



GUYANA
ACT No. 10 of 2000
CIVIL AVIATION ACT 2000

I assent,

Bharrat Jagdeo,
President
29th August, 2000

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AN ACT to make provision in respect of the regulation and control of civil aviation in Guyana and for purposes connected therewith.

A.D. 2000

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 2000.
- (2) This Act shall come into operation on such day as the Minister may appoint by order and different days may be so appointed for different provisions of this Act.

Interpretation

2. In this Act -
 - (a) "aerodrome" means any area of land or water (including any buildings, installations, fixtures and other equipment intended to be used either wholly or in part for the arrival, departure and movement of aircraft;
 - (b) "air transport service" means any service for the carriage by air of passengers, goods, mail or other freight;
 - (c) "Authority" means the Civil Aviation Authority;
 - (d) "Civil Aviation Authority" means the Civil Aviation Authority established by section 4;
 - (e) "Director General" means the Director General of the Civil Aviation Authority appointed under section 7 or any officer authorised in writing by the Director General;
 - (f) "Minister" means the minister assigned responsibility for civil aviation;
 - (g) "scheduled air service" means any service performed by any aircraft for hire or reward as one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service operated in such a manner that the benefits thereof are available to members of the public from time to time seeking to take advantage of it.

**PART II
DEVELOPMENT OF CIVIL AVIATION**

3. (1) The Minister shall be responsible for the development of civil aviation.

Development of civil aviation.

(2) Any aspect of civil aviation may be operated by a person, a private enterprise or by a body owned by the state or in which the controlling interest is vested in the state or any agency on behalf of the state.

(3) The Minister shall ensure that civil aviation complies with international standards as established in the international agreements to which Guyana is a party.

**PART III
ESTABLISHMENT CONSTITUTION AND
FUNCTIONS OF
CIVIL AVIATION AUTHORITY**

4. (1) There is hereby established a body corporate to be known as the Civil Aviation Authority.

Establishment constitution of Civil Aviation Authority

(2) The Schedule shall have effect with respect to the constitution of the Authority and otherwise in relation thereto.

(3) The Minister may, by order, amend the Schedule.

5. (1) As from the date of the coming into operation of this Act, such categories of persons employed immediately before that day in the Department of Civil Aviation as the Minister may determine shall, subject to the prior approval of the Public Service Commission, be transferred to the service of the Authority on terms and conditions, in relation to emoluments, not less favourable than those enjoyed by them immediately prior to their transfer and those not so transferred shall, with the approval of the Public Service Commission, be retained by the government or have their services lawfully terminated.

Transfer of employees; superannuation benefits.

(2) The Authority may, with the approval of the Minister, make such provisions as it thinks appropriate for the payment of pension, gratuity or other allowance in respect of the service of its officers and employees on their retirement therefrom.

Cap 27:02

(3) Where a public officer, or any other person employed by the Government, is transferred to the Authority as an officer or employee, or vice versa, he shall be entitled to have his aggregate service in the public service, under the Government and as an officer or employee of the Authority counted for the purposes of superannuation benefits and he shall, on his ultimate retirement, be entitled to receive such benefits calculated in accordance with the Pensions Act, in respect of the aggregate of such service, from the Authority or the Government, as the case may be, with, or in connection with, which he was last employed.

Functions of
Civil
Aviation
Authority.

6. (1) The functions of the Authority are the functions conferred upon it by this Act and the regulations made thereunder.

