

NATIONAL ASSEMBLY OF THE FIRST SESSION OF THE  
ELEVENTH PARLIAMENT OF GUYANA (2015-2018)

REPORT OF  
THE SPECIAL SELECT COMMITTEE  
ON THE CIVIL AVIATION BILL - BILL NO. 1 OF 2017

PRESENTED TO THE NATIONAL ASSEMBLY

BY  
THE CHAIRPERSON OF THE COMMITTEE  
ON

S<sup>th</sup> August, 2018

# **REPORT OF THE SPECIAL SELECT COMMITTEE OF THE NATIONAL ASSEMBLY ON THE ON THE CIVIL AVIATION BILL - BILL NO. 1 OF 2017**

## **Publication**

1. The Bill was published on 16<sup>th</sup> January, 2017.

## **Introduction, First and Second Readings**

2. The Bill was introduced in the National Assembly and read a first and second time on 30<sup>th</sup> January, 2017 and 9<sup>th</sup> March, 2017, respectively.

## **Committal to Select Committee**

3. Following its second reading on the 9<sup>th</sup> March, 2017, the Bill was committed to a Special Select Committee, by the National Assembly, for consideration.

## **Members of the Committee**

4. At a meeting held on 8<sup>th</sup> May, 2017 the Committee of Selection nominated the following Members to comprise the Special Select Committee to consider the Civil Aviation Bill - Bill No. 1 of 2017.

## **A Partnership For National Unity/Alliance For Change (APNU/AFC) (5)**

Hon. Carl B. Greenidge, M.P.,  
Vice-President and Minister of Foreign Affairs

Hon. David A. Patterson, M.P.,  
Minister of Public Infrastructure

Hon. Dawn Hastings-Williams, M.P.,  
Minister within the Ministry of Communities

Hon. Annette N. Ferguson, M.P.,  
Minister within the Ministry of Public Infrastructure

Mr. Michael Carrington, M.P.

The People's Progressive Party (PPP) (4)

Mr. Clement J. Rohee, M.P.

Ms. Gail Teixeira, M.P., Opposition Chief Whip

Bishop Juan A. Edghill, M.S., J.P., M.P.

Mr. Joseph L.F. Hamilton, M.P.

**First Meeting of the Committee and Election of Chairperson**

5. At P<sup>t</sup> Meeting held on 8<sup>th</sup> May, 2017, the Committee elected the Hon. David A. Patterson, Minister of Public Infrastructure as Chairperson of the Special Select Committee.

**Other Meetings of the Committee**

5.1 The Committee met on seventeen (17) other occasions, as follows:

Thursday, 18<sup>th</sup> May, 2017

Wednesday, 31<sup>st</sup> May, 2017

Wednesday, 22<sup>nd</sup> June, 2017

Wednesday, 13<sup>th</sup> July, 2017

Monday, 30<sup>th</sup> October, 2017

Monday, 6<sup>th</sup> November, 2017

Monday, 13<sup>th</sup> November, 2017

Monday 20<sup>th</sup> November, 2017

Wednesday 14<sup>th</sup> March, 2018

Friday, 23<sup>rd</sup> March, 2018

Thursday, 5<sup>th</sup> April, 2018

Thursday, 12<sup>th</sup> April, 2018

Thursday, 20<sup>th</sup> April, 2018

Thursday, 14<sup>th</sup> June, 2018

Thursday, 21<sup>st</sup> June, 2018

Monday, 23<sup>rd</sup> July, 2018

Friday, 27<sup>th</sup> July, 2018

5.2 Minutes of the Meetings of the Committee are attached at Appendix (1)

## Methodology

6. The Committee, at its 2<sup>nd</sup> Meeting held on 18<sup>th</sup> May, 2017, agreed to invite the following stakeholders to make oral and submit written presentation on the Bill:

### Oral Presentation:

- Guyana Civil Aviation Authority (GCAA),
- Ogle Airport Inc.,
- Cheddi Jagan International Airport,
- Aircraft Owners' Association of Guyana Inc.
- Guyana's Airline Pilot Association,
- The National Air Transportation Association
- Trans Guyana Airways

### Written Presentation:

- Guyana Police force
- Guyana Defence Force
- Hydro-meteorological Department, Ministry of Agriculture
- Civil Defence Commission

6.1 In an effort to promote inclusiveness and avoid exclusion of any stakeholder, by a selective process, the Committee agreed to publish advertisements in the print and electronic media, including the Parliament Office's Website and Facebook Page, inviting submissions on the Bill. Publications in the print media were made on the following dates, with a deadline for submission of 14<sup>th</sup> June, 2017:

- Sunday, 21<sup>st</sup> May, 2017
- Wednesday, 24<sup>th</sup> May, 2017
- Sunday, 28<sup>th</sup> May, 2017
- Wednesday, 31<sup>st</sup> May, 2017

6.2 The Committee was subsequently advised that the Guyana's Airline Pilot Association was defunct, therefore, the Agency could not be invited to make a presentation.

**Presentation by Stakeholders on the Civil Aviation Bill — Bill No. 1 of 2017**

7. At the 3<sup>rd</sup> Meeting of the Committee held on 31<sup>st</sup> May, 2017, the Chairman and Board of the Guyana Civil Aviation Authority appeared and made a presentation on the Bill.

7.1 Also at that Meeting the Committee decided that in addition to the Chief Parliamentary Counsel, the Director General and other technical officers of the GCAA, be invited to attend meetings to provide advice and clarification, if necessary, to the Committee.

7.2 At the conclusions of the presentation issues were ventilated and clarification sought by Members of the Committee.

7.3 At the 4<sup>th</sup> Meeting of the Committee held on 22<sup>nd</sup> June, 2017, stakeholders presented on the Bill in order, as listed, and were each given a maximum of one (1) hour to make their presentation, followed by questions and issues of clarification by Members:

- Aircraft Owners' Association of Guyana Inc.
- Cheddi Jagan International Airport
- National Air Transportation Association

7.4 The Ogle Airport Inc. in a letter dated 7<sup>th</sup> June, 2017 to the Committee indicated that Aircraft Owners' Association of Guyana Inc. will represent their concerns during their presentation. Trans Guyana Airways also in a letter dated 7<sup>th</sup> June, 2017, indicated that the entity will be represented by the Aircraft Owners' Association of Guyana Inc. during the Association's presentation.

## **Correspondence to stakeholders**

8. Correspondence dated 27<sup>th</sup> June, 2017 were dispatched to the following stakeholders inviting written submissions on the Bill, the deadline for submission was 12<sup>th</sup> July, 2017:

- (i) Commissioner of Police
- (ii) Chief of Staff, Guyana Defence Force
- (iii) Chief Hydromet Officer
- (iv) Head, Civil Defence Commission

## **Consideration of the Bill**

9. At its 5<sup>th</sup> Meeting held on 13<sup>th</sup> July, 2017, the Committee discussed the approach it will take when considering the Bill, and agreed to carefully cogitate the following issues:

- (i) Comparability with other Laws of Guyana, and
- (ii) Penalties such as, the death penalty.

9.1 The Committee, at this Meeting received a submission dated 7<sup>th</sup> July, 2017 from the Guyana Defence Force on the Bill, highlighting its concerns.

9.2 At its 6<sup>th</sup> Meeting held on 30<sup>th</sup> October, 2017, the Committee commenced consideration of the Bill in conjunction with the proposals and recommendations it received from stakeholders.

9.3 At this Meeting, the Committee received a response dated 20<sup>th</sup> June, 2018, from the Hydro-meteorological Department, Ministry of Agriculture and considered its concerns on air navigation services.

9.4 Also, at this Meeting the Committee noted that it did not receive a submission from the Guyana Civil Defence Commission and directed that actions be taken to follow up the matter. Notably, the Committee never received a submission from that Entity.

9.5 The Committee, at its 10<sup>th</sup> Meeting held on 14<sup>th</sup> March, 2018 received information from a Member via email that the Aircraft Owners' Association of Guyana Inc. was disappointed that it was denied the opportunity to meet once again with the Committee.

9.6 The Committee discussed the issue and decided that it would meet with the Association, if there were additional concerns other than those previously expressed.

9.7 The decision was communicated to the Association but it failed to submit any additional information; only a letter of acknowledgement was received. In a letter dated 9<sup>th</sup> April, 2018, the Committee informed the Association that it had noted that no additional comments or proposed amendments to the Bill were submitted, and the Committee was therefore of the view that the Association had no additional submission on the Bill.

