to which Guyana is a party;
- (c) to participate in the negotiation of air service agreements with other countries;
- (d) to foster cooperation and promote growth and development of civil aviation among stakeholders in Guyana and abroad which are consistent with national safety, security and development policies;
- (e) to co-operate with, or to provide advice and assistance to any government agency when requested by the Minister providing that the discharge of the functions of the Authority will not be compromised;
- (f) to enter into technical or operational arrangements with civil aviation authorities of other countries;

- (g) to ensure the establishment of a State safety programme to improve aviation safety oversight and practices;
- (h) to develop, implement and enforce aviation security regulations, programmes and policies to safeguard civil aviation against acts of unlawful interference;
- (i) to provide regulatory oversight, as the State of Operator, over foreign air operators that are engaged in commercial air operation in the form of charters, leases, and interchange arrangements in keeping with Article 83 *bis* of the Chicago Convention;
- (j) to provide information, technical advice, assistance and to facilitate training for persons in respect of specific matters in which the Authority possesses or can access the requisite skills or training;
- (k) to prescribe, and review fees and charges for any facility provided or service rendered by the Authority;
- (l) to evaluate the economic and environmental feasibility of air transport undertakings and to regulate the granting of air service licences and permits;
- (m) to provide economic regulation of aerodromes, airports, air transport undertakings and air navigation service providers;
- (n) to administer international relations and Government affairs with regards to civil aviation and to regulate air traffic rights, both domestic and foreign;
- (o) to ensure the provision of air navigation services in Guyana;
- (p) subject to section 71 and any other law, to conduct or participate in the investigation of any aircraft accident and aviation incidents occurring in or over Guyana or in relation to any Guyana aircraft;
- (q) to utilise the property and resources of the Authority in such a manner as may appear to the Authority to be requisite, advantageous or convenient to carry out its functions under this Act;
- (r) to provide to the Minister information and advice on matters relating to civil aviation as the Minister may from time to time require;
- (s) to engage in any activities that promote and develop civil aviation, either alone or in conjunction with other government agencies,

industry stakeholders, civil aviation authorities, local or international agencies or organisations, or any other concerned stakeholder;

- (t) to provide such measures of assistance as it may find practicable to aircraft in distress in Guyana and permit the State of Registry, where applicable, to provide such measures of assistance as the circumstances necessitate;
- (u) to collaborate in coordinated measures which may be recommended from time to time pursuant to the Chicago Convention, when undertaking search for missing aircraft;
- (v) to promote and ensure the safety of passengers, crew members, ground personnel and the general public in all matters related to safeguarding against acts of unlawful interference with civil aviation; and
- (w) to discharge any other function determined by the Minister.

Discharge of functions and exercise of powers.

6. (1) In the exercise of its powers and discharge of its functions, the Authority shall have as its paramount consideration the safety and security of civil aviation.

(2) Subject to subsection (1), the Authority shall exercise its powers and discharge its functions in a manner that ensures, as far as is practicable, that the environment is protected from any detrimental effects associated with the operation and use of aerodrome and aircraft and for this purpose the Authority shall observe the provisions of the Environmental Protection Act, and any other written law that may be applicable.

Cap. 20:05

Establishment of institutions.

7. (1) The Authority may establish training institutions for the purpose of training employees of the Authority in those courses necessary for the proper performance of the functions of the Authority.

(2) The Director-General may authorise attendance at courses given in such institutions by other governmental personnel and personnel of foreign governments, or personnel of the aeronautical industry.

(3) The Director-General may require payment of appropriate consideration to offset the costs of training provided by such institutions.

PART III THE BOARD OF THE AUTHORITY

The Board.

8. (1) There is established a Board of the Authority to manage the business of

the Authority comprising a Chairperson and not less than four nor more than eight other appointed members, and the Director-General and the Permanent Secretary to the Ministry as *ex officio* members.

First
Schedule

(2) The provisions of the First Schedule shall have effect as to the appointment and tenure of members of the Board, the conduct of proceedings of the Board and other related matters.

(3) The Board shall appoint a suitably qualified person to perform the functions of the Secretary of the Board and such other functions as may be assigned by the Board.

Minister's
directions to the
Board.

9. (1) The Minister may, in writing, give to the Board any general or special policy directions in relation to this Act, with which the Board shall comply.

(2) The Board shall provide such facilities to the Minister so as to enable the Minister to verify any information furnished in pursuance of subsection (1).

(3) Directions given under subsection (1) shall not be inconsistent with the functions of the Authority or any other provisions of this Act.

Functions of the
Board.

10. For the purpose of ensuring good corporate governance and proper management and control of the affairs of the Authority, the Board shall –

- (a) formulate policies and strategies to enable the Authority to exercise powers;
- (b) ensure that the Authority complies with and gives effect to the approved performance standards;
- (c) ensure that the Authority has adequate systems of internal controls, both operational and financial, and that it follows sound financial policies and procedures;
- (d) formulate good and workable policies on human resources and labour relations, including the approval of remuneration and other conditions of services for all employees of the Authority; and
- (e) diligently exercise its powers and discharge its functions conferred and imposed upon it under this Act.

Delegation.

11. (1) The Minister may, either generally or particularly, in writing delegate to the Board any power or function conferred or imposed on the Minister under this Act.

(2) The Minister shall not delegate under subsection (1) –

- (a) the power to appoint any person;
- (b) the power to make regulations; and
- (c) the power to delegate powers and functions.

(3) The Board may appoint one or more committees of the Board and delegate to a committee, any other body or any competent person any of the powers or functions of the Board.

(4) The Board shall not delegate under subsection (3) -

- (a) a power delegated to it by the Minister without the approval of the Minister; or
- (b) a power in relation to business and financial planning and expenditure of the Authority.

Corporate Plan.

12. (1) On the coming into force of this Act, the Board shall prepare for the approval of the Minister, a three year corporate plan (the Plan), in respect of the programmes or goals of the Authority.

(2) The Plan shall include, but not limited to, details of the following –

- (a) the Authority's operational environment;
- (b) the strategies of the Authority;
- (c) performance measures of the Authority;
- (d) review of performance against previous Plans;
- (e) analysis of risk factors likely to affect aviation safety and security in the aviation industry; and
- (f) human resource strategies and industrial relations strategies.

(3) The Plan shall include any other matters the Minister requires to be included, including further details about the matters referred to in subsection (2).

(4) The first Plan shall take effect not later than six months after the commencement of this Act.

(5) The Plan may be revised at least once a year and up to sixty days before the end of the first year of the Plan.

(6) The Board shall keep the Minister informed about—

- (a) significant changes to the Plan; and
- (b) matters that arise that could significantly affect the objectives of the Plan.

Minister's
Response to
Corporate Plan.

13. (1) The Minister shall respond to the Board in respect of a Plan submitted in accordance with section 12, within sixty days of receipt of the Plan, failing which the Board shall be entitled to proceed with the Plan as submitted.

(2) The Minister's response may include a direction to the Board to vary the Plan.

(3) A direction under subsection (2) shall be in writing, setting out the reasons.

(4) In directing a variation of the Plan, the Minister shall be guided by the established objectives and policies of the Government.

(5) Where the Minister's response includes a direction to vary the plan, the Board shall prepare a revised Plan and submit it to the Minister within thirty days of being so directed and the Minister shall likewise respond within thirty days.

PART IV THE DIRECTOR-GENERAL OF CIVIL AVIATION

Appointment of
the Director-
General.

14. (1) The Minister, in consultation with the Board shall appoint a suitably qualified and experienced person to be the Director-General of Civil Aviation, who shall be the Chief Executive Officer of the Authority, and whose remuneration and allowances and terms and conditions of employment shall be determined by the Minister.

(2) The Director-General shall be responsible for the day-to-day management and operation of the Authority.

(3) In the exercise of the powers and discharge of the functions of the Authority, unless otherwise specified in this Act, the Director-General is accountable directly –

- (a) to the Minister in respect of issues relating to civil aviation safety and security oversight;
- (b) to the Board in respect of issues relating to –
 - (i) the implementation of the governance policies as directed by

- the Board;
- (ii) the implementation of the decisions of the Board;
- (iii) the accounting for moneys received and payments made by the Authority; and
- (iv) the administration and management of the Authority.

Powers and functions of the Director-General.

15. (1) In addition to the other powers and functions of the Director-General under other provisions of this Act, the Director-General shall—

- (a) exercise control over entry into the civil aviation system through –
 - (i) the granting of aviation documents, including the validation of foreign aviation documents;
 - (ii) the requirement of medical certificates issued by designated medical examiners of the Authority; or
 - (iii) the granting of recognition to foreign medical certificates issued in a foreign country;
 - (b) take such actions as may be appropriate in the public interest –
 - (i) to enforce this Act, including the carrying out of inspections and monitoring; and
 - (ii) to assist in the enforcement of other legislation that are directly related to aviation safety and security and where written approval or instruction for proposed action has been given by the Minister;
 - (c) monitor adherence, within the civil aviation system, to any regulatory requirements relating to –
 - (i) safety and security, including personnel security;
 - (ii) access and mobility;
 - (iii) public health;
 - (iv) environmental sustainability;
 - (v) any other matter;
 - (d) ensure regular reviews of the civil aviation system to promote the improvement and development of its safety and security.
- (2) Where the Director-General believes on reasonable grounds –
- (a) that an unsafe condition exists in any aircraft or aeronautical product; and
 - (b) that an unsafe condition is likely to exist or develop in any other aircraft or aeronautical products of the same design,

the Director-General, by notice in writing, may issue to the affected parties an airworthiness directive in respect of aircraft or aeronautical products of that design.

(3) An airworthiness directive issued under subsection (2) comes into force on the date specified in the directive, which may be a date earlier than the date of publication of the directive in the *Gazette* under subsection (4), if the Director-General –

- (a) considers that urgent action is required; and
- (b) notifies the affected parties before the directive comes into force.

(4) The Director-General may issue an aviation directive or advisory circular comprising a permission, approval or procedure, or the imposition of a condition, restriction or prohibition which the Director-General believes on reasonable grounds to be –

- (a) consistent with the objectives of applicable regulatory requirements, procedures or documents;
- (b) necessary and expedient to better achieve the objects of this Act; or
- (c) necessary for the implementation of immediate security measures and requirements.

(5) In exercising any powers or discharging any functions in relation to –

- (a) the granting, suspension or revocation of aviation documents;
- (b) the issue, suspension, or revocation of medical certificates;
- (c) the issue of a validation permit for a foreign licence;
- (d) the granting of recognition of a foreign medical assessment or certificate used in a foreign country;
- (e) the granting of exemptions; or
- (f) the enforcement of this Act or any other law relating to aviation safety and security,

the Director-General shall act independently and shall not be subject to any influence or directive from any person or authority.

Administrative powers and functions of the Director-General.

16. In addition to the powers and functions contained in other provisions of this Part, the Director-General has the following administrative powers and functions –

- (a) to appoint and dismiss the staff of the Authority;

- (b) to organise, control and maintain staff discipline;
- (c) to form and develop an efficient and effective system of administration;
- (d) to establish and maintain a register of inspectors, authorised officers and authorised persons;
- (e) to effectively deploy and utilise staff to achieve maximum operational results;
- (f) to sign contracts with the approval of the Board;
- (g) to submit to the Board for its approval, at least three months before the start of a financial year or another period agreed to between the Board and the Director-General, the estimated revenue and expenditure for that financial year or period; and
- (h) to do all other acts and things that are required to be done in relation to his administrative powers and functions under this Act.

Designation of inspectors and authorised officers and authorised persons.

17. (1) The Director-General may designate –

- (a) technically trained and qualified employees of the Authority as inspectors or authorised officers; and
- (b) persons who are not in the service of the Authority as authorised persons to conduct tests or examinations on behalf of the Authority.

(2) The Director-General shall sign and issue to each inspector personal credentials consisting of an identification badge bearing the logo of the Authority and the identification number of the inspector and accompanied by an identification card which shall state the full name and contain a photograph of the inspector and a statement indicating that the inspector –

- (a) has been designated under section 17(1)(a) of this Act;
- (b) is authorised access pursuant to section 39(1) of this Act; and
- (c) is empowered to –
 - (i) exercise the powers and discharge the functions entrusted to the inspector pursuant to the provision of this Act or its Regulations stated in the document; or
 - (ii) exercise the powers and discharge the functions of the Director-General entrusted to the inspector under delegation under this Act.

(3) The Director-General may, when necessary, limit the powers of the inspectors designated under subsection (1)(a).

(4) The Director-General shall sign and issue to each authorised person a document which shall state the full name and contain a photograph of the authorised person and a statement indicating that the authorised person –

(a) has been designated under section 17(1)(b) of this Act; and

(b) is empowered to exercise the powers and discharge the functions entrusted to the authorised person pursuant to section 17(1)(b) of this Act or any provision of this Act or its Regulations stated in the document.

Delegation.

18. (1) The Director-General may in writing delegate to any person listed in subsection (3) –

(a) any power or function conferred or imposed on the Director-General under this Act;

(b) any power or function delegated to the Director-General by the Minister under subsection (5).

(2) The Director-General shall not delegate under subsection (1) –

(a) any power delegated to the Director-General by the Minister without the written approval of the Minister;

(b) the power to make emergency regulations;

(c) the power to suspend or revoke an aviation document; or

(d) the power to appoint or discharge employees of the Authority.

(3) A delegation under this section may be made to any person designated as an inspector or authorised officer under section 17.

(4) An inspector or authorised officer purporting to act pursuant to any delegation under this section –

(a) is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation; and

(b) shall, when reasonably requested to do so, produce proof of the authority to so act.

(5) The Minister may, either generally or particularly, in writing delegate to the Director-General any power or function conferred or imposed on the Minister under this Act.

- (6) The Minister shall not delegate under subsection (5) –
- (a) the power to appoint any person;
 - (b) the power to make regulations; and
 - (c) the power to delegate powers and functions.

PART V
FINANCE OF THE AUTHORITY

Funds and resources of the Authority.

19. (1) The funds and resources of the Authority shall consist of –

- (a) such sums as may be provided by or under an appropriation law;
- (b) such fees as may be charged by the Authority for services rendered;
- (c) such sums as may be allocated from time to time to the Authority by the Government by way of loans;
- (d) moneys earned or arising from any property or investments of the Authority;
- (e) fees, levies, charges and administrative fines paid to the Authority in terms of this Act;
- (f) all other sums or property which may in any manner be received by, become payable to or vested in the Authority in the performance of its functions or in respect of any incidental matter.

(2) The Authority shall conduct its affairs so as to ensure that its revenue is not less than sufficient to meet charges properly chargeable to its revenue account.

(3) The Authority shall open and maintain one or more accounts with such bank or banks as the Authority thinks fit, and every such account shall be operated by such person or persons, as may from time to time, be authorised in that behalf by the Authority.

(4) The Authority shall prepare and submit to the Minister an Annual Budget that shall, insofar as is practicable, provide for the attainment of the obligation imposed by subsection (2).

Application of funds.

20. The money in the funds of the Authority shall be applied in defraying the following expenditure –

- (a) the acquisition of property by the Authority in the course of discharging its functions and exercising its powers;
- (b) the remuneration and allowances of the Members of the Board and the Director-General;
- (c) the remuneration, allowances, advances, loans, pensions and gratuities payable or made to employees;
- (d) contributions to the pension fund plan;
- (e) capital and operating expenses, including maintenance and insurance of the property of the Authority; and
- (f) any other expenditures authorised by the Authority in the discharge of its functions.

Borrowing powers of Authority.

21. The Authority may borrow sums required by it for meeting any of its obligations or performing any of its functions.

Guarantee of loans.

22. The Minister responsible for finance may guarantee in such manner and on such conditions as he might think fit, the payment of the principal and interest on the authorised borrowings of the Authority.

Investment by Authority.

23. With the approval of the Minister, moneys standing to the credit of the Authority may be invested in such securities as may be determined by the Authority and the Authority may sell any or all of such securities for the purposes of the Authority.

Accounts and audits.

24. (1) The Authority shall keep accounts of its transactions to the satisfaction of the Minister and the accounts shall be audited annually by the Auditor General or such other Auditor as may be appointed annually by the Minister in consultation with the Auditor General.

(2) The Members, officers and other employees of the Authority shall grant the Auditor General or any other Auditor pursuant to subsection (1), access to all books, accounts, documents, cash and securities of the Authority and shall give to him on request all such information as may be within their knowledge in relation to the functioning of the Authority.

- Bad debts. **25.** The Authority may, with the approval of the Minister, write off bad debts.
- Annual report. **26.** The Board shall, not later than six months after the end of each calendar year, submit to the Minister a report containing –
- (a) an account of the functioning of the Authority throughout the preceding calendar year in such detail as the Minister may direct; and
 - (b) a statement of the accounts of the Authority audited in accordance with section 24.
- Copy of annual report. **27.** A copy of the report mentioned in section 26 together with a copy of the report of the Auditor General and a statement of any action taken by the Minister in consequence of any recommendations submitted to him by the Board during the period to which the report relates shall be laid before the National Assembly not later than nine months after the end of each calendar year.
- Financial year. **28.** The financial year of the Authority shall begin on the 1st day of January and end on the 31st day of December of each year.

PART VI
ESTABLISHMENT OF AERODROMES
AND CONTROL OF LAND

- Minister to establish aerodromes. **29. (1)** The Minister may –
- (a) establish and maintain aerodromes;
 - (b) provide and maintain, in connection with aerodromes, roads, approaches, apparatus, equipment and buildings and other accommodation;
 - (c) alter, abolish, remove or add to any aerodromes, road, approach, apparatus, equipment, building, accommodation or facilities;
 - (d) vary the character of any facilities for the purpose of promoting the safety of air navigation, or of the signals or assistance given by the facilities;
 - (e) determine the conditions of use of any aerodromes and whether any such aerodromes shall be open to public use;
 - (f) determine the conditions of use of any facilities or equipment provided for the purpose of promoting the safety of air navigation.

(2) The Minister may approve the establishment and operation of aerodromes by private persons.

(3) Before any aerodrome is established or any road is provided under this section, the Minister shall consult with the Local Government Authority of the area and shall publish in the *Gazette* a notice of any aerodrome established or road provided.

Restriction on use of aerodromes and areas in vicinity of airport.

30. (1) The Minister may, by order impose such prohibitions or restrictions on the use of any area of land, water or air space as a place for the arrival and departure of civil aircraft as the Minister considers necessary or expedient, for the purpose of ensuring that aircraft may be flown safely to or from any aerodrome; but nothing in this subsection authorises the imposition of any such prohibition or restriction in relation to air space beyond the territorial air space of Guyana.

(2) In the case of an order for the imposition of prohibitions or restrictions on the use of air space, the Minister shall-

- (a) before making the order, publish on the Guyana Civil Aviation Authority website and in one or more newspapers of wide circulation in Guyana, notice of intention to make the order in such a manner as the Minister thinks best calculated to bring his intention to the notice of persons who may be affected by it;
- (b) immediately when the order is made, publish on the Guyana Civil Aviation Authority website and in one or more newspapers of wide circulation in Guyana, a notice that the order has been made and containing the name of a place where a copy of that order may be seen at all reasonable times; and
- (c) serve a like notice upon any person who, in the Minister's opinion, is likely to be affected by the order.

Obstruction near aerodromes.