(2) Without prejudice to the generality of subsection (1) the functions of the Civil Aviation Authority are -

- (a) to provide air navigation services including -
 - (i) air traffic services
 - (ii) aeronautical telecommunications services;
 - (iii) aeronautical meteorology services;
- (b) to provide safety services, including -
 - (i) registration of aircraft;
 - (ii) issuance, renewal, cancellation and amendment of certificates of airworthiness of all aircraft;
 - (iii) issuance, renewal, suspension, revocation and amendment of licences of aviation personnel;
 - (iv) issuance, renewal, suspension, revocation and amendment of air operators' certificates;
 - (v) regulation of all aerodromes;

- (e) to advise the Minister on matters relating to the operation of this Act and, without prejudice to the generality of the foregoing, to advise the Minister on matters for which regulations may be made under this Act;
- (f) to participate in the negotiation of air service agreements with other countries;
- (g) to promote the development of air transport, including the establishment of training facilities for that purpose;
- (h) to prescribe the fees to be charged for any service rendered by the Authority;
- (i) subject to the approval of the Minister, to issue rules, requirements, instructions, directions or notices to give effect to the provisions of this Act, any regulations made thereunder or to any international Agreement to which Guyana is a party.
- (j) to perform such other functions as the Minister may from time to time determine, being functions empowered by this Act.

7. (1) There shall be a Director-General of Civil Aviation who shall be appointed by the Minister at such remuneration and on such other terms and conditions as the Minister may determine.

Director-General of the Authority.

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

(3) The Authority may appoint, at such remuneration and on such other terms and conditions as it thinks fit, other officers, employees and agents as it thinks necessary for the proper carrying out of the provisions of this Act, and one officer so appointed shall be designated as Secretary to the Authority.

8. The Authority may delegate to any of its members or officers the power and authority to carry out on its behalf such of its functions as the Authority determines.

Power to delegate.

9. (1) The Minister may make regulations -

Information for Authority.

- (a) requiring any person operating any scheduled or non-scheduled air service to furnish to the

Authority such information relating to the use or operation of any aircraft for the purpose of the said service, and to the persons employed in connection with such use, or operation, as may be prescribed; and

- (b) prescribing the manner and time in which any information required under these regulations is to be furnished.

(2) Regulations under this section may provide for the imposition on summary conviction of a fine of one hundred thousand dollars for any contravention of the regulations and a fine of ten thousand dollars for each day or part thereof on which the offence continues.

(3) It shall be lawful for the Authority to withhold any information which is furnished to it by virtue of any regulations under this section, from being disclosed otherwise than in accordance with the regulations: Provided that any such information may be disclosed by the Authority with the consent of the person to whom the information relates.

(4) Nothing in subsection (3) shall apply to disclosure of any information for the purposes of any legal proceedings which may be taken by virtue of that subsection or of regulations made under this section or for the purposes of any report of such proceedings; but save as aforesaid that subsection shall, in relation to any legal proceedings (including arbitrations) preclude any person who is in possession of any information obtained by virtue of such regulations from disclosing and from being required by any court or arbitrator to disclose, that information without the consent of the person to whom the information relates.

Funds and
resources of
Authority.

10. (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;

- (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) all other sums or property which may in any manner be received by, or become payable to, or vested in, the Authority in the performance of its functions or in respect of any matter incidental thereto.

(2) The Authority may charge fees for any service rendered by it.

(3) It shall be the duty of the Authority so to conduct its affairs as to ensure that its revenue is not less than sufficient to meet charges properly chargeable to revenue account.

(4) It shall be the duty of the Authority to prepare and submit to the Minister an Annual Budget that shall, insofar as is practicable, provide for the attainment of the duty imposed by subsection (3).

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

Borrowing
power of the
Authority.

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

Guarantee of
Loans.

13. Moneys standing to the credit of the Authority may, from time to time, be invested in such securities as may be determined by the Authority and the Authority may, from time to time, sell any or all of such securities for purposes of the Authority.

Investment
by
Authority.

14. (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.

Accounts
and audit.

(2) The members, officers and other employees of the Authority shall grant to the Auditor General 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.

(3) The Authority may, with the approval of the Minister, write off bad debts.

Annual
report

15. (1) The Authority shall, not later than six months after the end of each calendar year, submit to the Minister a report containing -

- (a) an account of its functioning throughout the preceding calendar year in such detail as the Minister may direct;
- (b) a statement of the accounts of the Authority audited in accordance with section 14.

(2) A copy of the report mentioned in subsection (1) 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 Authority 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.