9.8 The Committee, at its 16<sup>th</sup> Meeting held on 21<sup>st</sup> June, 2018 took a decision to forward the proposed amendments to Clause 73 to the Aircraft Owners' Association of Guyana Inc. for its consideration, giving the Association a deadline of 13<sup>th</sup> July, 2013 to respond.

9.9 At the 17<sup>th</sup> Meeting held on 23<sup>rd</sup> July, 2018, the Committee considered a response dated 20<sup>th</sup> July, 2018, received from the Association highlighting its concerns. The Committee examined the concerns, and accepted those that were meritorious and made further amendments to the Clauses.

Clauses accepted and amended

10 The following Clauses were *accepted as amended*:

*Clauses*

1, 2, 3, 4, 5, 7, 8, 9, 11, 14, 15, 16, 17, 18, 19, 20, 26, 27, 29, 30, 37, 39, 41, 44, 46, 50, 56, 57, 58, 59, 60, 64, 67, 69, 70, 71, 73, 74, 76, 77, 80, 83, 88, 89, 91, 92, 93, 94, 95, 96, 97, 98, 104, 105, 107, 108, 109, 110, 111, 112, 113, 115, 116, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 133, 137, 138, 140, 141, 142, 143, 144, 145 and 146. First Schedule: Paragraphs 1, 2, 5, 7, 12, 17, and 19. Second Schedule: Paragraphs 7, 8, 9 and 10. Third Schedule: Paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9. Fourth Schedule: Text of the Agreement.

10.1. The following Clauses were *accepted as printed*:

*Clauses*

6, 10, 12, 13, 21, 22, 23, 24, 25, 28, 31, 32, 33, 34, 35, 36, 38, 40, 42, 43, 45, 47, 48, 49, 51, 52, 53, 54, 55, 61, 62, 63, 65, 66, 68, 72, 75, 78, 79, 81, 82, 84, 85, 86, 87, 90, 99, 100, 101, 102, 103, 106, 114, 117, 118, 132, 134, 135, 136, 139, 147, 148 and 149. First Schedule: 3, 4, 6, 8, 9, 10, 11, 13, 14, 15, 16 and 18. Second Schedule: 1, 2, 3, 4, 5 and 6.

11. Also, at this 17<sup>th</sup> Meeting, the Committee concluded consideration of the Bill.

12. A Matrix containing amendments to the Bill is attached at (**Appendix II**)

**Report of the Special Select Committee**

13. At its 18<sup>th</sup> Meeting held on 27<sup>th</sup> July, 2018, the Special Select Committee on the Civil Aviation Bill - Bill No. 1/2017, agreed that this Report, on its consideration of the Bill, should be presented to the National Assembly.

14. The Report is accordingly hereby submitted.



Verbatim Record

15. The Verbatim Records of Proceedings of the Committee have been prepared and will be available at the Parliament Office.

A handwritten signature in black ink, appearing to read 'David A. ...', is written over a horizontal dotted line. Above the signature, there are two vertical lines and a cross symbol.

**Hon. David A. ... rson, M.P.,  
Minister of Public Infrastructure,  
Chairperson**

# **APPENDIX I**

NATIONAL ASSEMBLY OF THE FIRST SESSION (2015- 2017)  
OF THE ELEVENTH PARLIAMENT OF GUYANA

MINUTES OF THE 1<sup>ST</sup> MEETING OF SPECIAL SELECT COMMITTEE ON THE  
CIVIL AVIATION BILL 2017 — BILL NO. 1/2017  
HELD ON MONDAY, MAY 8, 2017  
AT 8.00 P.M.  
IN THE SPEAKER'S CHAMBER,  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

ATTENDANCE

Hon. Dr. Barton U.A. Scotland, O.R., C.C.H., M.P., Speaker  
(As Presiding Officer for the Election of the Chairperson)

MEMBERS OF THE COMMITTEE

A Partnership For National Unity/Alliance For Change (APNU/AFC) (5)  
(Nominated by the Committee of Selection on May 8, 2017)

Hon. Carl B. Greenidge, M.P.,  
Vice-President and Minister of Foreign Affairs

Hon. David A. Patterson, M.P.,  
Minister of Public Infrastructure

Hon. Dawn Hastings-Williams, M.P.,  
Minister within the Ministry of Communities

Hon. Annette N. Ferguson, M.P.,  
Minister within the Ministry of Public Infrastructure

Mr. Michael Carrington, M.P.

From the People's Progressive Party (PPP/C) (4)  
(Nominated by the Committee of Selection on May 8, 2017)

Mr. Clement J. Rohee, M.P.	–	Excused
Ms. Gail Teixeira, M.P., Opposition Chief Whip -		Excused
Bishop Juan A. Edghill, M.S., J.P., M.P.	-	Excused
Mr. Joseph L.F. Hamilton, M.P.		

Officers

Ms. Debra H. Cadogan

Head of Committees Division

Mr. Nickalai Pryce

Clerk of Committees

**ITEM 1: CALL TO ORDER**

- 1.1 The Speaker, as Presiding Officer for the election of Chairperson for the Committee, called the meeting to order at 8.00 p.m.

**ITEM 2: ELECTION OF THE CHAIRPERSON OF THE SPECIAL SELECT COMMITTEE ON THE CIVIL AVIATION BILL 2017 — BILL NO.**

- <sup>1</sup>/<sub>2</sub>2017. 2.1 The Speaker called for nominations of a Chairperson for the Committee.

- 2.1.1 The Hon. Annette N. Ferguson, M.P., proposed and the Hon. David Hastings-Williams, M.P., seconded the nomination of the Hon. David A. Patterson, M.P.

- 2.1.2 There being no other nominations, the Speaker declared the ELL 1. David A. Patterson, M.P., as Chairperson of the Committee.

**ITEM 3: ANY OTHER BUSINESS**

- 3.1 Date of Next Meeting

- 3.1.1 The Chairperson proposed that the Committee meet on Wednesday, May 17, 2017, in the afternoon and subsequently, every other

Wednesday. **ADJOURNMENT**

At 8.05 p.m., the meeting was adjourned *sine die*.

-14

Confirmed this da .....of May, 2017



**Hon. David Patterson, M.P.,  
Minister of Public Infrastructure,  
Chairperson.**

NATIONAL ASSEMBLY OF THE FIRST SESSION (2015- 2017)  
OF THE ELEVENTH PARLIAMENT OF GUYANA

MINUTES OF THE 2<sup>ND</sup> MEETING OF THE SPICAL SELECT COMMITTEE  
ON THE CIVIL AVIATION BILL E — BILL NO. 1/2017  
HELD ON THURSDAY, MAY 18, 2017  
AT 2.00 P.M.  
IN COMMITTEES ROOM NO. 1, COMMITTEES DIVISION,  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

**ATTENDANCE**

**MEMBERS OF THE COMMITTEE**

**CHAIRPERSON**

Hon. David A. Patterson, M.P.,  
Minister of Public Infrastructure

**A Partnership For National Unity/Alliance For Change (APNU/AFC) (4)**

(Nominated by the Committee of Selection on May 8, 2017)

Hon. Carl B. Greenidge, M.P., Excused  
Vice-President and Minister of Foreign Affairs

Hon. Dawn Hastings-Williams, M.P.,  
Minister within the Ministry of Communities

Hon. Annette N. Ferguson, M.P.,  
Minister within the Ministry of Public Infrastructure

Mr. Michael Carrington, M.P.

**From the People's Progressive Party (PPP/C) (4)**

(Nominated by the Committee of Selection on May 8, 2017)

Mr. Clement J. Rohee, M.P.

Ms. Gail Teixeira, M.P., Opposition Chief Whip

Bishop Juan A. Edghill, M.S., J.P.,

M.P. Mr. Joseph L.F. Hamilton, M.P.

Absent

## **Officers**

Ms. Sonia Maxwell

Clerk of Committees

Ms. Dellon Adams

Assistant Clerk of Committees

### **ITEM 1: CALL TO ORDER**

- 1.1 The Chairperson called the Meeting to order at 2.10 p.m. and welcomed Members and staff to the second Meeting of the Committee.

#### **1.2 Excuses**

- 1.2.1 The Chairperson informed the Committee that the Hon. Carl B. Greenidge, M.P., had asked to be excused from the Meeting.

### **ITEM 2: CIRCULATION OF DOCUMENTS**

- 2.1 The following documents had been circulated prior to the Meeting:

- (i) Notice and Invitation of the 2<sup>nd</sup> Meeting dated 12<sup>th</sup> May, 2017;
- (ii) Minutes of the 1<sup>st</sup> Meeting held on 8<sup>th</sup> May, 2017; and
- (iii) Copy of the Civil Aviation Bill — Bill No. 1/2017.