31. (1) Where the Minister is satisfied that, for the purpose of avoiding danger to aircraft being flown in darkness, or conditions of poor visibility, provision should be made for the lighting of any building, structure or erection in the vicinity of an aerodrome or for giving to the pilot of such aircraft some other warning of the presence of such building, structure or erection, the Minister may by order, authorise the manager of an aerodrome or any person acting under his instructions-

- (a) to execute, install, maintain, operate, repair or alter such works and apparatus as are necessary for enabling such warning to be given in the manner specified in the order; and
- (b) for the purpose of complying with the order, to enter upon or pass over, with or without vehicles, any land specified in the order, but no such order shall be made in relation to any building structure or

erection if it appears to the Minister that satisfactory arrangements have been made and carried out for the giving of warning of the presence of the building, structure or erection.

- (2) The Minister shall, before making an order referred to in subsection (1)-
- (a) cause to be published in such manner as the Minister considers appropriate to inform the person concerned, a notice of the proposal to make the order and of the place where copies of the draft order may be obtained free of charge; and
 - (b) take into consideration any representations with respect to the order that are, within such period, not being less than two months after the publication of the notice as might be specified in the notice, made to the Minister by any person appearing to have an interest in any land that may be affected by the order, and at the end of the period the order may, subject to this section, be made with such modifications of the original draft as the Minister thinks fit.
- (3) An order referred to in this section shall provide that –
- (a) except in case of emergency, no works shall be executed on any land in pursuance of the order, unless, at least fourteen days previously, the manager of the airport to which the order relates, has served, in the manner prescribed by order, on the occupier of the land and on every other person known by the manager to have an interest in the land, a written notice containing such particulars of the nature of the proposed works and the manner in which and the time at which it is proposed to execute them as are prescribed by or under the order; and
 - (b) if within fourteen days after the service of the notice on any person having an interest, the manager of the airport receives a written intimation of objection on the part of that person to the proposals contained in the notice, being an intimation that specifies the grounds of the objection, then, unless and insofar as the objection is withdrawn, no steps shall be taken pursuant to the notice without the specific sanction of the Minister.
- (4) Any person having an interest in the land affected by an order under this section is entitled to the payment of compensation for any loss or damage which that person may suffer in consequence of the order as might, in default of agreement, be determined by a single arbitrator appointed by the Minister; and for the purposes of this subsection, any expense reasonably incurred in connection with the lawful removal of any apparatus installed pursuant to such an order, and so much of the expense incurred in connection with repair, alteration, demolition or removal of any building, structure or erection to which such an order relates as is attributable to the

operation of the order shall be deemed to be loss or damage suffered in consequence of the order.

(5) The ownership of anything is not affected by reason only that it is placed in or on or affixed to any land pursuant to an order under this section and, subject to subsection (6), so long as such an order is in force, no person shall, except with the consent of the Manager of the aerodrome, wilfully interfere with any works or things that, to the knowledge of that person, are works or things executed or placed in, on or over any land pursuant to such an order.

(6) Nothing in this section operates, in relation to any building, structure or erection to restrict the doing of any work respecting the repairing, altering, demolishing or removing of the building, structure or erection, if-

- (a) notice of the doing of that work is given without delay to the Manager of the aerodrome; and
- (b) the giving of warning of the presence of the building, structure or erection in the manner provided by any order under this section in force relative to the order is not interrupted.

Cap. 62:05

(7) Any compulsory acquisition of land under this Act shall be in accordance with the Acquisition of Land for Public Purposes Act.

Sanitary control
at aerodromes.

32. The Minister and the Ministers responsible for health and agriculture may, without affecting their duties under any other enactment, make such arrangements as they think necessary to –

- (a) prevent danger to public health from any aircraft that arrives at an aerodrome; and
- (b) prevent the spread of infectious diseases by means of an aircraft leaving such aerodrome, so far as may be necessary or expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any country.

Minister to
control land in
the interest of
aviation.

33. (1) The Minister may, by order, declare that any land, structure, works or apparatus specified in the order, shall be subject to control by directions if the Minister is satisfied that it is necessary so to do in the interest of civil aviation.

(2) Where an order referred to in subsection (1) is in force, the Minister may, in pursuance of any general or special authority given by the order, give directions-

- (a) requiring the total or partial demolition of any building or structure within the area subject to control under this section;

- (b) restricting the height of trees on any land within the area, or requiring any tree on that land to be cut down or reduced in height;
- (c) extinguishing any private right of ways over land within the area;
- (d) restricting the installation of cables, mains pipes, wires or other apparatus upon, across, under or over any land within the area;
- (e) extinguishing, at the expiration of any period determined by direction, any subsisting right of installing or maintaining any such apparatus upon, across, under or over any land within the area;
- (f) requiring, before the expiration of any period determined by directions, the removal of any apparatus from any land within the area; and
- (g) prohibiting the bringing of vessels or vehicles into any area specified, or the anchoring, mooring or standing of any vessel or vehicle in the area.

(3) An order under this section may contain such consequential, incidental and supplemental provisions as appear to the Minister to be necessary or expedient for the purpose of the order, including, in particular, provisions for empowering any person authorised in that behalf by the Minister to remove, pull down, cut down or alter any building, structure, tree or apparatus that contravenes those requirements.

(4) An order made under this section is subject to negative resolution of the National Assembly.

(5) The powers of the Minister under this section do not affect his power to acquire land for the purpose of securing the observance of any requirement or restriction that might have been imposed in relation to the land under this section.

Power to stop or divert roads.

34. (1) The Minister responsible for roads may, notwithstanding the provisions of any other law, after consultation with the Minister, by order authorise the stopping up or diversion of any road if he is satisfied that it is necessary so to do in the interest of civil aviation.

(2) An order under subsection (1) may contain –

- (a) provisions respecting the securing of the provision or improvement of any road to the extent that the Minister responsible for roads considers such provision or improvement necessary or describe in consequence of any stopping up or diversion of a road under subsection (1); and

- (b) such consequential, incidental or supplemental provisions as appear to the Minister responsible for roads to be necessary or expedient for the purpose of the order.

(3) An order made under this section is subject to affirmative resolution of the National Assembly.

(4) This section does not affect any power conferred on the Minister responsible for roads by any other law to authorise the stopping up or diversion of any road.

PART VII CIVIL AVIATION SYSTEM

General requirements for participants in Civil Aviation System.

35. (1) A person who –
- (a) performs any function or activity;
 - (b) occupies any position or office;
 - (c) provides any service or product; or
 - (d) does any other thing,

for which an aviation document is required (the participant) shall hold the appropriate aviation documents and all the necessary qualifications and other required documents.

(2) A participant shall –

- (a) comply with this Act and the conditions attached to the relevant aviation documents; and
- (b) ensure that the activities or functions for which the aviation document has been granted are carried out safely and in accordance with the relevant prescribed safety standards and practices.

(3) A participant who holds an aviation document that authorises the provision of a service within the civil aviation system shall –

- (a) establish and follow a management system that ensures compliance with the relevant prescribed safety standards and the conditions attached to the document;
- (b) provide training and supervision to all employees of the participant who are engaged in doing anything to which the document relates, so as to maintain compliance with the relevant prescribed safety

standards and the conditions attached to the document and to promote safety; and

- (c) provide sufficient resources to ensure compliance with the relevant prescribed safety standards and the conditions attached to the document.

Requirement for an aviation document.

36. (1) A regulation made by the Minister under this Act may require that an aviation document shall be required by or in respect of –

- (a) a Guyana aircraft;
- (b) aircraft pilots;
- (c) flight crew members;
- (d) air traffic service personnel;
- (e) aviation security personnel;
- (f) aircraft maintenance personnel;
- (g) air services;
- (h) air traffic services;
- (i) aerodromes and aerodrome operators;
- (j) navigation installation providers;
- (k) aviation training organisations;
- (l) aircraft design, manufacture, and maintenance organisations;
- (m) aeronautical procedures;
- (n) aviation security services;
- (o) aviation meteorological services;
- (p) aviation communications services;
- (q) any persons, services, or things within any of the classes specified in paragraphs (a) to (p);
- (r) such other persons, aircraft, aeronautical products, aviation related services, facilities, and equipment operated in support of the civil aviation system, or classes of such persons, aircraft, aeronautical products, aviation related services, facilities, and equipment operated in support of the civil aviation system, as may, in the interests of safety or security, be prescribed; or
- (s) any person who is an aviation examiner or medical examiner.

(2) The requirements, standards, forms and application procedure for an aviation document, the maximum period for which an aviation document may be

issued and the procedures to be followed where there is an adverse decision to an application for the granting or renewal of an aviation document are as prescribed.

(3) Subject to this Act, Director-General may issue an aviation document for such specified period and subject to such conditions as the Director-General considers appropriate in each particular case.

Application for
and grant of
aviation
document.

37. (1) Subject to this Act, an application for the grant or renewal of an aviation document shall be made to the Director-General in the prescribed form.

(2) After considering an application for the grant or renewal of an aviation document, the Director-General shall, as soon as is practicable, grant the application if the Director-General is satisfied that –

- (a) all things in respect of which the document is sought meet the relevant prescribed requirements; and
- (b) the applicant or any person who is to have or is likely to have control over the exercise of the privileges under the document –
 - (i) either holds the relevant prescribed qualifications and experience or holds such foreign qualifications as are acceptable to the Director-General under subsection (3);
 - (ii) is a fit and proper person in accordance with section 44 to have such control or hold the document;
 - (iii) meets all other prescribed requirements; and
- (c) it is not contrary to the interests of aviation safety for the document to be granted or renewed.

(3) For the purpose of granting or renewing an aviation document, the Director-General may accept such foreign qualifications or recognise such foreign certifications as the Director-General considers appropriate in each case.

(4) It is a condition of every aviation document that the holder or any person who has or is likely to have control over the exercise of the privileges under the document continues to satisfy the fit and proper person test specified in subsection (2)(b)(ii).

(5) Where the Director-General declines to grant an application for the grant or renewal of an aviation document under this section, the applicant may appeal against the decision in accordance with section 73.

Examinations
and tests for the
grant or renewal
of aviation
documents.

38. For the purposes of granting or renewing aviation documents under this Act, the Director-General may –

- (a) set, conduct, and administer examinations and tests;

- (b) conduct flight testing;
- (c) carry out other functions in relation to such examinations, tests, and flight testing as may be necessary.

Access to premises.

39. (1) For the purpose of the grant or renewing of an aviation document, the Director-General or any person authorised by the Director-General shall be granted unrestricted access, at any time, by an applicant or the holder of an aviation document to any place in which aviation operations are conducted, office, hangar, ramp, equipment, document, workshop, or facility, including facilities for training, workshops, the provision of air navigation services, maintenance, fuel storage or cargo handling, at any time to conduct any surveillance, inspection, audit or test in order to determine that aviation operations are conducted in accordance with prescribed safety, security and other recommended standards.

(2) For the purposes of subsection (1) "document" shall include programmes, manuals, certificates, approvals, authorisations, procedure, technical files, personnel files or personnel licences.

(3) The Director-General or any person authorised by the Director-General, while conducting any surveillance, inspection and test in respect of aviation security under subsection (1), may, have in his possession simulations of the following items –

- (a) arms and ammunition;
- (b) explosives and explosive devices;
- (c) ammunitions and weapons of war.

Suspension of aviation documents and imposition of conditions.

40. (1) Subject to section 42, the Director-General may suspend the whole or a part of an aviation document issued under this Act or impose conditions in respect of any such document, if the Director-General considers such action necessary in the interests of safety and security and to ensure compliance with this Act, and on reasonable grounds believes –

- (a) that the holder has failed to comply with any conditions of the aviation document;
- (b) that the holder contravenes or fails to comply with section 81; or
- (c) that the privileges or duties for which the document has been granted are being utilised or carried out in a careless or incompetent manner.

(2) A holder whose aviation document has been suspended or made subject to conditions under subsection (1) shall immediately produce such document to

the Director-General for appropriate endorsement.

Revocation of aviation documents and imposition of conditions.

41. (1) Subject to section 42, if after an inspection, monitoring or investigation carried out under this Act, the Director-General considers it necessary in the interests of aviation safety or security, the Director-General may –

- (a) revoke the whole or any part of an aviation document; or
- (b) impose permanent conditions on an aviation document.

(2) A person whose aviation document is revoked or made subject to permanent conditions shall –

- (a) if the document is made subject to permanent conditions or revoked in part, immediately produce the document to the Director-General for appropriate endorsement; or
- (b) if the whole document is revoked, immediately surrender the document to the Director-General.

(3) A person in respect of whom a decision is taken under this section may appeal against the decision in accordance with section 73.

Criteria for suspension or revocation of or imposition of conditions on aviation document.

42. (1) Before the Director-General determines whether an aviation document should be suspended or made subject to conditions under section 40 or revoked or made subject to conditions under section 41, the Director-General shall consider the criteria set out in this section.

(2) Where the question of suspension or revocation of or imposition of conditions on an aviation document of a person arises, the Director-General may have regard to, and give such weight as the Director-General considers appropriate to, the following matters –

- (a) the history of compliance of such person with transport safety regulatory requirements;
- (b) any conviction for any transport safety offence, whether or not –
 - (i) the conviction was in a Guyana court; or
 - (ii) the offence was committed before the commencement of this Act; or
- (c) any evidence that the person has committed a transport safety offence or has failed to comply with any regulation made under this Act.

(3) The Director-General is not confined to consideration of the matters

specified in subsection (2) and may take into account any other matters and evidence as the Director-General considers relevant.

(4) The Director-General may –

- (a) seek and receive any information as the Director-General thinks fit; or
- (b) consider information obtained from any source.

(5) If the Director-General proposes to take into account any information that is or may be prejudicial to a person, the Director-General shall, subject to subsection (6) –

- (a) in the case of revocation of an aviation document, as soon as practicable; or
- (b) in the case of the suspension of an aviation document or the imposition of conditions under section 40, no later than five working days after suspending the aviation document or imposing conditions,

disclose the information to the person and give the person a reasonable opportunity to refute or comment on the information.

(6) Nothing in subsection (5) requires the Director-General to disclose –

- (a) any information, the disclosure of which would endanger the safety of any person; or
- (b) any information or the fact of non-disclosure of the information, before suspending an aviation document or imposing conditions in respect of an aviation document under section 40.

Amendment or revocation of aviation documents by request.

43. (1) The Director-General may, if so requested in writing by the holder of any aviation document, amend the document in the manner requested or revoke the document.

(2) Subject to subsection (3), the Director-General, after having received and considered a request submitted under subsection (1), may do any of the following –

- (a) amend an aviation document to reflect the fact that any privilege or duty for which the document has been granted is no longer being enjoyed or carried out, or is no longer able to be enjoyed or carried out, by the holder;

- (b) revoke any aviation document if none of the privileges or duties for which the document has been granted are being enjoyed or carried out, or are able to be enjoyed or carried out, by the holder; or
- (c) amend any aviation document to correct any clerical error or obvious mistake on the face of the document.

(3) Before taking any action under subsection (2), the Director-General shall –

- (a) notify the holder in writing of the proposed action; and
- (b) give the holder a reasonable opportunity to comment or make submissions on the proposed action.

(4) The power to amend an aviation document under this section, includes –

- (a) the power to revoke the document and issue a new document in its place; and
- (b) the power to impose reasonable conditions.

(5) When the holder of an aviation document is notified that specified action is proposed under this section, the holder shall immediately produce the document to the Director-General.

Criteria for fit and proper person test.

44. (1) For the purpose of determining whether or not a person is a fit and proper person to hold an aviation document, the Director-General, having regard to the degree and nature of the proposed involvement of the person in the Guyana civil aviation system, shall have regard and give such weight as the Director-General considers appropriate to –

- (a) the compliance history of the person with transport safety regulatory requirements;
- (b) the related experience, if any, of the person within the transport industry;
- (c) the knowledge of the person in the applicable civil aviation system regulatory requirements;
- (d) any history of any physical or mental health problem, disability or incapacity or of any serious behavioural problem of the person which must be supported by medical reports;
- (e) any conviction of the person for any transport safety offence, whether or not –

- (i) the conviction was in a court in Guyana; or
- (ii) the offence was committed before the commencement of this Act;

(f) any evidence that the person has committed a transport safety offence or has failed to comply with any transport safety regulation.

(2) The Director-General is not confined to consideration of the matters specified in subsection (1) and may take into account such other matters and evidence as may be relevant.

(3) For the purpose of determining whether or not a person is a fit and proper person to hold an aviation document, the Director-General may –

- (a) with the consent of the person, seek and receive such information, including medical reports, as the Director-General thinks fit;
- (b) consider information obtained from any credible source.

(4) Subsection (1) applies to a body corporate with the following modifications –

- (a) paragraphs (a), (b), (c), (e), and (f) of that subsection are read as if they refer to the body corporate and its officers;
- (b) paragraph (d) of that subsection is read as if it refers only to the officers of the body corporate.

(5) If the Director-General proposes to take into account any information that is or may be prejudicial to a person, the Director-General, subject to subsection (6), shall disclose that information to the person and give the person a reasonable opportunity to refute or comment on it.

(6) Nothing in subsection (5) may require the Director-General to disclose any information the disclosure of which would be likely to endanger the safety of any person.

(7) If the Director-General proposes to make a determination that any holder of or applicant for an aviation document is not a fit and proper person, the Director-General, subject to subsection (6), shall –

- (a) disclose the grounds for the proposed determination to the holder or applicant; and
- (b) give the holder or applicant a reasonable opportunity to make submissions on the proposed decision before proceeding to make a final determination.

(8) If the Director-General makes a final determination that the holder of or applicant for an aviation document is not a fit and proper person for the purposes of this Act, the Director-General shall –

- (a) inform the holder or applicant of the decision; and
- (b) notify the holder or applicant of a right of appeal against the decision in accordance with section 73.

Validation.

45. The Director-General may, in the discharge of certification and inspection responsibilities, validate the actions of the aeronautical authority of another State in lieu of taking specific action, with the following restrictions –

- (a) for actions on airman or airworthiness certificates, the other State shall be a signatory to the Chicago Convention and be fulfilling their obligations under the Chicago Convention with respect to the issuance and currency of these certificates;
- (b) for actions applicable to Air Operators, the Director-General shall exercise discretion and require supporting documents;
- (c) the Director-General shall ensure that, when validation is based on actions of another aeronautical authority, there is no information to indicate that State does not meet their obligations under the Chicago Convention regarding certification and on-going validation of their air operators.

PART VIII AIR TRANSPORT UNDERTAKINGS

Licensing of air transport undertaking.

46. (1) A person shall not use an aircraft in Guyana –

- (a) for flying, while carrying passengers or cargo for reward, on such journeys or classes of journeys, whether beginning and ending at the same point or at different points; or
- (b) for any flying undertaken for the purpose of any trade or business,

except under the authority of and in accordance with a licence, permit, or other authorisation issued to him for that purpose by the Authority.

(2) The Minister may by regulations prescribe the types of licences, permits or other authorisation which may be issued and the terms and conditions upon which they may be issued.

(3) An application for the grant of a licence, permit or other authorisation shall be made in writing to the Authority and contain such particulars as the Authority may prescribe, and where an application is made for the grant of a licence, permit or other authorisation, the Authority shall, subject to subsection (5), either grant the licence, permit or other authorisation to the applicant in the terms requested in the application or in those terms with such modifications as the Authority thinks fit, or refuse to grant the licence, permit or other authorisation.

(4) Where an application is made to the Authority and the Authority is satisfied that the applicant has met and complied with all the requirements necessary for grant of a licence, permit or other authorisation, the Authority shall give notice of the compliance by the applicant.