Directions
by the
Minister.

16. (1) The Minister may, in writing, give directions of a general nature to the Authority respecting the performance of any of its functions under this Act and the Authority shall give effect to those directions.

(2) The Authority shall provide such facilities to the Minister as will enable him to verify any information furnished in pursuance of this section.

PART IV

ESTABLISHMENT AND CONTROL OF AERODROMES

Power of
Minister to
provide
aerodromes.

17. (1) The Minister may -

- (a) establish and maintain aerodromes;
- (b) provide and maintain, in connection with aerodromes established by him, roads,

- approaches, apparatus, equipment and buildings and other accommodation;
- (c) alter, abolish, remove or add to any aerodrome, road, approach, apparatus, equipment, building, accommodation or facilities established or provided by him;
 - (d) vary the character of any facilities for the purpose of promoting the safety of air navigation, or of the signals or assistance given thereby;
 - (e) determine the conditions of use of any aerodrome established by him and determine whether any such aerodrome shall be open to public use;
 - (f) determine the conditions of use of any facilities or equipment provided by him for the purpose of promoting the safety of air navigation.

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

18. (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 he thinks expedient for the purpose of ensuring that aircraft may be flown safely to or from any aerodrome; but nothing in this subsection authorize the imposition of any such prohibition or restriction in relation to air space beyond the territorial air space of Guyana

Restriction
on use of
aerodrome.

(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 notice of his intention to make the order in such manner as he thinks best calculated to bring his intention to the notice of persons who may be affected thereby;
- (b) immediately the order is made, publish in one or more newspapers printed and published in Guyana, a notice that the order has been made 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 his opinion, is likely to be affected thereby.

Power to
control land.

19. (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 under this section if he 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 for requiring any tree on that land to be cut down or reduced in height;
 - (c) extinguishing any private rights of way 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; and
 - (f) requiring, before the expiration of any period determined by directions, the removal of any apparatus from any land within 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 purposes 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, so as to bring into conformity with the requirements of any directions given under the order, 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.

20. (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.

Power to stop up or divert roads.

(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 desirable 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 purposes 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 enactment to authorise the stopping up or diversion of any road.

21. (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, he may by order,

Obstructions near aerodromes.

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 there have been made or have been carried out satisfactory arrangements 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 sub-section (1) -

- (a) cause to be published in such manner as he considers appropriate to inform the persons 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 therein made to him by any person appearing to him to have an interest in any land that may be affected by the order, and at the end of the period referred to in paragraph (b), 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 must provide -

- (a) that, except in case of emergency, no works shall be executed on any land in pursuance of the order, unless, at least fourteen ⁶days

previously, the manager of the airport to which the order relates, has served, in the manner prescribed by the order, on the occupier of the land and on every other person known by the manager to have an interest therein 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) that 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 in so far 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 that 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 the 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 thereto is not interrupted.

Cap. 62:05

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

Sanitary
control at
Aerodromes.

22. The Minister and the Ministers responsible for Health and for 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.

PART V

LIABILITY FOR DAMAGE CAUSED BY AIRCRAFT

Liability for
trespass,
nuisance and
surface
damage.

23. (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 the person or damage or any property on land or water by, 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 sub-section; 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.

24. 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.

Nuisance
caused by
aircraft at
Aerodromes.

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

Liability
where
aircraft is let
or hired.

PART VI REGULATION IN TIME OF WAR

26. (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 -

Regulations
in time of
war.

- (a) regulate or prohibit, either absolutely or subject to such conditions as are contained in the order, the navigation of any aircraft over Guyana; and
- (b) provide for -

- (i) the taking of possession and the using, for the purpose of the Guyana Defence Force of any aerodrome, aircraft, machinery, plant, material or thing found thereat or therein; and
- (ii) the regulating or prohibiting of the use, erection, 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 VII

PROCEDURE AND BUSINESS OF THE AUTHORITY

Quantum of meetings.