- 2.2 The following documents were circulated at the Meeting:

- (i) Regulations No. 6/2007 - Air Navigation (Charges at Aerodromes) (Amendment) 2007;
- (ii) Regulations No. 7 — Civil Aviation (Air Navigation) (Amendment) 2007;
- (iii) Regulations made under the Civil Aviation Act 2000 (No.10 of 2000); and
- (iv) Letter dated May 9, 2017 from Mr. Anthony Mekdeci, A.A., Chief Executive Officer and Project Coordinator, Re: Civil Aviation Bill.

### **ITEM 3: CORRESPONDENCE**

- 3.1 Incoming:

- Letter dated May 9, 2017 from Mr. Anthony Mekdeci, A.A., Chief Executive officer and Project Coordinator Re: Civil Aviation Bill.

ITEM 4: CORRECTION AND CONFIRMATION OF THE MINUTES OF THE 1<sup>ST</sup> MEETING  
HELD ON MAY 8, 2017

- 4.1 The Minutes were confirmed without corrections, on a motion, moved and seconded by the Hon. Annette N. Ferguson, M.P., and the Hon. Dawn Hastings-Williams, M.P., respectively.
- 4.2 Matters Arising
- 4.2.1 No matters arose from the Minutes.

AND DATE OF THE COMMITTEE'S

ITEM 5: METHODOLOGY, TIME  
PROCEEDINGS

- 5.1 The Chairperson informed the Committee that there were one hundred and twenty four (124) Clauses in the Bill and the Committee would be required to consider the Bill, Clause by Clause.

5.2 Methodology

- 5.2.1 A proposal was made by a Member and the Committee agreed that the following agencies should be invited to make submissions and/or oral presentations on the Bill:

- Guyana Civil Aviation Authority (GCAA),
- Ogle Airport Inc.,
- Cheddi Jagan International Airport,
- the Private Aircraft Owners Association,
- Guyana's Airline Pilot Association,

- 5.2.2 The Member also proposed that the Committee might wish to consider who on the other to invite other ancillary agencies to submit comments and/or make presentations on the Bill, such as:

- Guyana Police force
- Guyana Defence Force
- Hydromet
- Civil Defence Commission

- 5.2.3 The Chairperson suggested that in order to promote inclusiveness and avoid omission of any agency by a selective process, in addition to writing to the aforementioned agencies at paragraph 5.2.1, an advertisement should be placed in the print and electronic media.

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- 5.2.4 The Committee agreed that an advertisement should be published in the print media and on the Parliament Office's Website, inviting written and oral comments and views on the Bill, with the deadline for submission being 14<sup>th</sup> June, 2017. Publication in the print media should be on the following dates:
- Sunday, 21<sup>st</sup> May, 2017
  - Wednesday, 24<sup>th</sup> May, 2017
  - Sunday, 28<sup>th</sup> May, 2017
  - Wednesday, 31<sup>st</sup> May, 2017
- 5.2.5 The Committee also agreed that the submissions should be made electronically and in written form.
- 5.2.6 The Hon Minister, in response to a Member's query as to whether there was any recent International Civil Aviation Organisation (ICAO) report or assessment that could aid the Committee's work, informed the Committee that the ICAO audited and review the legislation in 2016 and that report would be made available to the Committee.
- 5.3 Presentation by the Guyana Civil Aviation Authority (GCAA)**
- 5.3.1 The Committee agreed that the Director General and Board of the Directors of the GCAA should be invited to make a presentation on the Bill on 31<sup>st</sup> May, 2017 at 11.00 a.m.
- 5.3.2 A Member suggested that the GCAA, in addition to its PowerPoint presentation, should provide a matrix detailing the deficiencies in the previous Act and Regulations, including those highlighted by the ICAO; the challenges in implementing the Bill and recommendations for those changes. This would serve as guide when Members would have commenced consideration of the Bill.
- 5.3.3 After a lengthy discussion, the Committee agreed that the GCAA's presentation should address the following:
- Deficiencies of the existing Act, identified by the International Civil Aviation Organisation (ICAO).
  - Status and the difficulties faced by the GCAA in implementing the recommendations from ICAO.
  - Whether the 2016 Regulations would address the deficiencies.
  - The amendments made to the original Bill.



- Whether the proposed amendments were made based on the recommendations from ICAO and Caribbean Aviation Safety & Oversight System (CASOS).
- Outstanding issues to be addressed.

5.3.4 Thereafter, the Committee would re-invite the GCAA to provide it with guidelines on the format of the matrix as required by the Committee.

5.3.5 A Member enquired whether the Committee's deliberations and the presentations would be opened to the public and whether technical Advisors would be available to the Committee. The Chairman informed the Committee that the drafters of the Bill from the Parliamentary Counsel's Department would be available as technical Advisors and suggested, is that in Committee. The Chairman, a technical person was then from the GCAA, could be available to assist the Committee to Standing Order 95(9)(a) which states:

*"The Meetings of a Committee shall be held in Private"*

5.3.6 A Member proposed that after the Committee would have completed its work a presentation could be done by the technical Advisors to inform and educate the public on the Bill.

5.3.7 The Committee agreed that the Hon. Annette Ferguson, M.P. should provide the Committee and the Committees Division with electronic copies of the Civil Aviation Regulations (Negative and Affirmative) for ease of reference, when the Committee would be considering the Bill.

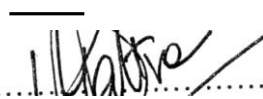
5.4 Day and Time of Meetings

5.4.1 After a brief discussion, the Committee agreed to meet 2<sup>nd</sup> and 4<sup>th</sup> Thursday of every month at 2.00 p.m., providing that there was no Sitting of the National Assembly.

## ADJOURNMENT

At 3.05 p.m., the meeting was adjourned to 11.00 a.m., on Wednesday, 31<sup>st</sup> May, 2017.

Confirmed this 23<sup>rd</sup> of June, 2017

.....  
  
 Hon. David Ferguson, M.P.,  
 Minister of Public Infrastructure,  
 Government of Guyana.

NATIONAL ASSEMBLY OF THE FIRST SESSION (2015- 2017)  
OF THE ELEVENTH PARLIAMENT OF GUYANA

MINUTES OF THE 3<sup>rd</sup> MEETING OF THE SPECIAL SELECT COMMITTEE  
ON THE CIVIL AVIATION BILL — BILL NO. 1/2017  
HELD ON WEDNESDAY, 31<sup>ST</sup> MAY, 2017  
AT 11.00 A.M.  
IN THE PARLIAMENT CHAMBER,  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

ATTENDANCE

MEMBERS OF THE COMMITTEE

CHAIRPERSON

Hon. David A. Patterson, M.P.,  
Minister of Public Infrastructure

A Partnership For National Unity/Alliance For Change (APNU/AFC) (4)  
(Nominated by the Committee of Selection on May 8, 2017)

Hon. Carl B. Greenidge, M.P.,  
Vice-President and Minister of Foreign Affairs

Excused

Hon. Dawn Hastings-Williams, M.P.,  
Minister within the Ministry of Communities

Excused

Hon. Annette N. Ferguson, M.P.,  
Minister within the Ministry of Public Infrastructure

Mr. Michael Carrington, M.P.

From the People's Progressive Party (PPP/C) (4)  
(Nominated by the Committee of Selection on May 8, 2017)

Mr. Clement J. Rohee, M.P.

Excused

Ms. Gail Teixeira, M.P., Opposition Chief Whip

Bishop Juan A. Edghill, M.S., J.P.,

M.P. Mr. Joseph L.F. Hamilton, M.P.

## Officers

Ms. Sonia Maxwell	Clerk of Committees
Ms. Dellon Adams	Assistant Clerk of Committees
Ms. Keshana Murlidhar	Assistant Clerk of Committees

### **ITEM 1: CALL TO ORDER**

1.1 The Chairman called the Meeting to order at 11.13 a.m. and welcomed Members and staff to the third Meeting of the Committee.

#### **1.2 Excuses**

1.2.1 The Chairperson informed the Committee that the following Members had asked to be excused from the meeting:

- (i) Hon. Carl B. Greenidge, M.P.;
- (ii) Hon. Dawn Hastings- Williams, M.P., and
- (iii) Mr. Clement J. Rohee, M.P.