(5) Upon receipt of the notice by the applicant, the Authority may approve the grant of such licence, permit or other authorisation after the Authority has further satisfied itself regarding any other relevant matter under the Act including –

- (a) the existence of other air transport services in the area through which the proposed services are to be operated;
- (b) the existing or potential demand for any services proposed;
- (c) the degree of efficiency and regularity of the air transport services, if any, already provided in that area, whether by the applicant or by other operators;
- (d) the period for which air transport services have been operated by the applicant or other operators;
- (e) whether the applicant will be able to provide a satisfactory service in respect of safety, security, continuity, regularity of operation, frequency, punctuality, efficiency and reasonableness of charges;
- (f) the financial resources of the applicant and any capital or other expenditure reasonably incurred or any financial commitment or commercial agreement reasonably entered into, in connection with the operation of aircraft on air transport services by any person, including the applicant, who is the holder of any air transport licence or permit already granted;
- (g) the type of aircraft to be used;
- (h) any unfair advantage of the applicant over other operators by reason of the terms and conditions of employment; and
- (i) any objections or representations duly made in accordance with any applicable Regulations.

Variation,
suspension and
revocation of
licences, permits,
etc.

47. (1) An application for the variation, suspension or revocation of a licence, permit, or other authorisation may be made to the Authority at any time in such manner and by such person as may be prescribed.

(2) The Director-General may at any time vary, suspend or revoke, a licence, permit or other authorisation granted pursuant to this Part, in accordance with sections 40, 41, 42 and 43.

(3) The Director-General may exercise its powers under subsection (2) to revoke, suspend or vary a licence, permit, or if the Director-General is no longer satisfied that-

- (a) the holder of the licence, permit or other authorisation is no longer a fit and proper person in accordance with in section 44; or
- (b) the resources of the holder of the licence, permit or other authorisation and the financial arrangements made by the holder are adequate for discharging the holder's actual and potential obligations in respect of the business activities in which the holder is engaged.

(4) The Director-General may by a notice in writing served on the holder of the licence, permit or other authorisation that the licence, permit or other authorisation shall not be effective during a period specified in the notice.

(5) The Director-General may, while a licence, permit or other authorisation is ineffective by virtue of a notice under subsection (4), by a further notice in writing served on the holder, provide that the licence, permit or other authorisation shall be effective on and after a date specified in the further notice but the further notice shall not prejudice the Director-General's powers to suspend the licence, permit or other authorisation again or to revoke or vary it.

General duties in
relation to
licensing
function of the
Authority.

48. (1) The Authority shall perform its air transport licensing functions in a manner which it considers best to ensure that where applicable, Guyana registered airlines compete as safely and effectively as possible with other airlines in providing air transport services on international routes and in performing those functions the Authority shall also have regard to -

- (a) any advice received from the Minister with respect to the likely outcome of negotiations with the government of any other country or territory for the purpose of securing any right required for the operation by an airline in Guyana of any air transport services outside Guyana; and

(b) the need to secure the most effective use of aerodromes within Guyana.

(2) In considering whether to grant a licence, permit or other authorisation, the Authority shall have regard to the effect on existing air transport services provided by Guyana registered airlines, of authorising any new services the applicant proposes to provide under the licence, permit, certificate or other authorisation.

(3) Where two or more applicants have applied for the same licence, permit, or other authorisation under which each proposes to provide similar services, the Authority shall have regard in particular to any benefits which may arise from enabling two or more airlines to provide the services in question.

PART IX AIRCRAFT

Establishment of
Aircraft Registry.

49. (1) The Director-General shall establish and maintain a system for the national registration of civil aircraft in Guyana in accordance with regulations made under section 140(1)(h).

(2) The Authority shall be responsible for the national registration of civil aircraft and shall cause a register to be kept in the form and manner prescribed by regulations made under section 140(1)(h).

Registration of
aircraft.

50. (1) An owner of a civil aircraft which flies to, from, within, or over Guyana shall register the aircraft and hold a valid certificate of registration for the aircraft issued by -

- (a) the Director-General ;
- (b) the appropriate aeronautical authorities of a contracting State of ICAO; or
- (c) the appropriate aeronautical authorities of another State that is party to an agreement with Guyana which provides for the acceptance of registration of aircraft of each other.

(2) A civil aircraft shall not be registered in Guyana while it is registered in another country.

(3) The Director-General may decline to register a civil aircraft if it does not meet the requirements prescribed under this Act.

(4) Any person in respect of whom a decision is taken under this section may appeal against the decision in accordance with section 73.

Right of access.

51. (1) In addition to the right of access granted under section 39, the Director-General shall have access to any civil aircraft without restriction wherever they are operated in Guyana and to civil aircraft registered in Guyana wherever they are operated in the world for the purposes of ensuring that those aircraft are airworthy and being operated in accordance with this Act and applicable ICAO Annexes.

(2) In furtherance of subsection (1), the Director-General may—

- (a) make such inspections of aircraft, aircraft component, aircraft engines, propellers, appliances, aircraft material, process, system, record, conduct test and evaluation and require evidence of qualifications, facilities and design data used by any operator of civil aircraft, as may be necessary to determine whether the operators are maintaining them in conditions which are safe for the operation in which they are used;
- (b) inspect, investigate, require tests, experiments and flight trials and to access any place in any establishment for airworthiness purposes;
- (c) access and examine, inspect and investigate any consignment of goods as required;
- (d) require production, inspection and copies of documents and records as required;
- (e) direct aviation fuel not be dispensed from aviation fuel installation and to access aviation fuel installation to inspect, investigate, and require test as required;
- (f) prevent an aircraft from flying and to detain it;
- (g) access any place to carry out any inspection, investigation, examination or testing in relation to any certificate, licence, permit, approval, permission, exemption, authorisation or other document granted under this Act and applicable ICAO Annexes.

(3) Where the Director-General finds that any aircraft, aircraft component, aircraft engines, propellers, appliances, aircraft material, process, system, records, facilities and design used by any operator of civil aircraft, used or intended to be used by any operator in civil aviation is not in a condition which is safe for use, the Director-General shall notify the operator and such aircraft, aircraft component, aircraft engines, propellers, appliances, aircraft material, process, system, records, facilities and design shall then not be used in civil aviation operations until and unless found by the Director-General to be in a condition which is safe for use.

Restrictions on
operation of civil

52. (1) The Authority shall direct the operator or airman of a civil aircraft that

aircraft. the aircraft shall not be operated in situations where the —

- (a) aircraft is not airworthy;
- (b) airman is not qualified or is physically or mentally incapable for the flight; or
- (c) operation may cause imminent danger to persons on the ground.

(2) In the circumstances of subsection (1), the Director-General may take steps to prevent the aircraft from being operated or the airman from operating an aircraft.

Liability for trespass, nuisance and surface damage.

53. (1) No action lies in respect of trespass or nuisance in respect of —

- (a) the flight of aircraft over any property at a height above the ground that, having regard to wind, weather and all the circumstances of the case, is reasonable; or
- (b) the ordinary incidence of the flight of aircraft referred to in paragraph (a) so long as there is compliance with this Act.

(2) Any person who suffers injury to their person or damage to any property on land or water, or by a person in, or an article or person falling from an aircraft in flight, taking off or landing, is entitled to recover damages in respect of the injury or damage without proof of negligence or intention or other cause of action as if the injury or damage had been caused by the wilful act, neglect or default of the owner of the aircraft, unless that injury or damage was caused or contributed to by the negligence of the person by whom it was suffered.

(3) Notwithstanding subsection (2), where —

- (a) damages are recoverable under that subsection; and
- (b) a legal liability is created in some person other than the owner of the aircraft to pay damages in respect of the damage referred to in that subsection,

the owner is entitled to be indemnified by that other person in respect of such damage.

Nuisance caused by aircraft at aerodrome.

54. No action lies in nuisance in respect of noise or vibration caused by an aircraft at an aerodrome if the prescribed level of noise or vibration is not exceeded by that aircraft.

Liability where aircraft is let or hired.

55. Where an aircraft is let or hired out for any period exceeding fourteen days by the owner to any person and no pilot, navigator or other member of crew of the aircraft is in the employment of the owner, this Part has effect as if for references in it to the owner there were substituted references to the person to whom the aircraft was let or hired out.

Airport and air navigation facilities to be made available.

56. (1) The person in charge of any airport in Guyana which is open to public use by aircraft registered in Guyana shall cause the airport and all air navigation facilities provided there, to be available for use by aircraft registered in other Contracting States on the same terms and conditions as for use by aircraft registered in Guyana.

(2) Any charges that may be imposed for the use of an airport and air navigation facilities by an aircraft registered in another Contracting State shall not be higher –

- (a) as to an aircraft not engaged in scheduled international air services, than those that would be paid by an aircraft registered in Guyana of the same class engaged in similar operations; and
- (b) as to an aircraft engaged in scheduled international air service, than those that would be paid by an aircraft registered in Guyana engaged in similar international air services.

PART X AIR NAVIGATION SERVICES

Establishment of Air Navigation Services Unit.

57. (1) There is established a unit of the Authority known as the Air Navigation Services Unit, which shall be responsible for the provision of air navigation services in Guyana.

(2) The Board shall appoint a suitably qualified and experienced person as head of the Air Navigation Services Unit for such term and on such conditions of service as determined by the Board and the person appointed shall report to the Board.

(3) Where the office of the head of the Unit is vacant or the head is for any reason absent from office, the Board may appoint any staff member of the Authority, other than the Director-General, to act as head during the vacancy or absence of the head.

(4) The head of the Unit shall report to –

- (a) the Board on the provision of air navigation services; and
- (b) the Director-General on matters relating to regulatory compliance.

(5) The Authority shall perform its functions in respect of the provision of air navigation services separately from its other functions and for this purpose shall –

- (a) develop, implement and maintain separate bank accounts, records, and reports;
- (b) establish rules of procedures for the regulation and provision of services;
- (c) establish efficient and effective lines of management and operational authority to enable the application of policies and procedures;
- (d) ensure control, and set-up funding mechanisms;
- (e) appoint an auditor for the annual auditing of the finances of the Air Navigation Services Unit; and
- (f) establish other reporting lines, financial structures and accountability mechanisms,

with the objective of maximising the functional separation of the provision of air navigation services from the other functions of the Authority.

(6) The rules, procedures and mechanisms adopted under subsection (5) shall be in accordance with internationally accepted rules, procedures and accounting practice.

(7) This section shall come into operation on a date appointed by the Minister by order.

Charges for air navigation services.

58. (1) The Minister may make Regulations for requiring the payment to the Authority of charges, of such amounts in such currencies as may be prescribed in respect of air navigation services which, are provided for aircraft by the Authority or any other person or by any persons jointly.

(2) The High Court shall have jurisdiction to hear and determine a claim for charges or interest payable to the Authority by virtue of Regulations made under this section, notwithstanding that the person against whom the claim is made is not resident within the jurisdiction of the Court.

Installation causing interference with navigational aids.

59. (1) Where the Director-General has reason to believe that an installation is or may be either actively or passively causing interference with navigational aids or with radio communications to or from an aircraft in circumstances that are likely to endanger the safety of aircraft in air navigation, the Director-General may cause a notice to be served on the owner of such installation directing the owner to permit the

installation to be inspected and tested by an authorised person.

(2) Upon the service of the notice, an authorised person may enter the premises or place where the installation is installed, kept or operated to inspect and test the installation.

(3) An authorised person exercising powers under subsection (2), shall produce identification in writing if requested to do so.

(4) If as a result of an inspection or otherwise under subsection (1), the Director-General considers it necessary to do so for the safety of aircraft, he shall immediately provide a report to the Minister and cause a notice to be served on the owner directing the owner to make such modifications to the installation, or to take such other action, as is necessary to eliminate the cause of the interference, within a reasonable time specified in the notice.

(5) If the installation has been installed and is used and operated in accordance with all applicable laws, the owner may recover from the Authority the amount of all reasonable expenses incurred and of loss actually suffered, in complying with a direction under subsection (4).

(6) A person who, without reasonable excuse, fails to comply with a direction contained in a notice under this section commits an offence and is liable on summary conviction to a fine of two million dollars or to imprisonment for a term not exceeding one year.

(7) In this section—

“installation” includes any electrical or other equipment or any metallic structure; and

“owner”, in relation to an installation, means the owner or user of the installation or the owner and occupier of the premises or place where the installation is installed, kept or operated.

Protected
installation.
Second
Schedule

60. (1) For the purposes of this section, the Air Navigation installations described in the Second Schedule shall be deemed to be protected installations.

(2) No person may enter or remain in a protected installation except with general or written specific permission of the Authority and subject to such conditions as may be attached to the grant of such permission.

(3) No person shall tamper with, or interfere with any equipment, appliances, or machinery in a protected installation area.

(4) No person may, without permission of the Authority, remove or disturb

in any way, any building, sign, fence, pipe, hose, coupling, post, gate, marker, or other structure within a protected installation area.

(5) A person who contravenes subsections (2), (3) or (4) commits an offence and is liable on summary conviction to a fine not exceeding three million dollars and to imprisonment for two.

Second
Schedule

(6) The Minister may by order amend the Second Schedule.

**PART XI
CIVIL AVIATION SAFETY AND SECURITY**

National civil
aviation security
policy.

61. Subject to this Act, the Authority shall develop and review the national civil aviation security policy of Guyana.

National Civil
Aviation Security
Programme.

62. The Authority shall develop a National Civil Aviation Security Programme (NCASP) in compliance with Annex 17 to the Chicago Convention and approved by the Director-General.

National Civil
Aviation Security
Committee.

63. (1) There is established a National Civil Aviation Security Committee for the purposes of coordinating security activities between the departments, agencies and other organisations of the State, airport and aircraft operators, air traffic service providers and other entities concerned with or responsible for the implementation of various aspects of the National Civil Aviation Security Programme.

(2) The Minister shall determine the number and composition of the Committee.

Functions of the
Authority under
this Part.

64. The functions of the Authority under this Part are to –

- (a) review the NCASP to ensure that it continues to meet the obligations of Guyana and is consistent with Government policy;
- (b) define and allocate tasks in accordance with Government policy for implementation of the NCASP between agencies, airline operators and other concerned parties;
- (c) develop technical criteria to be met by those persons responsible for implementing security measures under the NCASP;
- (d) constantly analyse the level of threat to civil aviation based upon information acquired by the Authority itself or provided by relevant Government agencies whether through the National Civil Aviation Security Committee or otherwise and initiate such action

by airlines, airports, providers of security services and other organisations contributing to the NCASP as are sufficient to effectively counter the perceived level of threat;

- (e) develop and implement policy to ensure that surveys, inspections, audits, tests and investigations of security standards and security measures as well as operating procedures of airports, airlines and providers of security services for purposes of compilation of the NCASP are conducted;
- (f) receive, collate, analyse and disseminate information on any threat or incident and information on the numbers and types of prohibited articles discovered or confiscated and provide a technical reference and information centre for the use of the Authority, airport administrations, operators and security services;
- (g) foster and promote good working relationships, cooperation and the exchange of relevant information and experience among States, particularly with adjacent States and those with which Guyana has major air transport relationships;
- (h) develop and implement policy in respect of the development, promotion, production and the dissemination of suitable training materials that can be used in the training of persons concerned with the implementation of the NCASP;
- (i) develop national standards relating to the specifications of security equipment, systems and airport design;
- (j) coordinate security measures and procedures with appropriate organisations, agencies and relevant departments;
- (k) develop strategies to secure effective oversight, monitoring, and compliance with aviation security standards;
- (l) assess security related decisions taken by industry at all levels for the impact on aviation security, and conduct regular and timely assessment of international security developments;
- (m) develop effective strategies to secure compliance with facilitation standards in accordance with Annex 9 of the Chicago Convention;
- (n) develop and implement a National Civil Aviation Security Quality Programme, a Quality Management System and a Security Management System Programme;
- (o) develop and implement a National Civil Aviation Security Training

Programme;

- (p) develop and implement regulations and policies for a certification system for the purpose of certifying aviation security personnel at all levels concerned with the implementation of and compliance with NCASP to a high standard of practice, conduct, competency, effectiveness and performance; and
- (q) take any other measure to ensure aviation safety and security.

Security programme information confidential.

65. All information concerning any programme, personnel, equipment, system, agreement or special procedure regarding any matter concerning any security plan –

- (a) is confidential; and
- (b) shall not be made known, except officially by a person authorised to do so to a person authorised to receive such information.

Civil Aviation Security Programme binding.

66. The National Civil Aviation Security Programme is binding –

- (a) on any official in the service of the State, any airport security officer or aviation security officer and any other person involved in the application of such security programme; and
- (b) on any other person, including a member of the public, where the contents of the programme have been brought to the notice of the person in a manner determined by the Director-General.

Safety and security inspections, monitoring, etc.

67. (1) The Director-General may in writing, require –

- (a) security service providers, aerodrome operators, air navigation service providers, air operators, maintenance organisations, handling agents, or any similar person operating at an aerodrome; or
- (b) any other holder of an aviation document,

to undergo or to carry out inspections and monitoring necessary to ensure that established international security standards for the protection of aircraft and the travelling public are achieved and maintained.

(2) The Director-General or any person authorised by the Director-General, may in respect of any person described in subsection (1), carry out inspections, tests or surveillance to verify that the approved security systems and procedures are functioning effectively.

(3) The Director-General or any person authorised by the Director-General, while conducting any inspection, surveillance or test in respect of aviation security under subsection (2), may have in his possession simulations of –

- (a) arms and ammunition;
- (b) explosives and explosive devices; or
- (c) weapons of war.

(4) The Director-General or any person authorised by the Director-General, may –

- (a) carry out inspections of aircraft, aircraft engines, propellers or appliances used by any operator of civil aircraft to determine that the operators are maintaining them for their safe and effective operation; or
- (b) carry out inspections of facilities, workshops, equipment, tools or documents to ensure that an operator is adhering to the conditions, procedures and specifications on the conduct of operations set out in the approved manuals and documents.

(5) The Director-General or any person authorised by the Director-General, having carried out any inspection, surveillance or test under this section, may –

- (a) advise the operator on the findings of the inspection and on the requirement for resolution of the findings;
- (b) declare any aircraft, engine, propeller or appliance unsafe, and shall notify the operator that the aircraft, engine, propeller or appliance shall not be used in commercial operation or in any manner that may endanger the life or property of any person, unless and until found by the Director-General to be in condition for safe and effective operation or
- (c) where any serious concern or situation which can endanger a flight or aircraft operation is detected, immediately –
 - (i) prohibit the departure or take-off of an aircraft; or
 - (ii) prohibit the continuance of any other civil aviation operation or activity that endangers the aircraft and passengers.

Powers and
functions of
pilot-in-
command.

68. (1) A pilot-in-command of an aircraft –

- (a) shall ensure the safe operation of the aircraft in flight, the safety and wellbeing of all passengers and crew, and the safety of cargo

carried;

- (b) has final authority to control the aircraft while in command and for the maintenance of discipline in respect of all persons on board; and
- (c) subject to subsections (2) to (7), shall comply with all relevant requirements of this Act.

(2) Subject to subsections (3) and (7), in an emergency that arises in flight, the pilot-in-command may act contrary to the provisions of this Act.

(3) For the purposes of subsection (2), any act contrary to any prescribed requirement is permitted only if the pilot-in-command is satisfied that –

- (a) the emergency involves a danger to life or property;
- (b) the extent of any act contrary to the prescribed requirement goes only as far as is necessary to deal with the emergency;
- (c) there is no other reasonable means of alleviating, avoiding, or assisting with the emergency; and
- (d) the degree of danger involved in complying with the prescribed requirement is clearly greater than the degree of danger involved in deviating from it.