27. (1) The Minister may make regulations to provide for the procedure and business of the Authority, including the quorum for meetings.

(2) Subject to any regulations that may be made under subsection (1), the Authority shall have power to regulate its own procedure and business and may make rules for that purpose.

PART VIII

MISCELLANEOUS

Wrecks and salvage

28. (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.

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

Exemption of aircraft from seizure on patent claims.

- (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.

30. Where the owner or operator of an aircraft contravenes any provision of this Act, the regulations or any order of the Minister a court before which any proceedings relating to the contravention is brought may, in addition to any other penalty provided for in respect of the contravention, order that the aircraft be detained or sold.

Detention of aircraft.

31. Where an aircraft is flown in such a manner as to be the cause of unnecessary danger to any person or property on land or water, the pilot or commander of the aircraft and also the owner thereof, unless he proves to the satisfaction of a court that the aircraft was so flown without his fault or privity, is guilty of an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for six months.

Dangerous flying.

32. (1) Any person who trespasses on any land forming part of an aerodrome or causes any animal to trespass on such land is

Trespassing on Aerodrome.

guilty of an offence and is liable on summary conviction to a fine of fifty thousand dollars and imprisonment for three 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 positions on or near the boundary of the aerodrome.

Failure to
licence
aircraft

33. Any person who fails to obtain a licence or permit in respect of an aircraft or who contravenes a condition contained in a licence or permit issued pursuant to this Act is guilty of an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for six months and in the case of a continuing offence to a fine of twenty thousand dollars for each day or part thereof during which the offence is continued.

Contravention
of an order
under Section
18.

34. (1) Any person who contravenes an order made under section 18 is guilty of an offence and is liable -

- (a) on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for three months; and
- (b) on conviction on indictment, to a fine of fifty thousand dollars and to imprisonment for two years.

(2) An offence against an order under section 18 committed in airspace outside the ordinary jurisdiction of a magistrate's court may be adjudicated by that court as if it had been committed in the nearest part of Guyana that is within the ordinary boundary of that court.

(3) Proceedings for an offence against an order under this section may only be instituted by, or with the consent of, the Director of Public Prosecutions.

Contravention
of Section 21.

35. A person who -

- (a) contravenes section 21(5); or
- (b) wilfully obstructs a person in the exercise of any powers conferred by an order under section, 21, is guilty of an offence and is liable on summary conviction to a fine of

fifty thousand dollars and to imprisonment for six months.

36. A person who commits any other breach of this Act or any regulation or order made thereunder for which no penalty is expressly provided is liable on summary conviction or on conviction on indictment, as the case requires, to a fine not exceeding fifty thousand dollars and to imprisonment for a term not exceeding two years.

General
Penalty.

37. The Minister may make regulations generally for carrying out the provisions of this Act and, in particular, respecting -

Regulations

- (a) the carrying out of obligations under any international convention relating to air navigation to which Guyana is a party;
- (b) the regulation of all aspects of air navigation and air transport;
- (c) the registration of aircraft;
- (d) the prohibiting of the flying of aircraft without a valid certificate of airworthiness or except upon compliance with prescribed conditions as to maintenance or repair;
- (e) the licensing, inspection and regulation of aerodromes and access to aerodromes;
- (f) access to places for the purpose of inspecting work therein carried on in relation to the maintenance or manufacture of aircraft;
- (g) the conditions under which and the aerodromes to or from which aircraft entering or leaving Guyana are to be flown;
- (h) the conditions under which passengers, mail and goods are to be carried by air and under which aircraft are to be used for other commercial, industrial or gainful purposes;
- (i) the classes of goods to be carried by air;
- (i) the prevention of interference with the use or effectiveness of apparatus used in connection with air navigation, the regulation of the use of such apparatus and the displaying of lights that are likely to endanger aircraft;
- (k) the safety, efficiency and regularity of air navigation, the safety of aircraft and of persons and property carried therein;