### **ITEM 2: CIRCULATION OF DOCUMENTS**

2.1 The following documents had been circulated prior to the Meeting:

- (i) Notice and of the 3<sup>rd</sup> Meeting dated 23<sup>rd</sup> May, 2017;
- (ii) Electronic Copy of the Civil Aviation Bill — Bill NO. 1/2017
- (iii) Draft schedule of Agencies identified by the Committee presentation of the Civil Aviation Bill dated 23<sup>rd</sup> May, 2017. to make

2.2 The following documents were circulated at the Meeting:

- (i) Letter dated 19<sup>th</sup> May, 2017 to Mr. Egbert Field, Lt. Col. (Ret'd), Director General, Guyana Civil Aviation Authority, Re: Civil Aviation Bill;
- (ii) Amended Draft schedule of Agencies identified by the Committee to make presentation on the Civil Aviation Bill dated 29<sup>th</sup> May, 2017;
- (iii) Copy of Advertisement, Re Invitation to public for written and oral submission on the Civil Aviation Bill dated 18<sup>th</sup> May, 2017;

(iv) Presentation by Guyana Civil Aviation Authority (GCAA) :

- "Economic Regulation of Civil Air Transport"; and
- Security (Aviation Security)
- Matrix of a comparative analysis of the Civil Aviation Act 2000 and the Civil Aviation Bill 2017- Bill No. 1/2017.

### ITEM 3: CORRESPONDENCE

3.1 Incoming: Nil

3.2 Outgoing:

(i) Letter dated 19<sup>th</sup> May, 2017 to Mr. Egbert Field, Lt. Col. (Ret'd), Director General, Guyana Civil Aviation Authority, Re: Civil Aviation Bill.

(ii) Advertisement: (Print Media):

Advertisements were placed in the print media inviting <sup>subm</sup>The deadline <sup>issions</sup> from the public on the Civil Aviation Bill 2017- Bill No.1/2017. for submissions was ~~1<sup>st</sup>~~ June, 2017. The advertisements were on the following dates:

- Sunday, 21<sup>st</sup> May, 2017
- Wednesday, 24<sup>th</sup> May, 2017
- Sunday, 28<sup>th</sup> May, 2017
- Wednesday, 31<sup>st</sup> May, 2017

Advertisements were also placed on the Parliament Office's website and Facebook Page.

### ITEM 4: PRESENTATION BY GUYANA CIVIL AVIATION AUTHORITY ON THE CIVIL AVIATION BILL- BILL NO. 1/2017

4.1 At 11.19 a.m., the Chairperson welcomed the Chairman of the Board of the Guyana Civil Aviation Authority (GCAA), Lt. Colonel (Ref d) Lawrence London, and his team to the Meeting.

4.2 The Chairman of the GCAA thereafter introduced the members of his team. The team appearing before the Committee comprised the following persons:

- |        |                                     |   |
|--------|-------------------------------------|---|
| (i)    | Lt. Colonel (ret'd) Lawrence London | - Chairman of the GCAA Board;             |
| (ii)   | Lt. Colonel (ret'd) Egbert Fields   | - Director General                        |
| (iii)  | Mr. Saheed Sulaman                  | - Director- Air Transport                 |
| (iv)   | Mr. Abraham Dorris                  | - Manager - Aviation Security             |
| (v)    | Mr. Chaitrani Heeralal              | Director Corporate Development -          |
| (vi)   | Mrs. Amanza Walton- Desir           | General Counsel                           |
| (vii)  | Mr. Rickford Samaroo                | - Director Air Navigation Services -      |
| (viii) | Ms. Ayesha Edwards                  | Legal Officer                             |
| (ix)   | Mr. Howard Mc Calla                 | - Consultant, Aviation Safety             |
| (x)    | Col. Cargill Kyte                   | - State Safety Programme<br>Coordinator   |
| (xi)   | Mr. Hugh Denbow                     | - Consultant, Air Transport<br>Management |
| (xii)  | Capt. Astel Paul                    | Board Member                              |

4.2.1 The GCAA Chairman gave an overview of the *modus operandi* of the presentation to the Committee.

4.2.2 Thereafter, Lt Colonel (ret'd) Egbert Fields commenced the presentation by stating the areas to be addressed, the members of the team who would be presenting and the areas to be presented on. He stated that the objective of the presentation was to provide the Committee with answers in the following areas as requested:

- Deficiencies of the existing Act 2000, identified by the International Civil Aviation Organisation (ICAO).
- Status and the difficulties faced by the GCAA in implementing the recommendations from ICAO.
- Whether the draft Bill will address the deficiencies.
- The amendments made to the Civil Aviation Act 2000.
- Whether the proposed amendments were made based on the recommendations from ICAO and Caribbean Aviation Safety & Oversight System (CASOS).

4.2.3 The Director General then proceeded to outline his presentation to the Committee. He informed Members that he was tasked with giving a brief overview of the status of the current civil aviation regulatory system and the need for new legislation.

4.2.4 The Director General informed the Committee that Guyana was audited in 2007 by the ICAO and from a world average of 60% Effective Implementation (EI), Guyana was 44.21%. In 2017 Guyana's EI stood at 64.4%. The following eight (8) critical elements were used in the recent audit by ICAO:

- (i) Legislation
- (ii) Regulations
- (iii) Organisation
- (iv) Technical staff, Qualification and training
- (v) Technical guidance and tools
- (vi) Licensing, certification, Approval
- (vii) Continuous surveillance
- (viii) Resolutions

4.2.5 The Committee was further informed that one of the major findings of the audit conducted by ICAO was legislative and regulatory deficiencies. This prompted the drafting of a new Bill to address the deficiencies in the Civil Aviation Act of 2000, as well as the introduction of a new legislation to improve the efficiency of Guyana's Civil Aviation Sector. The final report of ICAO stated:

*"There is a lack of detailed and specific provisions for the giftient of applicable Legislation and Regulations in the following Audit Areas: "*

- 1. Certification of Maintenance Organizations and Personnel Licensing*
- 2. Air Transport Operations (Including Cabin Safety & Dangerous Goods*
- 3. Airworthiness of Aircraft*
- 4. Oversight of Air Navigation Services & Aerodromes*
- 5. Search and rescue*
- 6. Licensing/Certification of Aerodromes*
- 7. Enforcement action for unresolved safety concerns*
- 8. The Freedom of Access for Inspectors*
- 9. Penalties for contravening the Act (Not large enough as economic deterrent.*

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4.2.6 The Committee was informed that in light of the legislative deficiencies, the following were high priority recommendations by ICAO:

- Promulgate the new Civil Aviation Act of 2016 for the enforcement of applicable legislation and regulations in the following audit areas: Personnel Licensing, operations (including dangerous goods), Air Navigation Services and Aerodrome;
- Promulgate the new Civil Aviation Act of 2016 to provide for a distinct separation of responsibilities between the safety oversight entity in the State and the aviation industry/service providers;

- Establish an enforcement policy and associated procedures taking into account the unique functions of each audit area;
- Promulgate primary aviation legislation/regulations to enable inspectors to have unrestricted and unlimited access to aircraft and aviation facilities and to access and inspect aviation documents, for the performance of their functions and duties;
- Ensure that the legislation/regulations provide for a clear delegation of sufficient legal authority to inspectors; and
- Review and enhance the process for the amendments of the aerodrome (AGA) regulations, taking into consideration ICAO provisions, and their amendments, so that they are processed in a timely matter.

4.2.7 The Committee was further informed that in addition to the deficiencies highlighted by ICAO, the technical team of GCAA identified the following deficiencies in the Civil Aviation Act of 2000:

- Aviation Security
- Insurance of Aircraft
- Search and Rescue
- Transport of Dangerous Goods by Air
- The issue of Economic Regulation of air transport undertakings was of insufficient depth.

4.2.8 Additionally, the Civil Aviation Act of 2000 did not provide for effective enforcement action and in many instances Inspectors were denied access by Airport Operators or access was unreasonably delayed.

4.2.9 The Director General stated that the Civil Aviation Bill 2017 sought to rectify those deficiencies and to introduce the Caribbean Aviation Safety and Security Oversight System (CASSOS). This would allow Guyana access to the services of a qualified Inspector from another Member State under the authority of the Director General of the GCAA.

4.2.10 At 11.34 a.m. the Director General concluded his presentation.

4.3 The Manager of Civil Aviation Security, Mr. Abraham Dorris, thereafter commenced his presentation to the Committee on Aviation Security.