(4) Subject to subsections (5) to (7), where an emergency, not being an emergency that arises in flight, necessitates the urgent transportation of persons or medical or other supplies for the protection of life or property, the pilot-in-command of the aircraft or the operator of the aircraft may act contrary to this Act.

(5) For the purposes of subsection (4), any act contrary to any prescribed requirement is permitted only if –

- (a) the emergency involves a danger to life or property;
- (b) the extent of the act contrary to the prescribed requirement goes only as far as is necessary to deal with the emergency;
- (c) there is no other reasonable means of alleviating, avoiding, or assisting with the emergency; and
- (d) the degree of danger involved in deviating from the prescribed requirement is clearly less than the degree of risk in failing to attend to the emergency.

(6) Nothing in subsection (4) permits –

- (a) the operation of an aircraft that is not registered in Guyana or elsewhere;
- (b) the breach of any prescribed requirement as to the airworthiness of an aircraft; or
- (c) the operation of an aircraft by a person who is not lawfully entitled to operate such aircraft.

(7) Where, in any emergency described in this section, a pilot-in-command or an operator who, under this section, has acted contrary to any prescribed requirement of this Act, the pilot-in-command or the operator shall –

- (a) immediately, after the emergency has abated, notify the relevant air traffic control service of the action; and
- (b) as soon as practicable, and at the latest within three days of the action, notify the Director-General of the action and the circumstances that necessitated it, and, if requested by the Director-General, provide the Director-General with a written report in respect of the action.

Detention of aircraft, imposition of prohibitions and conditions and seizure of products and goods.

69. (1) Where the Director-General believes on reasonable grounds that the operation or use of any aircraft or aeronautical product or any class of aircraft or aeronautical products or any aerodrome may endanger persons or property and that prompt action is necessary to prevent the danger, the Director-General may –

- (a) detain the aircraft or any aircraft of that class in order to prevent their operation or use;
- (b) seize a particular aeronautical product or any aeronautical products of that class where necessary in order to prevent their operation or use;
- (c) prohibit or impose conditions on the operation of the aircraft or aircraft of that class or the use of any aeronautical product or any aeronautical products of that class; or
- (d) prohibit or impose conditions on the operation of the aerodrome.

(2) Any detention or seizure under subsection (1) shall be maintained for only such time as is necessary in the interest of safety, but, if an aircraft or aeronautical products or parts of it are required for the purpose of evidence in any prosecution under this Act such aircraft product or parts of it may be retained by the Director-General for such period as the Director-General considers necessary for that purpose.

(3) The Director-General, if requested by the owner or the person for the time being in charge of an aircraft detained or an aeronautical product seized under subsection (1), shall provide in writing to the owner or such person the reasons for the detention or seizure.

(4) The Director-General may seize and detain any dangerous goods where the Director-General believes on reasonable grounds that it is unlawful to carry the goods in an aircraft but which are offered for carriage by air, for the purpose of –

- (a) preventing the carriage by air of such dangerous goods;
- (b) use as evidence in any prosecution under this Act or any other law; or
- (c) the safe disposal of such dangerous goods, if authorised by this Act or any other law.

(5) Any seizure or detention under subsection (4) may be maintained only for such time as is necessary to achieve the relevant purpose in subsection (4).

(6) A person in respect of whom a decision is taken under this section may appeal against the decision in accordance with section 73.

Commercial air transport security.

70. The Minister shall make regulations –

- (a) requiring that all passengers and all property intended to be carried in the aircraft in commercial air transport be screened by procedures or facilities employed or operated by employees or agents of the air operator or foreign air operator prior to boarding the aircraft for such transportation to detect weapons and other prohibited items and substances;
- (b) requiring such practices, methods, and procedures as may be necessary to protect persons and property aboard aircraft operating in commercial air transport against acts of criminal violence and aircraft piracy.
- (c) requiring, to the extent practicable, uniform procedures for the inspection, detention, and search of persons and property in domestic commercial air transport and international commercial air transport to assure their safety and to assure that they will receive courteous and efficient treatment by air operators and their agents and employees.

**PART XII
ACCIDENT AND INCIDENT INVESTIGATIONS**

Investigation of
aviation accident
and incident.

71. (1) The Minister shall be responsible for the investigation of all aviation accidents and incidents in or over Guyana and the investigations shall be carried out in accordance with regulations made by the Minister.

(2) Until the regulations are made the Minister shall direct any investigation into an aviation accident or incident and shall appoint qualified persons to investigate the accident or incident.

(3) The Director-General shall take any corrective action which on the basis of the findings of any aviation accident or incident investigation authorised by the Minister, that in the judgment of the Director-General, will tend to prevent similar accidents in the future.

**PART XIII
COMPLAINTS AND INVESTIGATIONS**

Complaints and
investigations by
Director-General.

72. (1) Any person may file with the Director-General, a complaint in writing with respect to anything done or omitted to be done by any other person in contravention of this Act or any requirement established pursuant to this Act.

(2) Where the Director-General is of the opinion that there appears to be reasonable grounds for investigating the complaint, the Director-General shall so investigate.

(3) Where the Director-General is of the opinion that a complaint does not state facts that warrant an investigation or action, the Director-General may dismiss the complaint without hearing, but shall give reasons for the dismissal.

(4) Notwithstanding subsection (1) the Director-General may institute an investigation at any time, in any case and as to any matter or thing within the Director-General's jurisdiction under this Act, concerning—

(a) any question arising under any of the provisions of this Act; and

(b) the enforcement of any of the provisions of this Act,

and the Director-General shall proceed with such investigation in the same manner as if it were made by complaint.

(5) Where the Director-General finds, after notice and hearing, in any investigation, that any person has failed to comply with any provision of this Act or any requirement established pursuant to this Act, the Director-General shall issue an appropriate order to compel such person to comply with the provision or requirement.

**PART XIV
RIGHTS OF APPEAL**

Rights of appeal.
Third
Schedule

73. (1) There is established for the purposes of hearing appeals pursuant to subsection (2), a Civil Aviation Appeal Tribunal, and the provisions of the Third Schedule shall have effect with the regard to the constitution and procedure of the Tribunal and other related matters.

(2) Any person aggrieved by a decision of the Director-General, taken or purported to have been taken, under this Act or any of its Regulations, may appeal to the Tribunal, where such decision is in relation to –

- (a) the grant, issue, revocation, or suspension of an aviation document;
- (b) the imposition of conditions on an aviation document;
- (c) the decline to register an aircraft under section 50; or
- (d) the exercise of powers under section 67 or 69.

(3) Before determining an appeal, the Tribunal shall give the appellant, who may be represented by an attorney-at-law or any other person, the opportunity to be heard by the Tribunal.

(4) The Tribunal may, on an appeal under subsection (2) –

- (a) dismiss the appeal and confirm the decision of the Director-General;
- (b) allow the appeal and set aside the decision of the Director-General;
- (c) allow the appeal and return the proceedings to the Director-General with any direction or instruction as the Tribunal determines necessary to be carried out by the Director-General; or
- (d) make such order pursuant to this Act as the Tribunal deems fit.

(5) A person aggrieved by a decision of the Tribunal may appeal to the High Court.

**PART XV
INTERNATIONAL AND REGIONAL OBLIGATIONS**

Minister to enter
into international
and regional
agreements.

74. (1) The Minister shall encourage international and regional co-operation in relation to the regulation and administration of aviation safety and security.

(2) The Minister may enter into agreements for co-operative endeavours in aviation safety and security with other Contracting States to the Convention on

International Civil Aviation.

(3) In co-ordination with the Minister responsible for foreign affairs, the Minister may delegate to the Authority the power to negotiate, agree to, and manage any such co-operative agreement.

Application of
the Convention
on the
Unification of
Certain Rules for
International
Carriage by Air.

75. (1) The Minister may make Regulations for giving effect to the Convention on the Unification of Certain Rules for International Carriage by Air.

(2) Regulations made under this section may, in particular, provide –

- (a) for the protection of the interests of consumers in international carriage by air and for equitable compensation based on the principle of restitution;
- (b) for the development of international air transport operations including a system to ensure the smooth flow of passengers, baggage and cargo in accordance with the principles and objectives of the Chicago Convention.

Application of
CASSOS
Agreement.

Fourth
Schedule

76. (1) In this section –

“Agreement” means the Agreement establishing the Caribbean Aviation Safety and Security Oversight System (CASSOS), the text of which is set out in the Fourth Schedule;

“officer” means any person employed by CASSOS.

(2) The provisions of the Agreement in relation to any obligations or privileges in respect of Guyana shall have the force of law in Guyana.

(3) Any person who obstructs or impedes the CASSOS or any officer in the performance of the officer’s duties or violates any standards established by the CASSOS relating to safety of civil aviation commits an offence and shall be liable on summary conviction to a fine of three million dollars and to imprisonment for six months.

(4) Where any amendment to the Agreement is made, the Minister may by order give effect to the Amendment.

(5) Every order made under this section shall be subject to affirmative resolution.

**PART XVI
GENERAL OFFENCES**

Applying for an aviation document while disqualified.

77. (1) A person who applies for or obtains an aviation document while disqualified by an order of the High Court from obtaining such a document –

- (a) commits an offence; and
- (b) the document so obtained is of no effect.

(2) A person who commits an offence under subsection (1) is liable on summary conviction –

- (a) in the case of an individual, to a fine of one million dollars and to imprisonment for two years; or
- (b) in the case of a body corporate, to a fine of three million dollars,

and the court may order the person to be disqualified from holding or obtaining an aviation document for a further twelve months.

False or misleading aircraft marking.

78. A person who displays or causes to be displayed on any aircraft any marks that are false or misleading as to the nationality or registration of the aircraft, commits an offence and shall be liable on summary conviction to a fine of three million dollars.

Prohibitions of advertisement.

79. (1) Except in such circumstances as may be prescribed, no aircraft in the air over Guyana shall be used, whether wholly or partly, for emitting or displaying any advertisement or other communication in such a way that the advertisement or communication is audible or visible from the ground.

(2) Any person who uses an aircraft, or knowingly causes or permits an aircraft to be used, in contravention of subsection (1), commits an offence and shall be liable on summary conviction—

- (a) in the case of a first conviction of an offence under this section, to a fine of one million dollars;
- (b) on subsequent convictions, to a fine of two million dollars and to imprisonment for six months.

Reporting and record keeping violations.

80. Any Air Operator, approved training organisation, approved maintenance organisation or any other person or organisation involved in civil aviation activities who intentionally or wilfully fails or refuses to –

- (a) submit a report to the Director-General as required; or
- (b) maintain accounts, records, files, or any other document pertaining

to the activities of its respective civil aviation activities,

commits an offence and is liable on summary conviction to a fine of two million dollars and to imprisonment for one year.

Conveying of
false information.

81. A person who intentionally and wilfully imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made in contravention of the provisions of this Act, commits an offence and is liable on summary conviction—

- (a) in the case of an individual to a fine of two million dollars and to imprisonment for two years; or
- (b) in the case of a body corporate to a fine of three million dollars.

Flight over
foreign country
or territory
without
authority or for
improper
purpose.

82. (1) This section applies to —

- (a) any aircraft that is registered or required to be registered in Guyana under this Act;
- (b) any other aircraft operated by a person who is a permanent resident of Guyana or whose principal place of business is in Guyana.

(2) A person who, being the operator or pilot-in-command of an aircraft to which this section applies that is being flown over a foreign country or territory, knowingly allows the aircraft to be used for a purpose that is prejudicial —

- (a) to the security of;
- (b) to public order or public health of; or
- (c) to the safety of air navigation in relation to,

the country or territory commits an offence.

(3) In any prosecution for an offence under subsection (2), where it is proved that the aircraft was used for a purpose that is prejudicial to —

- (a) the security of;
- (b) public order or public health of;
- (c) the safety of air navigation in relation to,

the foreign country or territory, in the absence of evidence to the contrary, it is presumed that the defendant knew that the aircraft was being so used.

(4) A person who, being the operator or pilot-in-command of an aircraft to which this section applies that is being flown over any foreign country or territory, knowingly fails to comply with any direction that is given in respect of the aircraft by the appropriate aeronautical authority of the foreign country or territory where –

- (a) the flight is not duly authorised; or
- (b) there are reasonable grounds for the appropriate aeronautical authority to believe that the aircraft is being or will be used for a purpose that is prejudicial to –
 - (i) the security of;
 - (ii) the public order or public health of; or
 - (iii) the safety of air navigation in relation to,

the foreign country or territory, unless the lives of persons on board the aircraft or the safety of the aircraft would be endangered by complying with the direction, commits an offence.

(5) In any prosecution for an offence under subsection (4), where it is proved by the prosecution that the defendant failed to comply with a direction that was given in respect of that aircraft by the appropriate aeronautical authority, in the absence of evidence to the contrary, it is presumed that the defendant knew that the direction had been given.

(6) The requirement in subsection (4) is, without prejudice to any other requirement, to comply with directions given by an aeronautical authority.

(7) For the purposes of this section, “appropriate aeronautical authority”, includes any person, whether a member of the military authorities or the civil authorities of the foreign country or territory, who is authorised under the law of the foreign country or territory to issue directions to aircraft flying over the country or territory.

(8) A person who commits an offence under subsection (2) or (4) is liable on summary conviction –

- (a) in the case of an individual, to a fine of two million dollars and to imprisonment for three years; or
- (b) in the case of a body corporate, to a fine of four million dollars.

Trespassing on aerodromes.

83. (1) Any person who trespasses on any land forming part of an aerodrome or causes any animal to trespass on such land commits an offence and is liable on summary conviction to a fine of one million dollars and to imprisonment for six months.

(2) No person may be convicted under subsection (1) unless it is proved that at the material time notices warning a trespasser of his liability under this section were posted, so as to be readily seen and read by members of the public, in such position on or near the boundary of the aerodrome.

Refusal to testify or produce documents.

84. A person who refuses, for purposes of inspection or investigation under this Act, to –

- (a) attend and testify;
- (b) answer any lawful inquiry; or
- (c) produce documents or materials,

commits an offence and is liable on summary conviction to a fine of one million dollars.

Removal of property or parts of aircraft involved in accident.

85. Any person who intentionally or wilfully and without authority removes, conceals or withholds, or attempts to remove, conceal or withhold any part of a civil aircraft involved in an accident, or any property which was on board such aircraft at the time of the accident, commits an offence and is liable on summary conviction to a fine of one million dollars and to imprisonment for six months.

Interference with air navigation.

86. A person who intentionally and wilfully –

- (a) interferes or attempts to interfere with air navigation within the Guyana;
- (b) exhibits or attempts to exhibit within Guyana –
 - (i) any light, signal, or communication at such place or in such manner that is likely to be mistaken for a true light or signal established pursuant to this Act; or
 - (ii) a false light or signal in connection with an airport or other air navigation facility; or
 - (iii) any light, signal or communication referred to under subparagraphs (i) and (ii) after due warning by the Director-General and continues to maintain the misleading light, signal or communication,

commits an offence and is liable on summary conviction to a fine of three million dollars and to imprisonment for two years.

Obstruction of persons duly authorised by

87. (1) A person who obstructs or impedes another person who is duly authorised by the Director-General and acting in the exercise of any powers conferred

Director-General. or the discharge of any functions imposed on that other person under this Act commits an offence and is liable on summary conviction –

- (a) in the case of an individual, to a fine of three million dollars and to imprisonment for two years; or
- (b) in the case of a body corporate, to a fine not exceeding five million dollars

(2) Subsection (1) applies only where the person obstructed or impeded produces proof of the authority.

Contravention of emergency regulation, prohibition or condition.

88. A person who, without reasonable excuse, fails to comply with any emergency regulation made under section 143 or any prohibition or condition under section 69 commits an offence and is liable on summary conviction –

- (a) in the case of an individual, to a fine of three million dollars and to imprisonment for two years; or
- (b) in the case of a body corporate, to a fine of five million.

PART XVII SAFETY OFFENCES

Prohibitions.

89. (1) A person commits an offence if the person—

- (a) operates any civil aircraft, for which there is not in effect an airworthiness certificate or in violation of the terms of such certificate;
- (b) serves in any capacity as an airman in connection with any civil aircraft or component or appliance used or intended for use in civil aviation, without the appropriate Airman Certificate, in violation of any Airman Certificate, or in violation of this Act;
- (c) employs for service in connection with any aircraft used in civil aviation, an airman who does not carry the appropriate Airman Certificate governing his employment;
- (d) operates as an air operator without an Air Operator Certificate or in violation of the terms of such certificate;
- (e) while holding a certificate issued to a school or repair station, violates any term, condition or limitation of the certificate, or violates any subsidiary legislation made under this Act, relating to the holder of such certificate; and

- (f) operates an aerodrome without a valid licence issued by the Authority.

(2) Any person who commits an offence under subsection (1) is liable on summary conviction to a fine of three million dollars and to imprisonment for two years.

Endangerment caused by holder of aviation document.

90. A holder of an aviation document who, in respect of any activity or service to which the document relates, does or omits to do any act or causes or permits any act to be committed or omitted, and the act or omission causes unnecessary danger to any other person or to any property commits an offence and is liable on summary conviction—

- (a) in the case of an individual, to a fine of three million dollars and to imprisonment for two years; or
- (b) in the case of a body corporate, to a fine of five million dollars.

Operating aircraft in negligent manner.

91. A person who operates an aircraft in a negligent manner commits an offence and is liable on summary conviction –

- (a) in the case of an individual, to a fine of three million dollars and to imprisonment for two years; or
- (b) in the case of a body corporate, to a fine of five million dollars.

Failure to obtain authorisation to operate an aircraft.

92. (1) Any person who fails to obtain a certificate, licence or permit in respect of the operation of an aircraft commits an offence and is liable on summary conviction to a fine of three million dollars and to imprisonment for two years and in the case of a continuing offence to a fine of one million dollars for each flight during which the offence is continued.

(2) Any person who contravenes a condition contained in a certificate, licence or permit issued pursuant to this Act commits an offence and is liable on summary conviction to a fine of two million dollars and to imprisonment for two years and in the case of a continuing offence to a fine of one million dollars for each flight during which the offence is continued.

Failure to comply with inspection, monitoring, etc. requirements.

93. A person who, without reasonable excuse, fails to comply with any requirement of the Director-General or any person authorised by the Director-General under section 67(1) or (5) commits an offence and is liable on summary conviction –

- (a) in the case of an individual, to a fine of three million dollars and to

imprisonment for two years and, if the offence is a continuing one, to a further fine of two hundred thousand dollars for every day during which the offence is continued; or

- (b) in the case of a body corporate, to a fine of five million dollars and, if the offence is a continuing one, to a further fine of three hundred thousand dollars for every day or part of a day during which the offence is continued.

Acting without required medical certificate.

94. A person who exercises the privileges of any aviation document or operates an aircraft, and –

- (a) does not hold an appropriate valid medical certificate or a medical certificate granted recognition by the Director-General under this Act;
- (b) knows or has reasonable grounds to suspect that the person can no longer exercise safely the privileges to which the medical certificate of the person relates; or
- (c) fails to comply with any conditions, restrictions, or endorsements imposed on a medical assessment or certificate issued under this Act,

commits an offence and is liable on summary conviction to a fine of three million dollars and to imprisonment for two years.

Making of fraudulent or false statements to obtain medical certificate.