- (l) the detention of aircraft for purposes relating to its safety;
- (m) the supplying of meteorological information for the purposes of air navigation;
- (n) the making of signals and other communication by or to an aircraft and persons carried therein;
- (o) the use of civil air ensigns;
- (p) the fees to be paid for the issue, validation, renewal, extension or variation of any certificate, licence, permit, or other document or for the undergoing of any examination or test;
- (q) the charges for the use of, and services provided at aerodromes;
- (r) the manner and condition of the issue, validation, renewal, extension, suspension, revocation or variation of any certificate, licence, permit or other document, including examinations and tests;
- (s) the forms that are required to be prescribed for the purposes of this Act;
- (t) the exemption from the provisions of the regulations, any aircraft or person or class thereof;
- (u) the investigating of any accident arising out of or in the course of air navigation;
- (v) the control of civil aviation in time of war or other emergency;
- (w) the control of noise and vibration by aircraft at aerodromes;
- (x) prohibiting aircraft from flying over such areas in Guyana as may be prescribed;
- (y) any other fees or charges payable under this Act; and
- (z) anything that is required or necessary to be prescribed for the purposes of this Act.

Repeal and
Savings.

38. (1) Subject to subsection (3), the United Kingdom Civil Aviation Act 1949 as applied to Guyana by the Colonial Civil Aviation (Application of Act) Order 1952 and any other applied Act relating to civil aviation are hereby repealed.

(2) The Civil Aviation Act 1996 is hereby repealed.

No. 15 of
1996.

(3) Notwithstanding the repeal of the applied Acts by subsection (1), all regulations and orders made under those Acts and in force in Guyana 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 regulations made under this Act.

SCHEDULE s.4(2)

**CONSTITUTION, PROCEDURE
AND RELATED MATTERS OF
THE CIVIL AVIATION AUTHORITY**

- Constitution. 1. (1) The Authority shall consist of a Chairman and not less than four nor more than eight other appointed members.
- (2) The Director General and the Permanent Secretary of the Ministry responsible for civil aviation shall be ex officio members of the Authority.
- Appointment
tenure of
office etc. 2. (1) Subject to this paragraph, the Minister shall appoint the Chairman and the other members and they shall hold office for such period not exceeding two years, as may be specified in their letters of appointment, but shall be eligible for reappointment.
- (2) Where the Minister proposes to appoint a person to be a member of the Authority, he shall before making the appointment require that person to declare the nature and extent of any interest he may have in an air transport undertaking.
- (3) If the Chairman or other member of the Authority acquires an interest in an air transport undertaking after his appointment, he shall within four weeks of such acquisition inform the Minister thereof in writing.
- Revocation
of Appoint-
ment. 3. The Minister may at any time revoke the appointment of the Chairman or any member of the Authority.
- Temporary
Appointment. 4. (1) In the case of the absence or inability to act of the Chairman, the members present and constituting a quorum shall elect a Chairman from among their number to preside at that meeting.
- (2) In the case of the absence or inability to act of any member of the Authority, including the Chairman, for more than three consecutive meetings of the Authority, the Minister may appoint a member to act temporarily in place of that member.
- Resignation. 5. The Chairman or other member of the Authority may at any time resign his office by written notification addressed to

the Minister and the resignation takes effect as from the date of the receipt of the notification by the Minister.

6. Where a vacancy occurs in the membership of the Authority, that vacancy shall be filled by the appointment of another member who shall, subject to this Schedule, hold office for the remainder of the period for which the previous member was appointed.

7. The names of the members of the Authority as first constituted and every change in the membership thereof shall be published in the Gazette.

8. The quorum for meetings of the Authority is four.

9. There shall be paid to the Chairman and other members of the Authority such remuneration and allowances as the Minister may determine.

10. Decisions of the Authority shall be by a majority vote of the members thereof present and voting, but, if the members of the Authority are equally divided on a question, the Chairman has and shall exercise a casting vote.

Passed by the National Assembly on 20th July, 2000.

F.A. Narain,
Clerk of the National Assembly.

(BILL No. 7/2000)