4.3.1 In his opening remarks Mr. Dorris stated that the GCAA plays a critical role in aviation security oversight and the Civil Aviation Act 2000 did not cater sufficiently for aviation security oversight. The 2004 Regulations addressed some aspects of it.

4.3.2 The Committee was informed that in order for the GCAA to have a robust oversight system, there were eight (8) critical elements that must be established. The establishment of those elements, he stated, would greatly assist Guyana in becoming compliant with ICAO's Annex 17 — Standards and Recommended Practices. The critical elements were:

- (i) Aviation Security Legislation (Primary)
- (ii) Aviation Security Programmes and Regulations (Secondary)
- (iii) State Appropriate Authority for aviation security and its responsibilities
- (iv) Personnel Qualifications and Training
- (v) Provision of Technical Guidance, Tools and Security-critical Information
- (vi) Certification and Approval Obligations
- (vii) Quality Control Obligations
- (viii) Resolution of Security Concerns

4.3.3 He alluded to the fact that the Civil Aviation Bill 2017 provided for the establishment of a Civil Aviation Oversight System: Part XI (11) - Civil Aviation safety and security, Part xviii (18) - Security Offences (unlawful interference), and Part XIX (19) - Unruly Passenger offences.

4.3.4 Mr. Dorris informed the Committee that ICAO utilizes 445 protocol questions to verify a state's compliance with its standards and protocol questions. Specific to civil aviation oversight, those were being addressed in the Civil Aviation Bill 2017. The Civil Aviation Bill 2017 made provisions for a National Civil Aviation Security Policy, a National Civil Aviation Programme, a National Civil Aviation Security Committee, the functions of the Authority, confidentiality of programme information, giving legal status to the Security programme which satisfied the protocol questions specific to civil aviation oversight.

4.3.5 The Aviation Oversight Manager further informed the Committee that the ICAO, by means of its protocol questions, mandated that State laws criminalise acts of unlawful interference against civil aviation. The ICAO Aviation Security Manual recommended that those offences be punishable by penalties, offences such as, unlawful seizure of aircraft, violence against a person on an aircraft, endangering aircraft in flight etcetera. The Civil Aviation Bill 2017 from Clause 104 through 115 took into account those recommendations by ICAO

4.3.6 In concluding his presentation, Mr. Dorris informed the Committee that the provisions in the Civil Aviation Bill 2017 with regard to regulatory oversight by the GCAA, served to make Guyana ICAO compliant and to strengthen the oversight system of the GCAA. It also allowed Guyana to fulfill its obligations to international conventions it had acceded to, the most recent being the Montreal Protocol, on June 10, 2016.

4.4 At 11.45 a.m. Mr. Saheed Sulaman, Director, Air Transport Management commenced his presentation on **Economic Regulation of Civil Air Transport.**



4.4.1 Mr. Sulaman brought to the Committee's attention Articles in the Chicago Convention which addressed air transport and regulations, and the numerous guidelines on economic regulations published by ICAO. However, from the numerous documents published by ICAO, Doc 9626 - Manual on the Regulation of International Air Transport was used as a point of reference with a direct quote defining the responsibilities of Civil Aviation Authorities in the world.

4.4.2 The Committee was informed that the Civil Aviation Act of 2000 addressed regulation of economic air transport, and this was included in the Civil Aviation Bill 2017 as well, it was however deficient, in that it failed to address important ICAO recommendations: Consumer Protection and Environmental Sustainability.

4.4.3 The Committee was further informed that, the Civil Aviation Bill 2017 Section 75 (1) gave the Minister power to make regulations for giving effect to the Convention on the Unification of Certain Rules for International Carriage by Air, which Guyana had recently signed. Additionally Section 75 (2) (a) and (b) addressed ICAO's Consumer Protection recommendation. Environmental sustainability was addressed in Section 15 (1)(c) of the Civil Aviation Bill 2017.

4.4.4 Mr. Sulaman concluded his presentation by highlighting the following important areas that were non- existent in the Civil Aviation Act of 2000 but were addressed in the Civil Aviation Bill 2017:

- Economic Regulations of Airports and Air Navigation Service Providers (ANSP);
- Fitness and Financial Health Monitoring- ensuring that airlines were financially sound;
- Consumer Affairs;
- Commercial Affairs - including airfares, route rights, advertisement issues; etcetera; and
- Environmental Factors - Guyana would be required to submit a State Action Plan on the emission of carbon dioxide CO<sub>2</sub> from aviation related activities

4.5 At 11.56 a.m. Mrs. Ananza Walton-Desir, General Counsel GCAA commenced her presentation to the Committee on **An overview of the Civil Aviation Bill 2017.**

4.5.1 The Committee was informed that the need for new legislation in Guyana's Aviation Sector arose from the recent ICAO audit and recent International Conventions acceded to, *inter alia* and recent developments in the aviation sector. The Civil Aviation Act of 2000 would have required extensive amendments in order to make Guyana compliant with international standards and practices; hence repealing and replacing was thought to be the most prudent approach.

4.5.2 Mrs. Walton-Desir further informed the Committee that the Civil Aviation Bill 2017 had twenty (22) parts and 149 sections. Each part dealt with particular areas of civil aviation and the following were key features:

- (i) Empowering the Director General with comprehensive and relevant powers to regulate the industry to improve public safety;
  - (ii) Introduction of the life cycle model for entry of participants into the civil aviation system and their eventual exit — this model was adopted from New Zealand's civil aviation sector whose aviation environment was similar to Guyana's, it sets the requirements for entry into the aviation sector;
  - (iii) Provision for a separate unit within the GCAA for the delivery of air navigation services - addressing the minimum requirement of ICAO which was the functional separation between the regulator and the service provider, in order to eliminate conflict of interest;
  - (iv) Subjecting all airports and air navigation service providers to ICAO Principles (economic regulation) in setting user charges, being transparent and having consultation with regard to cost; and
- (v i) Introduction of the "fit and proper person test" - legal standing to address breaches of licenses issued.

4.5.3 Mrs. Walton-Desir reiterated that the eight (8) critical elements outlined by ICAO could not be over-emphasized and drew the Committee's attention once again to them, pointing out that it was a requirement that each element be addressed in order for Guyana to be compliant with international standards and honour its obligations under the Chicago Convention. She informed the Committee that ICAO's compulsory audit schemes included protocol questions which were revised from time to time and would necessitate revision of Guyana's aviation legislation accordingly.

4.5.4 Further, the General Counsel stated that over the last twenty (20) years civil aviation had become complex and ICAO requirements with regard to what was included in the Primary Legislation were very specific (Critical Element 1). Additionally, omitting an item in the requirement of an ICAO Protocol Question (PQ), made the legislation non-compliant, hence relevant parts of ICAO's guidelines were transposed into the Civil Aviation Bill 2017.

4.5.5 At 12.10 p.m. Mrs. Amanza Walton-Desir, General Counsel concluded her presentation.

## ITEM 5: QUESTIONS AND COMMENTS FROM MEMBERS

- 5.1 The Chairperson invited Members to present their questions and/or to make comments on the presentation.
- 5.1.1 Mr. Hamilton stated that Guyana had always had difficulties in enforcing legislation. He said that it was expected that this new legislation would have added responsibilities and would require increased resources, human and technical personnel who would be expected to ensure that the legislation was effective. He enquired how confident was the GCAA that the resources, financial as well as human would be made available.
- 5.1.2 The Director General in response said that he was satisfied with the support given to GCAA with respect to financing and the selection of individuals for training. He stated that aviation being a "very precise business", it was important that the requisite training be provided to enable the Authority to move forward.
- 5.1.3 Mr. Hamilton noted the statement made by a member of the team, that there would be need for further amendments, based on additional issues that would have to be addressed. He enquired about some of the amendments that would necessitate returning to the National Assembly.
- 5.1.4 The Director General responded that the Authority would have to peruse the State letters of the Annexes, which included the standards and recommended procedures by the ICAO, then the Authority would be able to identify the issues for amendments in the future.
- 5.1.5 The Member further questioned which of the eight (8) critical elements was the weakest, and with the necessary resources how soon would the Authority be able to reach 100 percent.
- 5.1.6 The Director General stated that the weakest of the eight (8) critical elements was the legislation. He explained that the expertise in the human resource would have to compete with other industries and the GCAA did not compensate as highly as commercial entities, hence it would be the hardest area to combat.
- 5.1.7 He stated further that Guyana's (EI) average was 60 percent but ICAO was advocating for 80 percent. He indicated that the accident and investigation area was not audited last year, if it was, it would have taken the (EI) to 70 percent average.
- 5.1.8 Ms. Teixeira highlighted some observations from the presentation. She stated that the Civil Aviation Bill No.1 of 2017 comprised several legislation. She indicated that prior to September, 2001 there was a Department of Civil Aviation which became GCAA and it was under the UK Civil Aviation Authority. The law was designed for the UK/CAA and FAA to inspect GCAA.