95. A person commits an offence who makes or causes to be made –

- (a) a fraudulent, misleading, or false statement for the purpose of obtaining a medical certificate;
- (b) a fraudulent, misleading, or false entry in any logbook, record, form, or report that is required to be kept, made, or used to show compliance with any conditions, restrictions, or endorsements placed on any medical assessment or certificate;
- (c) a reproduction or alteration for fraudulent purposes of any medical assessment or certificate issued under this Act; or
- (d) a fraudulent, misleading, or false statement during an investigation conducted under this Act to determine whether a licence holder –
 - (i) is able to exercise safely the privileges to which a medical certificate relates; or
 - (ii) has obtained his or her medical certificate fraudulently,

and is liable on summary conviction to a fine of three million dollars and to imprisonment for two years.

Failure to disclose information required by the Director-General.

96. A person commits an offence who without reasonable excuse, fails to disclose information required by the Director-General for the purposes of investigating or determining the changes in the medical condition of a licence holder under this Act and is liable on summary conviction to a fine of one million dollars and to imprisonment for three months.

Disqualification of holder of aviation document and imposition of conditions on holding of document for certain offences.

97. (1) In addition to any penalty a court may impose under section 89, 90, or 93, the court may, on convicting a person of an offence against either of those sections –

- (a) disqualify the person from holding or obtaining an aviation document or a particular aviation document; or
- (b) impose on any aviation document held by or issued to the person convicted such restrictions or conditions or both as the court, having regard to the circumstances of the offence, thinks fit, for such period not exceeding twelve months as the court thinks fit.

(2) Nothing in subsection (1) affects or prevents the Director-General from exercising the Director-General's powers under section 44.

Effect of disqualification.

98. (1) Where the holder of an aviation document is disqualified by an order of a court from holding or obtaining an aviation document, the document –

- (a) is deemed to be suspended while the disqualification continues in force;
- (b) is of no effect during the period of suspension.

(2) If the holder of an aviation document is disqualified from holding or obtaining a document, and the disqualification expires before the expiration of the term of the document, the document, on the expiration of the disqualification, continues to be of no effect until the holder –

- (a) undergoes and passes such tests; and
- (b) fulfills such requirements,

as the Director-General may specify for applicants under sections 37 and 38.

Commencement of period of disqualification.

99. Where an order is made disqualifying any person from holding or obtaining an aviation document, the period of disqualification commences on the date

of the making of the order unless the court making the order directs the period of disqualification to commence on a later date.

Retention and custody of document.

100. (1) Where by an order of a court the holder of an aviation document is disqualified from holding or obtaining a document, the person in respect of whom the order is made, and whether or not demand is made, shall immediately surrender the document to the Director-General.

(2) Where an aviation document is so surrendered, the Director-General shall endorse the terms of the disqualification on the document and retain it until the disqualification has expired or been removed and the person entitled to the document has made a request in writing for its return.

(3) If a person entitled to the document is the person to whom section 98(2) applies, the document shall not be returned to the person until the person has passed the tests and fulfilled the requirements referred to in that section.

Removal of disqualification.

101. (1) A person who by order of a court is disqualified for a period exceeding six months from holding or obtaining an aviation document may, after the expiration of six months after the date on which the order of disqualification became effective, apply to the court by which the order was made to remove the disqualification.

(2) On an application under subsection (1), the court, having regard to the character and conduct of the applicant subsequent to the order, the nature of the offence and any other circumstances of the case, may –

- (a) remove the disqualification as from such date as may be specified in the order; or
- (b) refuse the application.

(3) A notice of an application under this section shall be served on the Director-General who has the right to appear and be heard in respect of the matter.

Particulars of disqualification order to be sent to the Director-General.

102. Where a court makes an order –

- (a) disqualifying a person from holding or obtaining an aviation document;
- (b) imposing restrictions or conditions on any aviation document held by or issued to any person; or
- (c) removing any disqualification under section 101,

the court shall cause particulars of the order to be sent to the Director-General.

Additional penalty for offences involving commercial gain.

103. (1) In addition to any penalty a court may impose under section 89, 90, or 93 the court, on convicting any person of an offence specified in any of those sections, may order the person to pay an amount not exceeding three times the value of any commercial gain resulting from the commission of the offence if the court is satisfied that the offence was committed in the course of producing a commercial gain.

(2) For the purpose of subsection (1), the value of any gain is assessed by the court.

Offence to operate an aircraft under the influence of alcohol, etc.

104. (1) A person commits an offence if that person operates as a pilot-in-command or crew member of an aircraft when under the influence of alcoholic drink, sedative, narcotic or stimulant drug or preparation.

(2) A person who commits an offence under this section is liable on summary conviction to a fine of three million dollars and to imprisonment for three years.

PART XVIII SECURITY OFFENCES

Offences related to the safety and security of airports.

105. A person who, whether in or out of Guyana, intentionally uses any device, substance or weapon that endangers or is likely to endanger the safety of an airport –

- (a) to commit an act of violence that causes or is likely to cause serious injury or death at the airport;
- (b) to destroy or seriously damage the facilities of the airport;
- (c) to destroy or seriously damage an aircraft that is not in service and is located at the airport; or
- (d) to disrupt the services of the airport,

commits an offence and is liable on conviction on indictment to imprisonment for life.

Offences under section 105 are extraditable.
Cap. 10:04

106. The offences under section 105 are deemed to be extraditable offences within the meaning of section 5 of the Fugitive Offenders Act.

Acts contrary to public safety and order at airport.

107. (1) A person who negligently or unnecessarily acts in a manner that endangers any member of the public at an airport commits an offence.

(2) A person commits an offence who, while in an airport, and in a manner contrary to public order or safety at the airport –

- (a) uses any threatening words or gestures;
- (b) behaves in a threatening manner;
- (c) without justification makes an alarming statement or uses alarming words or behaves in an alarming manner contrary to good order at the airport;
- (d) behaves in a manner that interferes with the performance of functions by aircrew, airline officials or airport workers; or
- (e) behaves in a manner that interferes with or is likely to interfere with the performance of functions by police officers or aviation security officers.

(3) A person who commits an offence under subsection (1) or (2) is liable on summary conviction to a fine of one hundred thousand dollars and to six months.

Impersonation or obstruction of authorised persons.

108. (1) A person commits an offence who, not being an authorised person, by words, conduct, demeanour, or by assuming the dress, name, designation, or description of an authorised person, holds himself or herself out as being an authorised person and –

- (a) carries out or attempts to carry out any function of an authorised person; or
- (b) accesses or attempts to access an airport restricted area or board an aircraft.

(2) A person commits an offence who wilfully obstructs or incites, or encourages any other person to obstruct an authorised person in the execution of the authorised person's functions.

(3) A person who commits an offence under this section is liable on summary conviction to a fine of one million dollars and to imprisonment for one year.

Communicating false information affecting safety.

109. (1) A person commits an offence who by any means provides to another person information that would adversely affect the safety of –

- (a) an aircraft, aerodrome, aeronautical product, aviation related service;

- (b) any other facility or product used in or connected with aviation or any person associated with it,

knowing the information to be false or providing it in a manner reckless as to whether it is false.

(2) A person who commits an offence under subsection (1) is liable on summary conviction –

- (a) in the case of an individual, to a fine of three million dollars and to imprisonment for two years; or
- (b) in the case of a body corporate, to a fine of five million dollars.

Taking of firearms, ammunitions and other explosives onto aircraft or into security restricted area.

110. (1) A person commits an offence who, without lawful authority or reasonable excuse, or without the permission of the owner or operator of the aircraft or of a person duly authorised by either of them to give such permission, takes or attempts to take on board any aircraft –

- (a) any firearm;
- (b) any other dangerous or offensive weapon or instrument of any kind whatsoever;
- (c) any ammunition;
- (d) any explosive substance or device, or any other injurious substance or device of any kind whatsoever which could be used to endanger the safety of the aircraft or of persons on board the aircraft;
- (e) any imitation of an item or substance specified in paragraphs (a) to (d);
- (f) any biological weapon, or any chemical, toxic, explosive or highly combustible substance posing a risk to the health of passengers or crew or the security or safety of aircraft;
- (g) any property or object capable, or appearing capable, of discharging a projectile or causing injury, including any items that –
 - (i) are listed in, or classified in accordance with, the ICAO's *Security Manual for Safeguarding International Civil Aviation Against Acts of Unlawful Interference*; or
 - (ii) while not so listed or classified as specified in subparagraph (i), nevertheless have features or properties that in the opinion of the Director-General might reasonably qualify them for listing or classification as

prohibited items under the ICAO's *Security Manual for Safeguarding International Civil Aviation Against Acts of Unlawful Interference* or other document issued by ICAO after the commencement of this Act in replacement or substitution of the *Security Manual for Safeguarding International Civil Aviation Against Acts of Unlawful Interference*; or

- (iii) any other item as may be prescribed,

and is liable on summary conviction to a fine of one million five hundred thousand dollars and to imprisonment for five years.

(2) A person commits an offence who, without lawful authority or reasonable excuse, or without the lawful permission of the aviation security service provider, takes or attempts to take into any sterile area or security restricted area –

- (a) any firearm;
- (b) any other dangerous or offensive weapon or instrument of any kind whatsoever;
- (c) any ammunition;
- (d) any explosive substance or device, or any other injurious substance;
- (e) a device of any kind whatsoever which could be used to endanger the safety of the aircraft or of persons on board the aircraft;
- (f) any imitation of an item or substance specified in paragraphs (a) to (d);
- (g) any biological weapon or, any chemical, toxic, explosive or highly combustible substance posing a risk to the health of passengers or crew or the security or safety of an aircraft;
- (h) any property or object capable, or appearing capable, of discharging a projectile or causing injury, including any items that –
 - (i) are listed in, or classified in accordance with, the ICAO's *Security Manual for Safeguarding International Civil Aviation Against Acts of Unlawful Interference*; or
 - (ii) while not so listed or classified as specified in subparagraph (i), nevertheless have features or properties that in the opinion of the Director-General might reasonably qualify them for listing or classification as prohibited items under the ICAO's *Security Manual for Safeguarding International Civil*

Aviation Against Acts of Unlawful Interference or other document issued by ICAO after the commencement of this Act in replacement or substitution of the *Security Manual for Safeguarding International Civil Aviation Against Acts of Unlawful Interference*; or

- (i) any other item as may be prescribed,

and is liable on summary conviction to a fine of two million dollars and to imprisonment for five years.

(3) For the purposes of this section, "firearm" means any gun, rifle or pistol, or any part of it, and includes –

- (a) any such gun, rifle, or pistol which for the time being is not capable of discharging any shot, bullet, or other missile, but which by its completion or the replacement of any component part or parts or the correction or repair of any defect or defects, would be so capable; and
- (b) any such gun, rifle, or pistol which is for the time being dismantled.

(4) For the purposes of subsection (1) "lawful authority", "reasonable excuse" and "permission" is deemed to have been established in respect of any person who –

- (a) is a person, or a member of a class of persons, duly designated, authorised and approved in writing by the Director-General to act on board any aircraft as an in-flight security officer; and
- (b) takes any of the items in subsection (1)(a), (b), (c) or (e) on board any aircraft or into any security restricted area for the purposes of the person's functions as an in-flight security officer.

Hijacking.

111. A person commits the offence of hijacking who, while on board an aircraft in flight, whether in or out of Guyana unlawfully, by force or threat of force, or by any form of intimidation –

- (a) seizes or exercises control; or
- (b) attempts to seize or exercise control,

of the aircraft and is liable on conviction on indictment to a fine of five million dollars and to imprisonment for life.

Offences in connection with hijacking.

112. (1) A person who, while on board an aircraft in flight outside Guyana, does or omits anything which, if done or omitted by the person in Guyana, would be an offence, commits such offence if the act or omission occurred in connection with the offence of hijacking.

(2) Without limiting the generality of subsection (1), an act or omission by any person is deemed to occur in connection with the offence of hijacking if it was done or omitted with intent –

- (a) to commit or facilitate the commission of the offence of hijacking;
- (b) to avoid the detection of that person or of any other person in the commission of the offence of hijacking; or
- (c) to avoid the arrest or facilitate the flight of that person or of any other person upon the commission of the offence of hijacking.

(3) A person who commits an offence under this section is liable on conviction on indictment to a fine of five million dollars and to imprisonment for life.

Other offences related to aircraft.

113. A person commits an offence who, whether in or outside Guyana –

- (a) on board an aircraft in flight, commits an act of violence which is likely to endanger the safety of the aircraft;
- (b) destroys an aircraft in service;
- (c) causes damage to an aircraft in service which renders the aircraft incapable of flight or which is likely to endanger the safety of the aircraft in flight;
- (d) places or causes to be placed on an aircraft in service anything which is likely to destroy the aircraft, or to cause damage to the aircraft which renders it incapable of flight, or which is likely to endanger the safety of the aircraft in flight;
- (e) destroys, damages, or interferes with the operation of any air navigation facility used in international air navigation, where the destruction, damage or interference is likely to endanger the safety of an aircraft in flight;
- (f) endangers the safety of an aircraft in flight by communicating to any other person any information which the person supplying the information knows to be false; or
- (g) uses, or causes to be used, an aircraft in flight with intent to cause –

- (i) death or serious bodily injuries to any person;
- (ii) serious damage to any aircraft in-flight or on the ground or to any other property of any kind wherever situated; or
- (iii) serious damage or destruction to the environment,

and is liable on conviction on indictment to a fine of five million dollars and to imprisonment for life.

Offence of hijacking and offences under section 113 are extraditable.

Cap. 10:04

114. The offence of hijacking under section 111 and the offences under section 113 are deemed to be extraditable offences within the meaning of section 5 of the Fugitive Offenders Act.

Application of sections 111 and 112.

115. (1) Nothing in section 111 or 112 applies, if both the place of takeoff and the place of actual landing of the aircraft, not being a Guyana aircraft, are –

- (a) in the territory of the country in which the aircraft is registered; or
- (b) in the territory of a State other than the State of registry of the aircraft, unless –
 - (i) the alleged offender is a Guyana citizen or a person ordinarily resident in Guyana;
 - (ii) the act or omission occurred in Guyana;
 - (iii) the alleged offender is present in Guyana; or
 - (iv) the aircraft is leased without crew to the lessee –
 - (A) whose principal place of business is in Guyana; or
 - (B) in any other case, who is a Guyana citizen or a person ordinarily resident in Guyana.

(2) Nothing in section 111, 112 or 113 applies to aircraft used in military, customs, or police service, unless –

- (a) the alleged offender is a citizen of Guyana or a person ordinarily resident in Guyana; or
- (b) the act or omission occurred in Guyana.

PART XIX UNRULY PASSENGER OFFENCES

Application.

116. (1) This Part applies to any unruly passenger offence committed –

- (a) on an aircraft in Guyana, regardless of the nationality of the aircraft;

- (b) out of Guyana on an aircraft in flight, regardless of the nationality of the aircraft, if the next landing of the aircraft is in Guyana; or
- (c) on an aircraft in flight whether in or out Guyana if that aircraft is either –
 - (i) registered in Guyana; or
 - (ii) leased to an operator whose principal place of business or permanent residence is in Guyana.

(2) For the purposes of this Part an aircraft is in flight from the time when all its external doors are closed after embarkation until the time when any external door is opened for disembarkation.

(3) Despite subsection (2), in the case of a forced landing an aircraft is in flight until –

- (a) the time when the competent authorities of the country in which the forced landing takes place; or
- (b) in the case of a forced landing in a place that is not within the territorial limits of any country, the competent authorities of any country assume responsibility for the aircraft and for persons and property on board the aircraft.

Liability for unruly passenger offence despite extra-territoriality.

117. A person who commits an act or omission on an aircraft in flight outside Guyana that would be an offence under this Part if it occurs within Guyana is, subject to this Act, liable as if the act or omission had occurred in Guyana.

Liability for other offences despite extra-territoriality.

118. (1) A person who commits an act or omission on an aircraft in flight outside Guyana that would, if it occurred in Guyana, be an offence of disorderly behaviour or fighting in a public place or common assault or willful damage or indecent exposure is liable as if the act or omission had occurred in Guyana.

(2) For the purposes of subsection (1), a reference to a “public place”, includes an aircraft.

Acts endangering aircraft or persons in aircraft.

119. A person who acts in a manner that endangers an aircraft or any person in an aircraft commits an offence and is liable on summary conviction to a fine of three million dollars and to imprisonment for five years.

Disruptive conduct towards crew members.

120. (1) A person commits an offence who, while in an aircraft –

- (a) behaves in a manner that interferes with the discharge by a crew member of the crew member’s functions; or

- (b) intentionally interferes with the discharge by a crew member of the crew member's functions.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine of one million dollars and to imprisonment for two years.

Interference with aircraft.

121. A person who tampers or interferes with any aircraft, any component of an aircraft or its equipment, including smoke detectors commits an offence and is liable on summary conviction to a fine of three million dollars and to imprisonment for two years.

Misconduct on an aircraft.

122. (1) A person, except a person under medical care, who conducts himself or herself in such a manner as to –

- (a) present a hazard or potential hazard to the aircraft or to persons on the aircraft; or
- (b) offend against the good order and discipline required on an aircraft,

commits an offence and is liable on summary conviction to a fine of one million dollars and to imprisonment for two years.

(2) For the purposes of this section, "person under medical care" means a person who –

- (a) is under the supervision of an attendant; and
- (b) has become incapable of proper behaviour as a result of taking prescription medication in accordance with a medical authorisation.

Non-compliance with commands given by pilot-in-command.

123. A person commits an offence who fails to comply with any commands –

- (a) directly given to the person by the pilot-in command; or
- (b) indirectly given to the person by the pilot-in-command through a crew member, in accordance with the function of the pilot-in-command,

and is liable on summary conviction to a fine of one million dollars and to imprisonment for three months.

Offensive behaviour or

124. A person commits an offence who, on any aircraft behaves in a threatening

words. manner or uses threatening words and is liable on summary conviction to a fine of one million dollars.

Portable electronic devices not to be operated. **125.** A person who operates a portable electronic device on board an aircraft contrary to the instructions given on board by a crew member, or passenger information notice, sign or placard commits an offence and is liable on summary conviction to a fine of one million dollars and to imprisonment for three months.

Non-compliance with seating and seatbelt instructions. **126.** A person who fails to comply with an instruction given by a crew member, passenger information signs, or placards to -

(a) occupy a seat or berth; and

(b) fasten and keep fastened about the person any installed safety belt or safety harness,

commits an offence and is liable to a fine of one million dollars and to imprisonment for three months.

No smoking on board aircraft carrying passengers. **127.** (1) A person commits an offence who, on board any aircraft that is carrying passengers for hire and reward on any internal or international flight, smokes when instructed not to smoke by a crew member or a passenger information notice, sign or placard and is liable on summary conviction to a fine of one million dollars and to imprisonment for three months.

(2) In this section "smoke" means to smoke, hold, or otherwise have control over an ignited tobacco product, weed or plant, electronic cigarette or other illegal or prohibited substance.

Dangerous goods on aircraft. **128.** A person who knowingly carries or causes to be carried on an aircraft any dangerous goods which are not permitted for air transport or which are in contravention of this Act commits an offence and is liable on summary conviction -

(a) in the case of an individual, to a fine of two million dollars and to imprisonment for five years; or

(b) in the case of a body corporate, to a fine of five million dollars.

**PART XX
GENERAL**

Jurisdiction of the Guyana Courts. **129.** (1) Unless otherwise provided, the jurisdiction of the High Court and the lower courts shall extend to any offence under this Act, if the act constituting such offence took place on board --

- (a) any civil aircraft registered in Guyana;
- (b) any civil aircraft leased with or without crew to an operator whose principal place of business is in Guyana or, if the operator does not have a principal place of business, whose permanent residence is in Guyana;
- (c) any civil aircraft on or over the territory of Guyana;
- (d) any other civil aircraft in flight outside Guyana if—
 - (i) the next landing of the aircraft is Guyana; and
 - (ii) the pilot-in-command of the aircraft has delivered the suspected offender to the competent authorities of Guyana, requesting its authorities to prosecute the suspected offender and affirmed that no similar request has been or will be made by the pilot-in-command or the operator to any other State.

(2) In this section “territory of Guyana” means the Cooperative Republic of Guyana and includes the territorial sea, the continental shelf and the exclusive economic zone as defined in the Maritime Zones Act.

Cap. 63:01

Compounding of offences.

130. (1) The Authority may, with the approval of the Director of Public Prosecutions, give to any person who has been charged with an offence specified in this Act, except those set out in Parts XVIII and XIX, a notice in the prescribed form offering that person immunity from prosecution for that offence on payment of a fixed penalty to the Authority.

(2) No person to whom the notice has been given under subsection (1) shall be prosecuted for the offence if the fixed penalty is paid in accordance with subsection (1) and by the date specified in that notice.

(3) Where a person is given a notice under this section, proceedings shall not be taken against that person for the offence until the expiration of fourteen days following the date of the notice or such longer period as may be specified in the notice.

(4) Payment of a fixed penalty under this section shall be made by the date specified in the notice, and the Authority shall issue a certificate accordingly, which will be conclusive evidence of the facts stated in it.

(5) A notice under subsection (1) shall-

- (a) specify the alleged offence;
- (b) give such particulars of the offence as are necessary for giving

reasonable information of the allegation;

(c) state-

- (i) the period during which proceedings will not be taken in accordance with subsection (3);
- (ii) the amount of the fixed penalty, the authorised officer to whom and the address at which the fixed penalty shall be paid.

(6) If any proceedings are brought against any person for an offence under this Act it shall be a defence if the person proves that the offence with which he is charged has been compounded under this section.

(7) If the Authority withdraws a notice issued under subsection (1), after payment of the fixed penalty, the amount shall be refunded and all liability discharged.

(8) The Director-General may appoint authorised officers for the purposes of this section.

General penalty.

131. A person who commits any breach of this Act for which no penalty is expressly provided is liable on summary conviction to a fine of three million dollars and to imprisonment for one year.

Limitation of time as to summary proceedings.

132. (1) Neither a conviction for an offence nor an order for payment of money shall be made under this Act in any summary proceedings instituted in any magistrate's court—

- (a) unless such proceedings are commenced within one year after the commission of the offence or after cause of the complaint arises, as the case may be; or
- (b) where both or either of the parties to the proceedings happen or happens during the time to be out of Guyana, unless the proceedings are commenced in the case of —
 - (i) a conviction, within two months; and
 - (ii) an order, within two months after they both first happen to arrive or to be at one time, in Guyana.

(2) No other written law which limits the time within which proceedings may be instituted in any magistrate's court shall affect any proceedings under this Act.

Service of documents.

133. (1) An air operator shall designate in writing, an agent in Guyana upon which service of notices and process and all orders, decisions and requirements from the Director-General may be made, by that agent and the designation shall be filed with the Director-General.

(2) Service of all notices and process and of orders, decisions and requirements from the Director-General may be made upon any air operator by service upon its designated agent at their office or place of residence in Guyana with the same effect as personal service upon such air operator.

(3) For the purposes of this section, service of notices, processes, orders, Rules and Regulations on any person may be made by personal service, or on a designated agent, or by registered mail addressed to such person or agent.

Evidence and
proof.

134. (1) In any proceedings for an offence against this Act, the following provisions apply –

- (a) a copy of any aviation document which is certified correct by the Director-General is sufficient, in the absence of proof to the contrary, to prove such document;
- (b) evidence of the contents of the Register of Aircraft maintained under section 49 may be given by a certificate signed by the Director-General and every such certificate is sufficient proof of the matters stated in it, until the contrary is proved;
- (c) the production of a certificate signed by the Director-General to the effect that on a specified date a person or organisation was or was not the holder of any aviation document or any specified type of aviation document is sufficient proof of the matter certified, until the contrary is proved;
- (d) the production of a written statement signed by the Director-General to the effect that on a specified date a person was or was not the holder of a current medical certificate issued or granted recognition under this Act, or otherwise validated or issued or recognized before the commencement of this Act, is sufficient proof of the matter stated, until the contrary is proved;
- (e) it is presumed that every certificate purporting to have been certified or given under this section has been certified or given by the Director-General, until the contrary is proved;
- (f) a licence granted under this Act may be proved by the production of a copy of such licence certified to be correct by the Director-General.

(2) Without limiting any other method of proof, the production in any proceedings of a copy of –

- (a) a regulation purporting to have been made by the Minister under this Act; or
- (b) an emergency regulation purporting to have been made by the Director-General under section 147, is sufficient proof of such regulation and of the fact that it has been made in accordance with that Part, in the absence of proof to the contrary.

Evidence of air traffic services provider.

135. (1) A document used in recording services in relation to the movement of any aircraft and purporting to have been initiated at the time of the movement by an employee of an air traffic services provider is admissible in –

- (a) any Court; and
- (b) any judicial examination or proceedings, as *prima facie* evidence that the air traffic services described in such document were provided on the date and for the aircraft referred to in the document.

(2) A document certified by an employee of an air traffic services provider purporting to be a computer record of the provision of air traffic services, the particulars of which have been recorded or stored in the usual and ordinary course of the business of such person, is admissible as if it were a document to which subsection (1) applies.

(3) For the purposes of this section, the expression “computer record”, includes a microfiche, a microfiche printout, a computer printout, or any other document produced by a device by means of which information is recorded or stored.

Obligation to identify pilot-in-command.

136. (1) If a pilot-in-command of an aircraft is alleged to have committed an offence under this Act, the Director-General or a police officer may -

- (a) inform the operator of the aircraft or the holder of the certificate of registration for the aircraft of the alleged offence; and
- (b) require the operator of the aircraft or the holder of the certificate of registration for the aircraft to give all information in his or her possession or reasonably obtainable by him or her that may lead to the identification of the pilot.

(2) A request under subsection (1) may be made orally or in writing, and the operator or holder of the certificate of registration shall comply with the request within ten working days.

(3) Subsection (1) does not apply if the operator or holder of the certificate of

registration has been arrested or detained in relation to the same suspected offence.

Insurance.

137. (1) Any carrier operating air transport services to, from or within Guyana, or aerodrome operator, aviation fuel supplier, or any provider of ground handling services, aircraft maintenance service or a provider of such other class of service as the Authority may from time to time determine in writing, shall maintain adequate insurance covering its liability under this Act and also its liability towards compensation for damages that may be sustained by third parties inclusive of compensation costs associated with accident and incident investigation for an amount to be specified in regulations made by the Authority.

(2) Absence of such insurance shall be sufficient reason for refusal, suspension or revocation of the permission to operate the air transport service or services in question.

(3) Any person having a duty to maintain adequate insurance pursuant to the provision of subsection (1) of this section shall make quarterly returns to the Authority evidencing that such adequate insurance is maintained and that all conditions necessary to create an obligation on the insurer to provide indemnity in the event of a loss have for the time being been fulfilled.

(4) Any carrier operating air transport services to, from or within Guyana or aerodrome operator, aviation fuel supplier, or any provider of ground handling services or aircraft maintenance services, who contravenes the provisions of subsection (1) or (3), commits an offence and is liable on summary conviction to a fine of five million dollars.

Wrecks and salvage.

138. (1) Any service rendered in assisting or in saving life from, or in saving the cargo or apparel of an aircraft in, on, or over the sea or any tidal water, or on, or over the shores of the sea or any tidal water, shall be deemed to be salvage service in all cases in which they would have been rendered in relation to a vessel.

(2) Where salvage services are rendered by the crew of an aircraft in respect of any property or person, the owner of the aircraft is entitled to the same reward for those services as he would have been entitled to if the aircraft had been a vessel.

(3) This section has effect notwithstanding that –

- (a) the craft concerned is a foreign aircraft; and
- (b) the services in question are rendered elsewhere than in the territorial waters of Guyana.

Exemption of aircraft from seizure on patent claims.

139. (1) No person may seize, detain, interfere with or institute any proceedings against the owner or operator of an aircraft on the grounds that –

- (a) the construction or any mechanism, part, accessory or operation of the aircraft; or
- (b) any spare part or spare equipment imported into or stored in Guyana for the purpose of installation in that aircraft,

is an infringement of a patent, design or model.

(2) Subsection (1) does not apply in relation to any spare part or equipment that is sold or distributed in or exported from Guyana.

(3) This section applies to –

- (a) all aircraft, other than aircraft used in the military, customs or police services registered in any country to which an International Convention to which Guyana is a party relates; and
- (b) such other aircraft as the Minister, by order, specifies.

PART XXI CIVIL AVIATION REGULATIONS

Power to give effect to Chicago Convention and regulate air navigation.

140. (1) The Minister may make Regulations, in respect of civil aviation, for –

- (a) carrying out and giving effect to the provisions of the Chicago Convention and Protocols impacting civil aviation which are ratified by Guyana;
- (b) licensing and surveillance of personnel and for the certification and surveillance of aviation training organizations in accordance with the applicable Standards and Recommended Practices of Annex 1 of the Chicago Convention;
- (c) rules of the air in accordance with the applicable Standards and Recommended Practices of Annex 2 of the Chicago Convention;
- (d) meteorology and for the certification and surveillance of aviation meteorological services providers in accordance with the applicable Standards and Recommended Practices of Annex 3 of the Chicago Convention;
- (e) aeronautical charts and for the certification and surveillance of aviation aeronautical charts services providers in accordance with the applicable Standards and Recommended Practices of

Annex 4 of the Chicago Convention;

- (f) the units of measurements to be used in air and ground operations in accordance with the applicable Standards and Recommended Practices of Annex 5 of the Chicago Convention;
- (g)
 - (i) international commercial air transport operations – aeroplanes and helicopters;
 - (ii) international general aviation operations - aeroplanes and helicopters;
 - (iii) the certification and surveillance of aircraft operators;
 - (iv) the conditions under which passengers, goods and cargo may be carried by air; and
 - (v) the certification and surveillance of approved maintenance organizations,

in accordance with the applicable Standards and Recommended Practices of Annex 6 of the Chicago Convention;
- (h) the registration of civil aircraft in Guyana in accordance with the applicable Standards and Recommended Practices of Annex 7 of the Chicago Convention;
- (i) certifying the airworthiness of civil aircraft and for adopting international airworthiness standards for aeronautical products in accordance with the applicable Standards and Recommended Practices of Annex 8 of the Chicago Convention;
- (j) securing the efficiency and regularity of the operations of air navigation and the safety and security of aircraft and of persons and property carried thereon and of persons and property on the ground in accordance with the applicable Standards and Recommended Practices of Annex 9 of the Chicago Convention;
- (k) aeronautical telecommunication and for adopting international standards for aeronautical telecommunication products in accordance with the applicable Standards and Recommended Practices of Annex 10 of the Chicago Convention;
- (l) air traffic control, the certification and surveillance of air traffic control services providers and control of the airspace above the territory of Guyana in accordance with the applicable Standards and Recommended Practices of Annex 11 of the Chicago Convention;
- (m) search and rescue operations and for search and rescue services providers in accordance with the applicable Standards and

Recommended Practices of Annex 12 of the Chicago Convention;

- (n) conducting aircraft accident and incident investigations in accordance with the applicable Standards and Recommended Practices of Annex 13 of the Chicago Convention;
- (o) safety and security of aerodromes and other aviation facilities, licensing and surveillance of aerodromes and heliports in accordance with the applicable Standards and Recommended Practices of Annex 14 of the Chicago Convention;
- (p) aeronautical information services and the certification and surveillance of aeronautical information services providers in accordance with the applicable Standards and Recommended Practices of Annex 15 of the Chicago Convention;
- (q) aircraft noise and aircraft engine emissions in accordance with the applicable Standards and Recommended Practices of Annex 16 of the Chicago Convention;
- (r) aviation security, the certification and surveillance of aviation security services providers in accordance with the applicable Standards and Recommended Practices of Annex 17 of the Chicago Convention;
- (s) the safe transport of dangerous goods by air, for prohibiting the carriage by air, such goods as may be specified by the Regulations and the certification and surveillance of organizations that undertake to transport dangerous goods by air in accordance with the applicable Standards and Recommended Practices of Annex 18 of the Chicago Convention;
- (t) certification and surveillance of Safety Management Systems for aviation organizations in accordance with the applicable Standards and Recommended Practices of Annex 19 of the Chicago Convention;
- (u) the issuance and administration of air service licences and permits that may be subject to conditions, limitations and restrictions, to national and foreign operators where such national and foreign operators use aircraft for commercial purposes;
- (v) general aviation operations within the territory and airspace of Guyana that may be subject to conditions, limitations and

restrictions to ensure safety and security of civil aviation;

- (w) all aircraft of MTOW less than 750kgs engaged in recreational and sporting operations in the airspace above the territory of Guyana;
- (x) prescribing the fees to be paid in respect of the issue, validation, renewal, extension or variation of any aviation document or the undergoing of any examination or test required by, or in pursuance of the Regulations, or in respect of any other matter for which it appears to the Minister to be expedient to charge fees;
- (y) ensuring that foreign operators operating in Guyana comply with the safety and security requirements of regulations made under the Act;
- (z) designation by the Director-General of inspectors and appropriately qualified persons to perform any of the functions under the Act or Regulations made there under where such functions do not include self-regulation;
- (aa) granting exemptions and deviations from Regulations made under the Act; and
- (bb) conferring on such persons as may be specified, powers relating to the enforcement of any condition or prohibition; including powers to examine, take samples of, seize and detain any goods, to require a passenger of any baggage or packages containing goods to open such baggage or packages for inspection and to produce any document.

(2) Without limiting the power conferred by subsection (1)(h) –

- (a) in the interests of safety or security within the civil aviation system;
- (b) in the interests of national security; or
- (c) for any other reason in the public interest,

the Minister may make regulations providing for the classification, designation, special uses, prohibitions and the restriction, of airspace and things affecting navigable airspace.

(3) Regulations made under this section shall provide for –

- (a) examinations and tests to be undergone, and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any aviation document;
- (b) the imposition of penalties for offences against the regulations, including –
 - (i) in the case of any particular offence, fines not exceeding three million dollars and imprisonment not exceeding two years; and
 - (ii) the suspension or revocation of certificates, licences, and authorisations; and
 - (iii) the interception of aircraft, as may be prescribed as respects aircraft flying over areas of Guyana over which flying is prohibited by the Regulations.

(4) Regulations made under subsections (1) and (2)(b) shall be subject to negative resolution of National Assembly.

(5) In this section a reference to “goods” shall include a reference to mail or animals.

(6) The Minister may subject to negative resolution of the National Assembly, make regulations for carrying out any agreement in respect of civil aviation to which Guyana is a signatory.

Application of regulations to military aircraft.

141. (1) The Authority may apply regulations made under section 143(1) which relate to the Rules of the Air to military aircraft.

(2) The Authority may apply regulations referred to under subsection (1), with or without modifications, to aircraft of the Guyana Defence Force registered as a civil aircraft under section 50.

(3) In this section “military aircraft” includes any other aircraft in respect of which there is in force a certificate, issued in accordance with Regulations under section 140, stating that the aircraft is to be treated as a military aircraft, and a certificate stating that any aircraft is or is not a military aircraft for the purpose of this Act shall be conclusive evidence of the fact certified.

Standards.

142. The Authority may prescribe standards in respect of Regulations made under this Act and revise as necessary minimum safety standards for civil aviation operations in Guyana.

Emergency rules and regulations.

143. (1) Subject to subsection (2), the Director-General may make such emergency regulations in accordance with section 144 as may be necessary to alleviate or minimise

(a) any risk of death of or a serious injury to any person; or

(b) any risk of damage to any property.

(2) The emergency regulations under subsection (1) are made when –

(a) there is no regulation in place dealing with the particular situation; and

(b) it is impracticable in the circumstances of the particular case for the Minister to make regulations to effectively alleviate or minimise the risk concerned.

(3) The Director-General may revoke any emergency regulation made under subsection (1), and the revocation is notified in the same manner as emergency regulation.

(4) The Director-General shall notify the Minister as soon as practicable of any emergency regulations made under this section.

Procedures for making emergency rules and regulations.

144. (1) Before making an emergency regulation under section 143, the Director-General shall consult with such persons, representative groups within the aviation industry or elsewhere, Government entities, and others as the Director-General in each case considers appropriate.

(2) Where for reasons of safety or security it is impracticable or inappropriate to notify an emergency regulation in the *Gazette*, the Director-General shall notify such persons as the Director-General considers appropriate or necessary in the circumstances by e-mail, facsimile, telephone, or such other manner as the Director-General considers appropriate or necessary in the circumstances.

(3) An emergency regulation may be in force for a period not exceeding ninety days, and the Director-General may renew such regulation once for a further period not exceeding ninety days.

(4) The Minister may, at any time while an emergency regulation made by the Director-General is in force in accordance with subsection (3), by notice in the *Gazette*, extend the regulation in accordance with subsection (5) for a further period not exceeding one hundred and eighty days from the date of its publication in the *Gazette*.

(5) Before extending an emergency regulation under subsection (4), the Minister shall consult with such persons, representative groups within the aviation industry or elsewhere, Government entities, and others as the Board thinks appropriate.

(6) So far as any emergency regulation is inconsistent or repugnant to any regulation made under this Act, the emergency regulation prevails.

Incorporation of regulations by reference.

145. (1) The Minister, after consultation with the Board and Director-General may incorporate by reference into a regulation made by the Minister, or into emergency regulation made by the Director-General, any –

- (a) standards, requirements, or recommended practices of international aviation organisations;
- (b) standards, requirements, or regulations prescribed by any other Contracting State of ICAO;
- (c) standards, requirements, or regulations of any aviation sport or aviation recreational organisation; or
- (d) any other written material or document that, in the opinion of the Minister or Director-General, is too large or impractical to be printed as part of the regulation.

(2) A material incorporated in a regulation by reference under subsection (1) –

- (a) is deemed for all purposes to form part of the regulation or emergency regulation; and
- (b) unless otherwise provided in the regulation or emergency regulation, every amendment to any material so incorporated by reference that is made by the person or organisation from whom the material originated, the amendment, subject to subsections (3) and (4), is deemed to be part of the regulation or emergency regulation.

(3) The Minister, by notice in the *Gazette*, shall specify the date on which any amendment to material incorporated by reference under subsection (1) takes effect.

(4) The Authority shall make all the materials incorporated by reference under subsection (1) or (2) available for inspection by the public.

(5) Where any material specified in subsection (1) is incorporated by reference into a regulation or emergency regulation pursuant to this section the regulation or emergency regulation shall–

- (a) include a statement to the effect that the material has been incorporated pursuant to this section;
- (b) clearly identify the material so incorporated; and advise that the

incorporated material is available for inspection in accordance with subsection (4).

Regulation in time of war.

146. (1) In time of war whether actual or imminent, or on other national emergency, the Minister may, notwithstanding anything contained in this Act or the regulations, by order –

- (a) regulate or prohibit, either absolutely or subject to such conditions as are contained in the order, the navigation of any aircraft over Guyana; or
- (b) provide for-
 - (i) the Guyana Defence Force taking possession of and using any aerodrome or aircraft, or any machinery, plant, material or thing found in it; or
 - (ii) the regulating or prohibiting of the use, construction, maintenance or establishment of any airport or flying school.