5.1.9 She further stated that because of non-capacity in 2000, the Civil Aviation Security Regulation grew which brought the oversight recognition of having to upgrade the security and air navigation at the Airport.

5.1.10 She elaborated that the UK economic regulations had to do with licensing, levying charges and flexible levy charges for air drones and air services operators.

5.1.11 Ms. Teixeira pointed out that nowhere in the ICAO requirement was it stated that the Government had the primary responsibility for international agreements. She expressed that her concern was that the economic regulations and agreements were the responsibility of the Authority and not the State. The ILO, she stated was another agency that Guyana had to comply with and that that issue needed to be incorporated into the GCAA.

5.1.12 She explained that the National Civil Aviation Security Committee was set up by the 2004 legislation and there was an Anti-Terrorism Act assented to in 2016. Ms. Teixeira enquired in what way did the Act synchronizes with the Civil Aviation Bill. She stated that the Anti-Terrorism Act has 14 penalties for Death as compared to the Civil Aviation Bill. She posited that the drafting of legislation must not only be driven by the ICAO requirements but also GCAA legal framework.

5.1.13 Ms. Teixeira enquired about the role of CASSOS, since nothing was mentioned in the Bill regarding CASSOS or ICAO. She enquired which of the bodies was of more importance and stated, that in her view, where CASSOS was mentioned it should be ICAO instead.

5.1.14 The Director General stated that the Civil Aviation Department was only responsible for three (3) Annexes which were 1, 6 and 8, respectively. ICAO had no mandate that the GCAA oversight system had to oversee the additional nineteen (19) Annexes. He explained that because of the increase in the size of the Authority, this gave reasons for the additional regulations. He stated that ICAO took precedence over all other organisations, hence the genesis of Standards and Recommended Practices (SARP).

5.1.15 He further explained that CASOS was a Regional Safety Organisation and ICAO was promoting the formation of a regional safety organisation to assist Member States. ICAO preferred to assist one organisation rather than an individual state, since it recognised that small states could not stand on its own, thus when Guyana did not have any flight Operation Inspector it was able to access it through CASSOS.

5.1.16 Mr. Dorris in response to Ms. Teixeira, stated that the policies and provisions in the Bill was not crafted by theGCAA. The function of the GCAA was to participate in negotiations of the Bilateral Air Services Agreements or Air Services Agreements. However, GCAA could be requested by the Government to meet the negotiation based on the technical nature of the Air Services

Agreements. He stated that the present model of the economic regulation was established in the present Act and has been documented in the business policy that was given to GCAA during its formation. He further mentioned that the policy that sets up the GCAA was contained in the final report on the Institutional Reform of Civil Aviation which was done by UK International Services and it addressed the four (4) core board directorates of the GCAA. He explained that the process was to strengthen GCAA Regulation to match best practices around the world and to follow the guidelines of ICAO.

5.1.17 Ms. Teixeira interjected stating that ICAO was different, and embodied in the law was that the GCAA be involved in the agreements and not just participating. She further stated that GCAA was the negotiating body. She made it clear that the agreements were binding and no authority other than the State should sign agreements that were to be made law.

5.1.18 Bishop Edghill stated that the Committee was advised that there were 445 protocol questions that needed to be answered before GCAA could be deemed compliant. He enquired whether the 445 protocol questions were addressed in the Bill.

5.1.19 Mrs. Desir in response, indicated that GCAA's major concern was the critical element, the primary aviation legislation. The protocol questions were separated into aviation security and aviation safety. She further indicated that the aviation safety had twenty (20) protocol questions currently in the "critical element one" that required to be addressed. She stated that during the dynamism of the system it was found that the protocol questions were reclassified and a new set of protocol questions were released.

5.1.20 The Member questioned whether the Bill had adequately satisfied critical element one.

5.1.21 Mrs. Desir confirmed that the Bill adequately addressed the question the Member raised and stated that there was a Security Committee in place. She explained that the requirements in critical element one, were those that ICAO had decided needed to be elevated at the level of the primary aviation legislation to receive scrutiny and attention. She further explained that depending on the configuration for the passage of legislation, be it negative or affirmative resolutions, it was entirely possible that if GCAA were to leave those matters in the regulation it would have been passed without notice or scrutiny.

5.1.22 The Chairperson enquired whether the current Bill adequately addressed the method of presenting affirmative regulations to the National Assembly without any ambiguity.

- 5.1.23 Mrs. Desir responded positively and stated that the Air Navigation Services (ANS) Regulation did not have that requirement and that was the reason it was signed into law. She informed the Committee that the passage of the ANS Regulation meant that effective implementation was moved from a 10.82 percent to a 54.17 percent, which reflected the highest movement across the technical areas.
- 5.1.24 Bishop Edghill enquired about the cost to the State to implement the new Bill. He cited that the Bill addresses the financing of the Authority and it was anticipated that the Authority would receive revenues from other sources. However, it did not state that surpluses would be transferred to the Consolidated Fund. He indicated that the Bill stated that the Authority should employ a cost recovery mechanism which would conduct the affairs and that revenues were not less than sufficient to be properly chargeable to the revenue account, which would allow the Authority to increase charges to ensure self-sufficiency.
- 5.1.25 Bishop Edgill noted that ANS contributed to a significant portion of the revenue. He stated that the Committee was informed during the presentation that there must be some separation between regulators and operators. He enquired of the reason the Authority did not delink fully the ANS from the GCAA.
- 5.1.26 He noted further, that the IDB study had proposed a separation of the three ANS. He questioned the possibility for this to evolve, given the Authority might wish to maintain that linkage. He anticipated that there would be conflicts of authority between the Board and the Director General.
- 5.1.27 Ms. Desir in responding reiterated that the minimum requirement of ICAO was functional separation. The Civil Air Navigation Services Organisation (CANSO) was a group of ANS providers worldwide and would have set guidelines on the minimum requirement for that separation of authority. She stated the Bill reflected the guidelines of ICAO. She clarified that the Bill did not deprive the Director General of technical oversight.
- 5.1.28 She further stated that the principle behind the functional separation was that the providers of the resource must not be the regulators and in the context of SARP, ANS providers would be accountable to the Director General who would have regulatory control. She explained that delinking ANS completely would be a complex process and that GCAA was striving to achieve the minimum level of compliance that would allow them to be compliant with ICAO. This was what the Bill was seeking to achieve.
- 5.1.29 The Director General added that ICAO recognised that delinking the ANS completely from the Authority was difficult for small States. In his response to the question on bilateral agreements he stated that the Bill addressed the issue of negotiation of Air Services Agreements with other countries which would allow just for their participation. He drew Members' attention to Part 2, Section 5 (1) (c) which stated: "*to participate in the negotiation of air services agreements*

*with other countries" and Part 2, Section 5 (1) (f) which states: "to enter into technical or operational arrangements with civil aviation authorities of other countries".*

5.1.30 Bishop Edgill noted the statement made during the presentation that in order for the Authority to achieve compliance, the powers of the Director General must be expanded and questioned what additional powers resided with the Director General.

5.1.31 The Director General in response, elucidated that the Director General had expanded roles by the additional annexes which fell under the purview of the GCAA. He highlighted that the powers were clearly delineated under Part 4, Section 15 (1) of the Bill.

5.1.32 Ms. Desir in an attempt to provide clarity to Part 4, Section 15 elucidated that the Director General was the custodian of the technical functions and that they were set out in a manner to protect the oversight function which was established through the issuance of the Aviation document.

5.1.33 Bishop Edgill enquired if an operator was dissatisfied with a decision or an action taken by the Director General, to whom would the operator appeal?

5.1.34 Ms. Desir, in her response, indicated that an operator could seek recourse through the High Court by way of an administrative action for a decision to be overturned. Presently, the Civil Aviation Air Navigation Regulations made provisions for operators to appeal to the Board; the difficulty was that it had no strict requirement as to the membership of the Board.

5.1.35 Ms. Teixeira stated that Part 3 Section 8 (1) of the Bill did not specify the composition of the Board. She further stated that the Board should be the body that had responsibility to hear appeals.

5.1.36 Bishop Edgill suggested that authority of cooperation aggregate was a preferred method of power, since power was not in an individual but collective. He thereafter, posited that the Bill be consistent and should satisfy legal requirements which was a prerequisite for accountability.