(2) An order under this section may contain provisions prohibiting the flying of aircraft over any area of Guyana that is specified in the order.

PART XXII MISCELLANEOUS

Subsidiary legislation.

147. (1) The Minister may make subsidiary legislation for the better carrying out of the provisions of this Act and for prescribing all matters that are necessary, required or permitted by this Act to be prescribed.

(2) Subsidiary legislation made under subsection (1) may provide for offences for breach of the subsidiary legislation and the penalty for any of the offences shall be a fine of three million dollars and imprisonment for two years.

Transitional provisions.

148. (1) The Board, in respect of all pending –

- (a) matters engaging the attention of the Authority;
- (b) complaints before the Authority;
- (c) appeals by or against the Authority;
- (d) proceedings in the High Court or the Court of Appeal in which the Authority is a party,

on the day immediately preceding the coming into operation of this Act, shall have and

Cap. 53:01 discharge all the powers vested in the Civil Aviation Authority under the Civil Aviation Act, and that Act shall stand unrepealed to the extent necessary to facilitate the discharge of the functions of the Authority constituted under that Act in respect of the aforesaid matters, complaints, appeals and proceedings.

(2) The assets and liabilities of the Authority constituted under the Civil Aviation Act shall be transferred, with effect from the coming into operation of this Act, to the Authority established under this Act.

(3) All contracts, deeds, bonds, overdrafts, guarantees, agreements or other instruments or other documents, which were subsisting immediately before the coming into operation of this Act, and relating to the assets and liabilities of the Authority constituted under the Civil Aviation Act, shall be of full force and effect against or in favour of the Authority established under this Act and be enforceable as fully and effectually as if, instead of the Authority constituted under the Civil Aviation Act, the Authority established under this Act has been named in it or had been a party to it.

(4) All actions or other proceedings commenced before the coming into operation of this Act, for the enforcement of any right relating to any asset or liability which is transferred by this Act to the Authority established under this Act, and to which the Authority constituted under the Civil Aviation Act is a party, may be continued by or against the Authority established under this Act, and such actions or other proceedings may be amended accordingly.

(5) Notwithstanding anything contained in this Act or any other written law or agreement, the appointments of the Director-General and all the other officers and employees employed by the Authority constituted under the Civil Aviation Act immediately before the coming into operation of this Act, shall be continued in the employment of the Authority established under this Act.

Repeal and savings.

Cap. 53:01

149. (1) The Civil Aviation Act is repealed.

(2) Notwithstanding the repeal of the Civil Aviation Act, all subsidiary legislation made under that Act and any other law relating to civil aviation and in force at the commencement of this Act shall, so far as they are not inconsistent with this Act, remain in force as if made under this Act, and shall accordingly be subject to amendment by subsidiary legislation made under this Act.

FIRST SCHEDULE

section 8

**APPOINTMENTS AND CONDUCT OF PROCEEDINGS
OF THE BOARD AND RELATED MATTERS**

Appointments,
qualifications,
conflict of
interest, of
Members of the
Board.
Cap. 53:01

1. (1) The Chairperson and the other Members of the Board shall be appointed by the Minister.

(2) On the commencement of this Act, the Chairman and the other appointed members of the Guyana Civil Aviation Authority constituted under the Civil Aviation Act shall be the Chairperson and members of the Board referred to in sub-paragraph (1) for the remainder of their term of office under that Act, after which the Board shall be constituted in accordance with subparagraphs (1), (3) and (4).

(3) The Minister shall appoint the Members of the Board from among persons who are of high character and integrity and suitably qualified with proven experience in the field of civil aviation, law, economics, financial management, environmental protection, economic or human resource management.

(4) The Director-General and the Permanent Secretary are *ex officio* members without the right to vote.

Conflict of
interest.

2. (1) The Minister shall, before appointing a person to be a Member, require that person to declare the nature and extent of any interest the person may have in an air transport undertaking or in any entity or other field in the aviation industry.

(2) If the Chairperson or any other Member acquires an interest in an air transport undertaking or in any entity or other field in the aviation industry after his appointment, the Member shall, within two weeks of such acquisition inform the Minister in writing.

(3) A Chairperson or member who fails to comply with subparagraph (2) shall be required to resign from his post on the Board.

Tenure of office.

3. An appointed Member shall hold office for a term not exceeding two years as shall be specified in the letter of appointment and shall be eligible for reappointment.

Appointment not
invalidated by
reason of defect
or procedural
irregularity.

4. The appointment of a person is not invalidated and shall not be called into question, by reason of a defect or procedural irregularity in, or in connection with his appointment.

Performance of
functions not
invalidated by
vacancy or defect

5. The performance of the functions of the Board, is not invalidated by reason only that -

in appointment.

- (a) there is a vacancy in the office of the Chairperson or Director-General or in any other membership of the Board; or
- (b) the number of persons appointed under paragraph 1, falls below four for no longer than two months.

Resignation.

6. (1) Any appointed Member may at any time resign his office by letter addressed to the Minister, the resignation taking effect upon receipt of the letter by the Minister.

(2) On the resignation of a Member, a person appointed in his place shall hold office for the remainder of the term for which the previous Member was appointed.

(3) A Member who is absent without leave for three consecutive meetings of the Board or from five meetings in any period of twelve months shall cease to be a Member.

Revocation of appointment.

7. (1) The Minister may at any time revoke the appointment of the Chairperson or any Member.

(2) Without limiting the general power of the Minister under subparagraph (1), the Minister may revoke the appointment of the Chairperson or any other Member where the Chairperson or Member –

- (a) becomes of unsound mind or incapable of carrying out the duties of the Chairperson or Member;
- (b) becomes bankrupt or compounds with creditors;
- (c) is convicted of any offence which brings the Authority into disrepute;
- (d) is guilty of misconduct in relation to the duties of Chairperson or the Member;
- (e) fails to discharge any of the functions imposed on the Chairperson or that Member under this Act;
- (f) is engaged in misuse of sensitive information for his own personal gain or benefit, which may compromise the integrity of the Authority; or
- (g) is involved in any activity which may compromise the integrity of the Authority.

Appointment and termination of office of Members to be published in the *Gazette*.

8. The appointment of any Member and the termination of office of any Member, whether by death, resignation, revocation, effluxion of time or otherwise shall be published in the *Gazette*.

Remuneration and allowances of the Board.

9. The Board shall pay to its Members such remuneration and allowances as the Minister may determine.

Proceedings of the Board.

10. (1) Subject to the provisions of this Schedule, the Board may regulate its own proceedings.

(2) The Board may, by resolution determine rules for conduct of proceedings of meetings.

Meeting of the Board.

11. The Minister may, at any time, convene a meeting of the Board by written notice to the Chairperson.

Quorum.

12. The quorum for a meeting of the Board shall be two-thirds of the appointed Members.

Excuse from attendance of a meeting of the Board.

13. The Chairperson may excuse a Member from attending a meeting of the Board.

Chairperson to preside at meetings of the Board.

14. (1) The Chairperson shall preside at all meetings of the Board at which he is present.

(2) In the case of the absence or inability to act of the Chairperson, the Members present and constituting a quorum shall elect a chairperson from among their Members to preside at that meeting.

Decision of the Board.

15. Decisions of the Board shall be by a majority vote of the Members present and voting, but, if the Members are equally divided on a question, the Chairperson shall exercise the casting vote.

Special meeting of the Board.

16. The Chairperson may at any time call a special meeting of the Board and shall call a special meeting to be held within seven days of a written request for that purpose addressed to the Chairperson by any two Members.

Meetings of the Board.

17. (1) The Board shall convene meetings not less than once every two months for the efficient conduct of its functions and the meetings shall be held at a place and time

as the Board determines.

(2) The Director-General shall inform the Minister when the Board fails to meet for not less than two consecutive meetings.

Declaration of interest.

18. (1) A Member who is in any way interested in a contract to be made by the Board, or in any other matter which falls to be considered by the Board, shall disclose the nature of his interest at a meeting of the Board and the disclosure shall be recorded in the minutes of the meeting, and the Member shall not –

(a) in the case of the contract, take part in any deliberation or decision of the Board with respect to the contract; and

(b) in the case of any other matter, take part in any deliberation or decision of the Board with respect to the matter if the Board decides that the interest in question might affect prejudicially the Member's consideration of the matter.

(2) A notice given by a Member at a meeting of the Board to the effect that the Member is a member of a specified company or firm and is to be regarded as interested in any contract which is made after the date of the notice with the company or firm shall, for the purpose of subparagraph (1), be sufficient disclosure of the Member's interest in relation to any contract so made.

(3) A Member need not attend in person at a meeting of the Board in order to make a disclosure which he is required to make under this section if the Member takes reasonable steps to secure that the disclosure is made by notice which is taken into consideration and read at such a meeting.

(4) For the purpose of this paragraph, a person who or any nominee or relative of whom is a Director-General, a shareholder or partner in a company or other body of persons other than a statutory authority, or who is an employee of that company or body shall be treated as having indirectly, a pecuniary interest in a contract or proposed contract or has pecuniary interest in such other matter under consideration.

(5) In subparagraph (4), "relative" means spouse, common-law spouse, father, mother, brother, sister, son or daughter of a person and includes the spouse of a son or daughter of such person.

Seal of the Authority.

19. (1) The seal of the Authority shall be authenticated by the signatures of the Chairperson or any member of the Board authorised to act in that behalf and the Secretary to the Board.

(2) All documents other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the Chairperson or any member authorised to act in that behalf or the Secretary to the Board.

SECOND SCHEDULE

section 60 (1) and (6)

PROTECTED INSTALLATIONS

1. LLZ: 06° 30' 27.45"N, 58° 14' 42.25" W. Localizer Antenna Array installation situated 200 meters center from threshold of runway 24 at the Cheddi Jagan International Airport, Timehri, East Bank Demerara, Guyana.

2. GP: 6°29'34.90"N, 58°15'29.17"W. Glide Path installation situated on the right side of runway 06, 290 meters from threshold and 120 meters from center line at the Cheddi Jagan International Airport, Timehri, East Bank Demerara, Guyana.

3. AWOS: 06° 29' 35.8"N, 58° 15' 28.6"W. Automated Weather Observing System installation situated on the right side of runway 06, 320 meters from threshold and 135 meters from center line at the Cheddi Jagan International Airport, Timehri, East Bank Demerara, Guyana.

4. New CVOR site: 06° 28' 07"N, 58° 15' 64"W. Conventional Very High Frequency Omni Directional Radio Range installation situated on the left side of runway 06, 420 meters from threshold and 286 meters from center line, in triangle runway 11, taxiway 'C' and taxiway 'F' at the Cheddi Jagan International Airport, Timehri, East Bank Demerara, Guyana.

5. Current VOR site: 06° 29' 32.137" N 58° 15' 27.540". Conventional Very High Frequency Omni Directional Radio Range installation situated on the right side of runway 06, at the Cheddi Jagan International Airport, Timehri, East Bank Demerara, Guyana.

6. Control Tower Complex: 06° 30' 04.274"N, 58° 15' 19.026"W. Situated at the Cheddi Jagan International Airport, Timehri, East Bank Demerara, Guyana.

7. **PORT KAITUMA – SYPK** REGION ONE NORTHWEST DISTRICT.

DIGICEL TOWER

COORDINATES: N07 43 30 .2 W 059 52 31.5

ELEVATION: 112 FT MSL AT BASE

GCAA shelter is located in the DIGICEL compound – see Agreement between GCAA and DIGICEL.

8. **KAMARANG – SYKM** REGION SEVEN WEST

GCAA OLD NDB ANT

COORDINATES: N05 51 48.6 W060 36 49.5

ELEVATION: 1700 FT MSL AT BASE

9. **KAIETEUR – SYKA** REGION EIGHT SOUTHWEST

GCAA OLD NDB ANT

COORDINATES: N05 10 17.5 W059 29 34.3

ELEVATION: 1519 FT AT BASE

10. **ANNAI - SYAN** REGION NINE SOUTH
RADIO STATION 97.1FM – GCAA old NDB site
COORDINATES: N03 58 29.9 W059 06 09.9
ELEVATION: 328 FT AT BASE

THIRD SCHEDULE

section 73(1)

CONSTITUTION AND PROCEDURE OF THE TRIBUNAL

Appointment
of members
and tenure of
office.

1. (1) The members of the Tribunal shall be appointed by the Minister to serve for a term of not more than three years in the first instance, but which may be extended by the Minister for another three-year period.

(2) The Tribunal shall consist of not less than three nor more than five members including a Chairperson.

(3) The Chairperson shall be a person who is qualified to be a Judge of the High Court or who is or has been a civil aviation professional of not less than twenty years of experience.

(4) One member shall be a person who holds or held an airman's licence for not less than ten years and the other members of the Tribunal shall be from among persons who are suitably qualified with proven experience in the field of civil aviation, law or financial or economic management.

(5) The members of the Tribunal shall be persons of high character and integrity and whose impartiality and independence can stand up to public scrutiny.

Revocation of
appointment.

2. (1) The Minister may at any time revoke the appointment of the Chairperson or any other member of the Tribunal.

(2) Without limiting the general power of the Minister under subparagraph (1), the Minister may revoke the appointment of the Chairperson or any other member where the Chairperson or member –

- (a) becomes of unsound mind or incapable of carrying out the duties of the Chairperson or member;
- (b) becomes bankrupt or compounds with creditors;
- (c) is convicted of any offence which brings the Authority into disrepute;
- (d) is guilty of misconduct in relation to the duties of Chairperson or the member;
- (e) fails to discharge any of the functions imposed on the Chairperson or that member under this Act;
- (f) is engaged in misuse of sensitive information for his own personal gain or benefit, which may compromise the integrity of the Authority; or
- (g) is involved in any activity which may compromise the integrity of the

Authority.

Resignation. 3. (1) Any member of the Tribunal, other than the Chairperson, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairperson and from the date of receipt by the Minister of such instrument, such member shall cease to be a member of the Tribunal.

(2) The Chairperson may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt of such instrument by the Minister.

Publication. 4. The names of the members of the Tribunal as first constituted and every change in membership shall be published in the *Gazette*.

Authentication of documents. 5. All documents made by and all decisions of the Tribunal may be signified under the hand of the Chairperson or any other member of the Tribunal authorised to act in that behalf.

Procedure. 6. (1) The Tribunal shall meet as often as may be necessary or expedient for the hearing of appeals and related matters and the meetings shall be held at the places, times and on the days as the Tribunal may determine and the hearings of the Tribunal shall be conducted in public unless the parties to the appeal agree otherwise.

(2) The Chairperson or any other member appointed to act temporarily as Chairperson shall preside at meetings of the Tribunal.

(3) For the hearing of any appeal under this Act, the Tribunal may consist of one member sitting alone if the parties to the appeal agree.

(4) Subject to subparagraph (3), a decision of the Tribunal shall be by majority of votes of the members and in any case in which voting is equal, the Chairperson shall have a casting vote in addition to his original vote.

(5) Subject to subparagraph (6), the Tribunal may regulate its own procedure and may make rules for that purpose.

Cap. 19:03 (6) Sections 10, 11, 12, 14 and 17 of the Commissions of Inquiry Act shall *mutatis mutandis* apply to the Tribunal in relation to the summoning, attendance and examination of witnesses or other persons, and the production of books and documents, subject to the modification that a reference to the commissioners shall be deemed to be a reference to the Tribunal.

(7) Proper records of all proceedings of the Tribunal shall be kept.

(8) The Tribunal shall give its decisions not later than ninety days after the

conclusion of the hearing.

Remuneration.

7. There shall be paid to the Chairperson, and other members of the Tribunal, such remuneration, whether by way of honorarium, salary, or fees, and such allowances as the Minister may determine.

Protection of members.

8. No action, suit, prosecution or other proceedings shall be brought or instituted personally against the Chairperson or any other member of the Tribunal in respect of an act done *bona fide* in pursuance or execution or intended execution of the provisions of this Act.

Disclosure of interest.

9. Any member of the Tribunal who has an interest, directly or indirectly in any matter brought before the Tribunal shall disclose the nature of the interest to the Tribunal and not take part in any deliberation or decision of the Tribunal with respect to that matter.

FOURTH SCHEDULE

section 76(1)

**THE CARIBBEAN AVIATION SAFETY AND SECURITY
OVERSIGHT SYSTEM AGREEMENT****AGREEMENT****ESTABLISHING THE CARIBBEAN AVIATION SAFETY
AND SECURITY OVERSIGHT SYSTEM (CASSOS)****THE STATES PARTIES:**

CONSCIOUS that the International Civil Aviation Organization (ICAO) is the international body created by the Convention on International Civil Aviation signed at Chicago on 7 December 1944 (the Chicago Convention) with the stated aims and objectives of developing the principles and techniques of international air navigation and fostering the planning and development of international air transport so as to, *inter alia*, ensure the safe and orderly growth of international civil aviation throughout the world;

RECOGNISING that under Article 37 of the Chicago Convention, Contracting States shall undertake to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation and to this end the ICAO shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with *inter alia*, flight standards, security, aerodromes, air traffic and air navigation services, operation and airworthiness of aircraft, personnel licensing, aircraft accident and incident investigation and other similar matters concerned with the safety, security and efficiency of air navigation;

AWARE that the ICAO Resolution A-35-7 encourages Contracting States to foster the creation of regional and sub-regional partnerships to collaborate in the development of solutions to common problems;

ALSO AWARE of the goal and objectives of the Community Transport Policy with respect to the development of air transport services as outlined in Chapter Six of the Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy;

ACKNOWLEDGING that the Member States of the Caribbean Community (CARICOM) which are Contracting States of ICAO share a common goal to provide adequate, safe, and internationally competitive air transport services and to ensure the sustained development of civil aviation;

ALSO CONSCIOUS of the need for a harmonized approach and close collaboration in promoting safe, orderly, efficient and economical civil aviation operations;

CONVINCED that the harmonization of regulations, standards, practices and procedures within the Community would facilitate the effective sharing of resources to foster the development of individual Member States;

FURTHER CONVINCED that the formal establishment of an inter-governmental, regional civil aviation safety and security oversight system under the auspices of the Community and designated by the Conference as an Institution of the Community in accordance with Article 21 of the Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy will foster recognition by the international aviation and donor communities resulting in significant economic benefits to the States Parties in such areas as security, technical assistance, the sharing of information, training and the transfer of technology;

HAVE AGREED AS FOLLOWS:

ARTICLE I

INTERPRETATION

In this Agreement, unless the context otherwise requires –

“Assistant System Coordinator” means the Assistant System Coordinator appointed pursuant to paragraph 2(b) of Article VIII;

“Associate Member of CASSOS” means any State or Territory in the Caribbean admitted to associate membership of CASSOS pursuant to Article IV;

“Associate Member of the Community” means any Caribbean State or Territory admitted to associate membership of the Community pursuant to Article 231 of the Revised Treaty;

“Board” means the Board of Directors appointed under Article VII;

“CASSOS” means the Caribbean Aviation Safety and Security Oversight System established under Article II;

"Chicago Convention" means the Convention on International Civil Aviation, signed at Chicago on 7 December 1944;

"Community" means the Caribbean Community established by Article 2 of the Revised Treaty;

"Contracting State" means a State that has signed the Chicago Convention;

"COTED" means the Council for Trade and Economic Development, an Organ of the Community so named in paragraph 2(b) of Article 10 of the Revised Treaty;

"ICAO Standards and Recommended Practices" means the international standards and recommended practices adopted by ICAO and designated in Annexes to the Chicago Convention in accordance with Article 54 of that Convention;

"Member State" means a Member State of the Community pursuant to Article 3 of the Revised Treaty;

"OECS" means the Organisation of Eastern Caribbean States established by the Agreement Establishing the Organisation of Eastern Caribbean States signed at Basseterre on 19 June 1981;

"RASOS" means the Regional Aviation Safety Oversight System;

"Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy" means the Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy signed at Nassau, The Bahamas on 5 July 2001;

"Secretary General" means the Secretary General of the Community;

"States Parties" means Parties to this Agreement; and

"System Coordinator" means the System Coordinator appointed pursuant to paragraph 2(b) of Article VIII.

ARTICLE II**ESTABLISHMENT**

There is hereby established the Caribbean Aviation Safety and Security Oversight System having the composition, objectives, functions and status as set out herein.

ARTICLE III**OBJECTIVES**

1. The primary objectives of CASSOS shall be to –
 - (a) assist its States Parties in meeting their obligations as Contracting States to the Chicago Convention by achieving and maintaining full compliance with the ICAO Standards and Recommended Practices; and
 - (b) facilitate and promote the development and harmonization of civil aviation regulations, standards, practices and procedures amongst its States Parties consistent with the Annexes to the Chicago Convention.
2. Without prejudice to the generality of the provisions of paragraph 1, CASSOS shall, *inter alia* –
 - (a) assist, as far as possible, its States Parties which cannot fully satisfy their obligations as Contracting States respecting ICAO Standards and Recommended Practices in taking the necessary corrective steps to do so;
 - (b) be the main forum through which its States Parties will harmonise and update their civil aviation safety and security regulations;
 - (c) be the regional Institution to provide on request technical guidance to States Parties, Community Organs and Institutions on all matters within its competence relating to civil aviation;

- (d) facilitate the sharing of regional technical expertise and the mobilization of financial and other resources from the international aviation and donor community and Government agencies to support its activities;
- (e) periodically inform States Parties of the current status of aviation safety and security within the region and elsewhere and its implications for the development of civil aviation in the Community;
- (f) promote the attainment of a uniform degree of aviation performance, practices and procedures at the highest internationally agreed standards;
- (g) promote the interest of States Parties in regional and international aviation fora, including at external negotiations when required;
- (h) promote the efficient, orderly, safe and sound development of civil aviation in the Community; and
- (i) seek to obtain the free movement of skilled aviation personnel as well as professional personnel or contractors of CASSOS within the Community

ARTICLE IV

MEMBERSHIP

1. Membership of CASSOS shall be open to Member States.
2. Subject to Article XXI Associate Membership of CASSOS shall be open to –
 - (a) Associate Members of the Community; and
 - (b) subject to paragraph 3, other States or Territories in the Caribbean.
3. Associate Membership of CASSOS may only be accorded to other States or Territories in the Caribbean which in the opinion of COTED are willing and

able to enjoy the benefits, rights and assume the responsibilities of Associate Membership.

4. Except pursuant to Article VII and paragraph 10 of Article IX, the benefits, rights and responsibilities of Associate Membership of CASSOS shall be the same as the rights and responsibilities of States Parties pursuant to this Agreement.

ARTICLE V

STATUS OF CASSOS

1 CASSOS shall possess full juridical personality and in particular full capacity to --

(a) acquire and dispose of immovable and moveable property;

(b) contract; and

(c) institute legal proceedings.

2. In all legal proceedings CASSOS shall be represented by the System Coordinator.

3. States Parties undertake to take the required measures to ensure that the provisions of this Article are effective in their respective jurisdictions.

ARTICLE VI

COMPOSITION OF CASSOS

CASSOS shall consist of -

(a) a Board of Directors; and

(b) an Office of System Coordinator.

ARTICLE VII

COMPOSITION OF THE BOARD

1. The Board shall consist of the Directors General or Directors of Civil Aviation or other qualified aviation officials of equivalent status of States Parties.
2. Each State Party shall appoint one Director to the Board except that in the case of the OECS only one Director shall be appointed by the OECS Civil Aviation Authority to represent all Member States of the OECS which are Parties to this Agreement.
3. Each State Party may designate a qualified aviation official as an Alternate Director of the Board except that in the case of the OECS only one alternate Director shall be appointed by the OECS Civil Aviation Authority to represent all Member States of the OECS which are Parties to this Agreement.

ARTICLE VIII

FUNCTIONS OF THE BOARD

1. The Board shall report annually to COTED which may provide general or specific policy directions.
2. Subject to the provisions of paragraph 1, the Board shall, *inter alia* –
 - (a) appoint the financial auditors for CASSOS;
 - (b) appoint the System Coordinator and an Assistant System Coordinator and approve their terms and conditions of employment;
 - (c) approve the staff regulations, policy and procedures for the Office of the System Coordinator;
 - (d) approve the financial structure, programme of activities and budget for CASSOS on an annual basis and approve a formula for the contributions to be made to the approved budget by its respective States Parties;

- (e) for the purposes of paragraph 3 of Article IV, make recommendations to COTED regarding the participation in CASSOS of other States and Territories in the Caribbean;
- (f) collaborate, as required, with States Parties in the preparation and presentation of papers or other aviation material at regional or international fora;
- (g) consider and approve the annual report of the activities of CASSOS;
- (h) consider and determine matters relating to the disposal of assets of CASSOS and the settlement of outstanding commitments in the event that activities of CASSOS are suspended as a result of the withdrawal of States Parties in accordance with Article XXIII;
- (i) determine the conditions under which CASSOS will support a State Party elected to serve on the ICAO Council;
- (j) determine the organizations or agencies in whose activities CASSOS will participate;
- (k) establish and maintain a list of certified aviation inspectors based on their specific training and experience, who shall be available for technical assistance to States Parties, and as a result of such assistance, be numbered as an asset in any human resource audit required of that State Party;
- (l) establish its rules of procedures and consider and approve amendments to the rules and procedures;
- (m) establish or harmonize procedures concerning the assessment, certifying, auditing, and accreditation of operators, airports and personnel;
- (n) establish Special Standing Committees in accordance with Article X
- (o) examine and approve the expenditure and financial statements of CASSOS;

- (p) promote the adoption of appropriate measures to ensure the indemnification of certified aviation inspectors by a State Party while that certified inspector is performing audits or inspection duties within its territory;
- (q) when necessary, appoint its representative to attend meetings of COTED, other Organs or Institutions of the Community, or any other organization or agency; and
- (r) consider and determine policy or any other matter relevant to the scope of CASSOS.

ARTICLE IX

PROCEDURE OF THE BOARD

1. The Board shall elect a Chairperson and a Vice Chairperson at its first Ordinary Meeting to serve for a period of two (2) years. A person shall not be elected to serve on the Board as Chairperson or Vice Chairperson for more than two consecutive terms.
2. The Chairperson, or in the absence of the Chairperson, the Vice Chairperson, shall chair all Meetings of the Board.
3. Ordinary Meetings of the Board shall be convened by the Chairperson at least twice in every calendar year at the Headquarters of CASSOS or at any other venue within the jurisdiction of a State Party.
4. Extraordinary Meetings of the Board shall be convened by the Chairperson when considered necessary or expedient or on the written request of at least four Members in good financial standing at the Headquarters of CASSOS or at any other venue within the jurisdiction of a State Party.
5. A simple majority of the Members of the Board shall constitute a quorum for any meeting of the Board.

6. Each Director is entitled to one vote including the Director representing the OECS and the Chairperson shall have a casting vote in the event of a tie in voting

7. Decisions of the Board on issues as specified in Article VIII shall be made by a two-thirds majority of the members of the Board present and voting

8. Decisions of the Board on procedural issues, recommendations or other matters shall be made by consensus or a simple majority of the members present and voting

9. In the case of an emergency, the Chairperson may by round robin seek the approval of members of the Board on a course of action to be taken and report the decision at the next ordinary meeting of the Board.

10. Associate Members of CASSOS shall be allowed to participate fully in the deliberations at meetings of the Board but shall not have a right to vote on any matter before the meeting

11. The Secretary General or his or her representative shall be permitted to participate as an observer in meetings of the Board.

12. The Board may invite representatives of international or regional civil aviation organizations, Governments or donor communities to participate as observers in the deliberations of the open sessions of its meetings

ARTICLE X

COMPOSITION, PROCEDURE AND FUNCTIONS OF THE SPECIAL STANDING COMMITTEES

1. The Board may establish Special Standing Committees in relation to Aerodromes, Aircraft Accident Prevention and Investigation, Air Navigation Services, Air Traffic Services, Aviation Security, Flight Standards and any other functional area for the purposes of paragraph 5

2. The Special Standing Committees shall consist of the nominees of States Parties and relevant regional and international organizations or agencies as determined by the Board.

A.D. 2018]

CIVIL AVIATION ACT 2018

[No. 21

3. Decisions of the Special Standing Committees shall be made by consensus and shall constitute recommendations to the Board with summaries of any dissenting opinions attached.

4. The Special Standing Committees shall meet as often as is necessary to perform their functions efficiently and expeditiously, and shall meet, where appropriate, by the use of electronic means.

5. The functions of the Special Standing Committees shall include -

- (a) establishing, in collaboration with the System Coordinator, a general programme for the training of human resources in appropriate disciplines within the territories of States Parties;
- (b) establishing, with the approval of the Board, special Working Groups to assist any Special Standing Committee in the execution of its tasks;
- (c) making recommendations to the Board with respect to practices, procedures, forms, guidance material and regulations for the purposes of the objectives of this Agreement;
- (d) providing advice to the CARICOM Secretariat as required for the adoption of proposed ICAO Standards and Recommended Practices and any other aviation matters that impact on regional aviation;
- (e) providing advice to the Community, and States Parties for the adoption of ICAO Standards and Recommended Practices and any other aviation matters that impact on regional aviation;
- (f) providing, as directed by the Board, technical support to States Parties and agencies or other entities in the Community;
- (g) the development, adoption, adaptation or harmonization of practices, procedures, forms, guidance material, regulations and any other measure or material as may be required by the civil aviation authorities of States Parties; and

- (h) any other function as may be directed by the Board

ARTICLE XI

COMPOSITION AND STAFF OF THE OFFICE OF THE SYSTEM COORDINATOR

1. The Office of the System Coordinator shall consist of a System Coordinator who shall be the Chief Executive Officer of CASSOS, an Assistant System Coordinator and any other staff as may be determined by the Board.
2. The System Coordinator and Assistant System Coordinator shall be appointed by the Board for periods of not more than three years.
3. All staff other than the Assistant System Coordinator shall be appointed by the System Coordinator on the terms and conditions approved by the Board.
4. In the appointment of professional staff consideration shall be given to the equitable representation of States Parties.

ARTICLE XII

FUNCTIONS OF THE SYSTEM COORDINATOR

Subject to the directions of the Board, the System Coordinator shall -

- (a) convene Board meetings on the request of the Chairperson of the Board;
- (b) coordinate the work of the Special Standing Committees and any Working Group that is established in accordance with paragraph (5)(b) of Article X;
- (c) coordinate with States Parties the assignment of certified aviation inspectors to their respective countries for the purpose of conducting inspections and related duties;

A.D. 2018]

CIVIL AVIATION ACT 2018

[No. 21

- (d) establish and maintain a record of aircraft accidents;
- (e) establish and maintain a list of aircraft accident investigators who are available to CASSOS;
- (f) exchange information as is necessary with the States Parties and relevant agencies;
- (g) maintain a register of certified aviation inspectors and enter therein, in relation to each certified aviation inspector the following information -
 - (i) State of origin;
 - (ii) technical specialty and qualifications;
 - (iii) the name of every place where service has been rendered and a log of those activities;
 - (iv) a log of activities relating to any State Party which has added the certified aviation inspector in its organization as a human resource asset for audit purposes; and
 - (v) a log of activities which the certified aviation inspector has undertaken in relation to any Member State where he functions on behalf of CASSOS for the purpose of navigation safety and security.
- (h) maintain current records pertaining to the Civil Aviation Authorities of States Parties, including the availability of aviation inspectors, aircraft registries, the number, categories and availability of licensed aviation personnel and other relevant matters;
- (i) make recommendations concerning staff regulations, rules and procedures and the general management of the Office of the System Coordinator.

- (j) manage the delivery of technical support to States Parties from a regional pool of specialist technical resources;
- (k) monitor the activities of specialists and inspectors to ensure that there is no duplication of effort;
- (l) organize and conduct assessments of technical matters and ICAO compliance within any State Party and other approved missions at the request of that State Party;
- (m) prepare, for the approval of the Board, an annual Programme of Activities and Budget for the System and implement the approved Programme of Activities and Budget;
- (n) service meetings of the Board and provide secretarial support to the Board, and
- (o) perform any other duty assigned by the Board.

ARTICLE XIII

TECHNICAL SUPPORT

1. Technical support to States Parties shall embody common guidelines and common standards to facilitate interchange and mutual recognition of practices and procedures.

2. Designated personnel attached to CASSOS shall be allowed free movement and be provided administrative support while in the territory of States Parties during the course of duty.

ARTICLE XIV

PERSONNEL NEUTRALITY

A person assigned to CASSOS or employed by CASSOS shall neither request nor accept instructions in relation to the performance of his or her duties from any other person or authority.

ARTICLE XV**FUNDING**

1. The revenues of CASSOS shall consist of the following -
 - (a) contributions of States Parties;
 - (b) donations or grants from sources approved by the Board;
 - (c) fees derived from the conduct of investigations, training, consultancies and other services performed by CASSOS; and
 - (d) royalties from the sale of documents and aviation memorabilia.
2. For the purpose of paragraph 1(a) the OECS Member States shall be treated as one State Party.
3. The Board shall not discriminate among States Parties when approving grants or donations except in those instances where certain grants or donations, otherwise beneficial to CASSOS, contain conditions that designate specific recipients.
4. A State Party whose contribution to the Budget of CASSOS is in arrears by more than two years shall, until such arrears are cleared, lose the right to -
 - (a) hold any office in CASSOS;
 - (b) vote at meetings of the Board or any Special Standing Committee; and
 - (c) benefit in any way from the work of CASSOS.

ARTICLE XVI**PRIVILEGES AND IMMUNITIES**

1 CASSOS shall enjoy in each State Party the privileges and immunities necessary for the fulfilment of its objectives and the exercise of its functions.

2 In addition to the privileges and immunities to be accorded to CASSOS by all States Parties, CASSOS shall enter into a separate agreement relating to the privileges and immunities to be accorded to CASSOS and its personnel by the Member State in which the Headquarters of CASSOS will be located.

ARTICLE XVII**ARBITRATION**

1. Any dispute arising out of the interpretation or application of this Agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to an arbitral tribunal of three arbitrators at the instance of either party to the dispute.

2. Each party shall be entitled to appoint one arbitrator within fifteen days following the request of either party and the two arbitrators shall within seven days following the date of their appointments appoint a third arbitrator who shall be the Chairperson.

3. Where any party fails to appoint an arbitrator under paragraph 2 the other party may request the President of the Caribbean Court of Justice to appoint an arbitrator within ten days.

4. Where the two arbitrators appointed under paragraph 2 or under paragraphs 2 and 3 fail to appoint a third arbitrator either party may request the President of the Caribbean Court of Justice to appoint an arbitrator within ten days.

5. The arbitral tribunal shall establish its own rules of procedure.

6. The President of the Caribbean Court of Justice may seek the assistance of ICAO in the identification of suitable persons to be appointed arbitrators.

ARTICLE XVIII

SAVING

Nothing in this Agreement shall be interpreted as impairing the validity of the provisions of any regional or international regime in which States Parties participate.

ARTICLE XIX

SIGNATURE

This Agreement shall be open for signature by Member States.

ARTICLE XX

ENTRY INTO FORCE

1. This Agreement shall enter into force immediately upon signature by representatives of four Member States.
2. For the purposes of this Article the signatures of at least three representatives of the OECS Member States represent the signature of one Member State.

ARTICLE XXI

ACCESSION

1. After the entry into force of this Agreement any Member State wishing to become a Party to this Agreement shall deposit an Instrument of Accession with the Secretary General and such Accession shall take effect on the date of receipt of the Instrument by the Secretary General who shall transmit certified copies to the Government of each State Party.
2. Any State or Territory to which paragraph 2(a) of Article IV applies may accede to this Agreement.

3. Any State or Territory to which paragraph 2(b) of Article IV applies may accede to this Agreement, subject to such terms and conditions as COTED may decide

ARTICLE XXII

AMENDMENTS

1. This Agreement may be amended by the States Parties
2. An amendment to this Agreement shall enter into force immediately upon signature by the States Parties.
3. Certified copies of an amendment shall be transmitted by the Secretary General to the Government of each State Party.

ARTICLE XXIII

WITHDRAWAL

1. A Member State or Associate Member of the Community that has withdrawn from the Community shall, on the effective date of withdrawal from the Community, be deemed to have withdrawn from CASSOS.
2. Any State Party may withdraw from CASSOS by giving at least twelve months' written notice of withdrawal to COTED.
3. A State Party which withdraws from CASSOS undertakes to honour any outstanding financial obligations duly assumed by it during its membership

ARTICLE XXIV

TRANSITIONAL PROVISIONS

1. Where prior to the signing of this Agreement, RASOS had a contract of any nature with any person upon the coming into force of this Agreement –

A.D. 2018]

CIVIL AVIATION ACT 2018

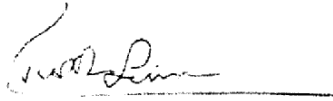
[No. 21

- (a) the contract shall continue to have effect in accordance with its terms as if it were originally made between that person and CASSOS; and
- (b) all the rights, powers, duties and liabilities which accrued under or in connection with that contract shall be enforceable by or against CASSOS as if it were originally made between that person and CASSOS.

2. The assets and rights of any nature belonging to RASOS shall vest in CASSOS upon the coming into force of this Agreement

IN WITNESS WHEREOF the undermentioned representatives duly authorised execute this Agreement.

Signed by



for the Government of Antigua and Barbuda on the 9th day of May, 2008

at Castries St. Lucia.

Signed by

for the Government of The Bahamas on the day of .2008

at

Signed by

for the Government of Barbados on the day of .2008

at

No. 21]

LAWS OF GUYANA

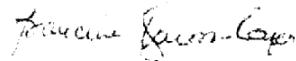
[A.D. 2018

Signed by

for the Government of Belize on the day of 2008

at

Signed by

for the Government of the Commonwealth of Dominica on the 9th day of 2008

at



Signed by

for the Government of Grenada on the day of 2008

at

Signed by

for the Government of Haiti on the day of 2008

at

Signed by

for the Government of the Co-operative Republic of Guyana on the day of 2008

at

Signed by

for the Government of Jamaica on the day of 2008

at

A.D. 2018]

CIVIL AVIATION ACT 2018


[No. 21

Signed by

for the Government of Saint Lucia on the day of .2008

at

Signed by



for the Government of St. Kitts and Nevis on the 9th day of May, 2008

at

Castles, St. Lucia

Signed by

for the Government of St. Vincent and the Grenadines on the day of
2008

at

Signed by

for the Government of The Republic of Suriname on the day of .2008

at


Signed by

for the Government of The Republic of Trinidad and Tobago on the day of
2008

at

Passed by the National Assembly on 19th November, 2018.

22


S.E. Isaacs, A.A.,
Clerk of the National Assembly

Bill No.1 of 2017.