5.1.37 Director General in his response stated that ICAO had standard requirements that GCAA had to follow before approval was given to a prospective operator. He further stated that the requirements should be adhered to and if approval was denied, the reason should be clearly stated. He explained that there were five processes an operator had to follow, if one of the requirement was not achieved, the Authority would assist the operator in meeting the requirement. If the requirement still had not been met it meant that that operator was unable to conduct a safe operation.

5.1.38 Ms. Teixeira expressed concerns about Part 3 Section 13 (1) of the Bill. She highlighted that the Bill failed to state that the Minister should be guided by ICAO recommendations. She recommended that the Bill be amended accordingly and should outline the recourse for the Board to articulate negotiations.

5.1.39 Following the conclusion of the session, the Committee agreed that in addition to the Chief Parliamentary Counsel, the Director General, the General Counsel and the Legal Officer of the GCAA, should be invited to attend meetings to provide advice and clarification, if necessary, to the Committee when it would have commenced consideration of the Bill.

5.1.40 The Chairperson indicated to Members that Standing Order 95 (16) gave the Committee the authority to invite the representatives from GCAA to attend its meeting in an advisory capacity.

5.1.41 Ms. Teixeira requested that the GCAA submit to Members a copy of the IDB study on Civil Aviation, since she was of the view that the Committee might find it useful during its consideration of the Bill.

5.1.42 The Chairperson then requested the General Council to provide the Committee with a copy of ICAO, 2017 "Interconnectivity Report".

5.1.43 Thereafter, the Chairperson thanked the Team and Board of the GCAA for their useful presentation to the Committee.

## **5.2 Views expressed by Ms. Teixeira**

5.2.1 Ms. Teixeira proposed that a representative from CASSOS and ICAO should be invited to present views and or comments on the Bill.

5.2.2 The Chairperson advised the Member that it was his belief that the representative had been replaced by the newly appointed Chairman, Mr. Nan Singh, who was based in Jamaica. As such, he did not share the view that the representative should be invited. Thereafter, the Chairman agreed to provide the status of the newly appointed representative(s) of CASSOS.

## **5.3 Consideration of Draft Amended Schedule of Agencies Identified by the Committee to make Presentation on the Civil Aviation Bill — Bill No. 1/2017 dated 29<sup>th</sup> May, 2017**

5.3.1 The Committee proceeded to consider the above schedule and agreed that each agency should be given a maximum of one hour to make its presentation on 22<sup>nd</sup> June, 2017, as follows:



AGENCY	TIME OF PRESENTATION	PERIOD OF INTERACTION AND QUESTIONS
Ogle Airport Inc.	10.00 a.m. - 11.00 a.m.	11.00 a.m. — 11.30 a.m.
Cheddi Jagan International Airport Inc.	11.30 a.m. — 12.30 p.m.	12.30 p.m. — 1.00 p.m.
Aircraft Owners' Association of Guyana Inc.	1.00 p.m. — 2.00 p.m.	2.00 p.m. — 2.30 p.m.
National Air Transportation Association	2.30 p.m. — 3.30 p.m.	3.30 p.m. — 4.00 p.m.

5.3.2 The Committee agreed that Trans Guyana Airways should be invited separately to make its presentation to the Committee.

5.3.3 The Committee also agreed that the Clerk of the Committee should ascertain whether the Guyana Airline Pilots' Association was functioning before inviting the agency to make a presentation.

#### 5.4 Publication of Advertisement

5.4.1 The Chairperson informed the Committee that the advertisement was placed in the print media with the closing date for submissions being 14<sup>th</sup> June, 2017. Advertisements were also placed on the Parliament Office Website and Facebook page. To date, no submission had been received.

5.4.2 The Committee agreed that the Clerk should circulate copies of all submissions received.

## ADJOURNMENT

At 2.00 p.m., the meeting was adjourned to 10.00 a.m., Thursday, 22<sup>nd</sup> June, 2017.

Confirmed this day .....of June, 2017

.....  
 Hon. David A. Frisby, M.P., Minister  
 of Public Infrastructure, Chair  
 person.

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NATIONAL ASSEMBLY OF THE FIRST SESSION (2015- 2017)  
OF THE ELEVENTH PARLIAMENT OF GUYANA

MINUTES OF THE 4<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE  
ON THE CIVIL AVIATION BILL — BILL NO. 1/2017  
HELD ON WEDNESDAY, 22<sup>ND</sup> JUNE, 2017  
AT 10.00A.M.  
IN THE PARLIAMENT CHAMBER,  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

ATTENDANCE

MEMBERS OF THE COMMITTEE

CHAIRPERSON

Hon. David A. Patterson, M.P.,  
Minister of Public Infrastructure

A Partnership For National Unity/Alliance For Change (APNU/AFC) (4)  
(Nominated by the Committee of Selection on May 8, 2017)

Hon. Carl B. Greenidge, M.P.,  
Vice-President and Minister of Foreign Affairs

Excused

Hon. Dawn Hastings-Williams, M.P.,  
Minister within the Ministry of Communities

Hon. Annette N. Ferguson, M.P.,  
Minister within the Ministry of Public Infrastructure

Excused

Mr. Michael Carrington, M.P.

From the People's Progressive Party (PPP/C) (4)  
(Nominated by the Committee of Selection on May 8, 2017)

Mr. Clement J. Rohee, M.P.

Excused

Ms. Gail Teixeira, M.P., Opposition Chief Whip

Bishop Juan A. Edghill, M.S., J.P., M.P.

Excused

Mr. Joseph L.F. Hamilton, M.P.

## Officers

Ms. Sonia Maxwell	Clerk of Committees
Ms. Dellon Adams	Assistant Clerk of Committees
Ms. Sereeta Bethune	Assistant Clerk of Committees

## In Attendance

Lt. Colonel (ret'd) Egbert	- Director General
Fields Mrs. Amanza Walton-	- General Counsel
Desir Mr. Saheed Sulaman Mr.	- Director- Air Transport
Abraham Dorris	- Manager - Aviation Security

## ITEM 1: CALL TO ORDER

- 1.1 The Chairman called the Meeting to order at 10.15 a.m. and welcomed Members and staff to the fourth Meeting of the Committee.
- 1.2 Excuses
  - 1.2.1 The Chairperson informed the Committee that the following Members had asked to be excused from the meeting:
    - (i) Hon. Carl B. Greenidge, M.P.; Hon.
    - (ii) Annette N. Ferguson, M.P., Mr.
    - (iii) Clement J. Rohee, M.P.; and Bishop
    - (iv) Juan A. Edghill, M.S., J.P., M.P

## ITEM 2: CIRCULATION OF DOCUMENTS

- 2.1 The following documents had been circulated prior to the Meeting:
  - (i) Notice of the 4<sup>th</sup> Meeting dated 14<sup>th</sup> June, 2017;
  - (ii) Minutes of the 2<sup>nd</sup> <sup>an</sup>-rd <sub>a</sub> Meetings held on 18<sup>th</sup> and 31<sup>st</sup> May, 2017;
  - (iii) Letter of invitation to make oral presentation on the Civil Aviation Bill — Bill No. 1/2017 to the following agencies:
    - (i) Ogle Airport Inc.;
    - (ii) Trans Guyana Airways;
    - (iii) Cheddi Jagan International Airport Corporation;
    - (iv) National Air Transportation Association (NATA);and
    - (v) Aircraft Owners Association of Guyana.

- (iv) Response dated 7<sup>th</sup> June, 2017 from:
  - (i) Trans Guyana Airways; and
  - (ii) Ogle Airport Inc.
- (v) Submission on the Civil Aviation Bill — Bill 1/2017 from:
  - (i) Ogle Airport Inc., and
  - (ii) Aircraft Owners Association of Guyana
- (vi) Copies of presentation by Guyana Civil Aviation Authority:
  - (i) The Need for a New Civil Aviation Act; and
  - (ii) Overview- Civil Aviation Bill 2017.

2.2 The following documents were circulated at the Meeting:

- (i) Copy of the Presentation by representatives of Cheddi Jagan International Airport Corporation: CJAC's Review of Civil Aviation Bill 2017, and
- (ii) Copy of the Presentation by representatives of the National Air Transport Association (NATA): Final Report of the Compliance and Safety Policy Committee.

### **ITEM 3: CORRESPONDENCE 3.1**

#### **Incoming:**

Responses received from:

- (i) Trans Guyana Airways;
- (ii) Ogle Airport Inc., and
- (iii) Aircraft Owners Association of Guyana.

#### **3.2 Outgoing:**

Letter of invitation to the following agencies to make oral presentation on the Civil Aviation Bill — Bill No. 1/2017:

- (i) Ogle Airport Inc.;
- (ii) Trans Guyana Airways;
- (iii) Cheddi Jagan International Airport Corporation;
- (iv) National Air Transportation Association (NATA);and
- (v) Aircraft Owners Association of Guyana

#### **3.3 Suspension of Agenda**

3.3.1 The Committee agreed to suspend the other items on the Agenda and proceed with the presentations.

**ITEM 4: PRESENTATION BY GUYANA AIRCRAFT OWNERS ASSOCIATION, OGLE AIRPORT INC AND TRANS GUYANA.**

4.1 At 11.19 a.m., the Chairperson welcomed the team representing Guyana Aircraft Owners Association and Ogle Airport Inc.

4.2 The team comprised the following persons:

- (i) Christopher Kit Nascimento - Director and Consultant to Guyana Aircraft Owners Association and Consultant to Ogle Airport Inc.;
- (ii) Philip Lynch - Airport Operations Manager, Ogle Airport Inc.;
- (iii) Ms. Melinda Janki - Legal Advisor

4.2.1 The Chairman introduced himself and the Members of the Committee and the Technical Advisors. He thereafter, requested Mr. Nascimento to introduce the members of his team.

4.2.2 Mr. Nascimento introduced himself and the Members of his team and proceeded to give an overview of the areas of concern with regard to the Bill. He indicated that those issues would be dealt with in detail by the other Members of the team.

4.2.3 In his overview, Mr. Nascimento, informed the Committee that the Agencies he represented were advised that the Civil Aviation Bill was poorly drafted, contrary to the rule of law and appeared to have violated fundamental rights and freedoms guaranteed by the Constitution of Guyana. He stated that the Bill gave discretionary powers to the Minister and Director General to take action which would be properly founded in law.

4.2.4 He stated, that in light of the forgoing, it was recommended that the Civil Aviation Bill be withdrawn, redrafted and resubmitted to the National Assembly together with the proposed economic and safety Regulations compliant with ICAO requirements that applied to the context of Guyana's specific requirements.

4.2.5 Mr. Nascimento then directed the Committee's attention to specific areas of concern to the Agencies which would be dealt with in detail by the Legal Advisor:

- The Bill was without a Preamble or explanatory memorandum as to its legislative intent or purpose;
- The Bill attempted to address matters which belonged to the Civil Aviation Economic and Safety Regulations and should have been the subject of consultation before being presented to the National Assembly;

- The Minister's powers to make Regulations were being scattered throughout the Bill and those powers should be subjected to negative Resolution of the National Assembly;
- The appointment and composition of the Civil Aviation Board should be subjected to negative Resolution of the National Assembly;
- The Bill appeared to have been drafted with punitive rather than Regulatory intent ; and
- The language of the Bill portrayed the Civil Aviation Authority as the police of the aviation industry rather than a partner and guide in the industry with regard to compliance with ICAO standards.

4.2.6 Thereafter, Ms. Jenki addressed the Committee with regard to the highlighted concerns. By way of opening remarks, she stated that civil aviation was of national interest and the Bill should be reflective of that. She posited that the principles which were included in the Act should be the correct ones that would serve Guyana well in the foreseeable future.

#### 4.2.7 Violation of the Rule of law

Ms. Jenki stated that the purpose of legislation was to regulate conduct for the common good. The Bill, she said, gave excessive powers to the Minister, the Director General and the Authority to act on matters that should be determined by law not by discretion. The discretion should be restricted and replaced, where possible, by objective criteria. Further, she stated that the word "control" was used more than thirty (30) times in the Bill and should be replaced, where necessary, with the words: administer, regulate, manage, which were standard drafting language.

4.2.8 The Committee was informed, by Ms. Janki, that aviation was the safest industry, since it was well regulated and operators knew the rules and knew where they could be found. The Bill she posited seemed to be drafted outside of that reality, since it was difficult to find the law in the Bill. The Bill contained vague language of international conventions and "referring to" international standards, international treaties, as prescribed and this would pose a challenge to the ordinary citizen. Legislative language, she said should be clear and unambiguous as possible. The rule of law in summary did and knew what the law was, and could be found by every citizen.

4.2.9 Ms. Janki, posited that the Bill appeared to violate the right to property, the protection against arbitrary search or entry and freedom of expression.

- 4.2.10 She also stated that the rules of drafting were not followed, since there was no preamble, also where language from international conventions were used, it should be placed in national drafting idiom.
- 4.2.11 The law, Ms. Janki, stated should be objective so that judges could be able to determine what the law was. However, in the Bill there were too many instances where the law was subjective, dependent on the views and discretion of persons who were not judges. For example, Section 68 depended on the discretion of the pilot and Section 104 referred citizens to the Tokyo Convention for a definition of serious offences.
- 4.2.12 The Committee was informed that much of the language in the Bill had "fuzzy edges" and words should be used that had clear meaning. The structure, according to the rules of drafting, was somewhat chaotic and had no logical structure. For example, having all the Minister's powers should be reflected in one place.
- 4.2.13 Ms. Janki further informed the Committee that the Bill had provisions that were covered elsewhere in law and this was unacceptable in drafting. It was suggested that the repetitions be removed from the Bill.
- 4.2.14 The Criminal Offences, she stated, were very oppressive and draconian, since most of the language was taken from International Conventions, hence were too broad. The limits of the Criminal Offences in the Bill were unknown and the penalties were unconstitutional. For example, life imprisonment which would most likely be struck out by the Courts, since it was subject to judicial discretion. Extradition, she said, was covered in other laws and countries, including African States and the United Kingdom or the European Union, would not extradite persons to Guyana due to the death penalty law which was still legal. She therefore, recommended that extradition as a penalty should be removed from the Bill.
- 4.2.15 Ms Janki recommended that penalties including fines should be included in a schedule at the end of the Bill as was done in the Environment Protection Act.
- 4.3 Mr. Lynch, then proceeded to address the Committee, he stated that his presentation would be brief as most of the concerns were addressed by Ms. Janki.
- 4.3.1 Mr. Lynch informed the Committee that ICAO's definitions were very specific and brought to the Committee's attention the incomplete definition of "aerodrome" in the Bill when compared to ICAO's definition.
- 4.3.1 The Committee was referred to Section 33(1) of the Bill and the question was posed on the effect of Ministerial control in the interest of aviation on lease lands as in the case of Eugene F. Correia Airport and lands with aerodromes in Amerindian settlements and on private property.

#### 4.4 QUESTIONS AND COMMENTS FROM MEMBERS

4.4.1 Ms. Teixeira enquired whether the Civil Aviation Authority should be responsible for handling economic Regulations according to ICAO requirements, and possessed the capacity as incorporated in the Bill, to effectively do so or whether it should be the State's responsibility for those regulations?

4.4.2 In response, Mr. Nascimento stated that it was normal for economic Regulations to be drafted separately from safety and security Regulations, however, he added that

view that those should be laid in the National Assembly. "Ms. Janki ICAO had specific requirements with regard to economic Regulations and agreed that those should be included in legislation and brought to the National Assembly subject to Negative Resolution.

4.4.3 Ms. Janki further informed the Committee, that the Bill appeared to ignore on the the situation with regard to climate change and Guyana's commitment international plain to reduce carbon emissions. There was no provision in the Bill for adoption, mitigation or offsetting this issue and that the emphasis seemed to be from the use of fossil fuel more on economic growth rather than *moving away* which was not relevant to the 21<sup>st</sup> Century. She stated that economically, the Bill appeared all right but was not fit to guide the aviation sector in an "amendment to the light of all the constraints being faced in the 21<sup>st</sup> Century. She recommended the Regulations.

4.4.4 The Chairman advised that in many countries in the Caribbean and further afield, the Civil Aviation Authority had oversight for economic Regulations as opposed to the State. Hence, Guyana's case was not unusual.

4.4.5 Ms. Teixeira then requested that the technical Advisors provide the Ministry, Committee or with a list of countries that have their economic Regulations under a state agency such as the Civil Aviation Authority or any other body.

4.4.6 The Chairman then informed the team that its written submission would be of the into consideration when the Committee would have begun consideration Bill. He also assured the team that no new aviation Regulation would be implemented before the passage of the Bill through the National Assembly.

4.4.7 Ms. Janki drew the Committee's attention to two (2) sections of the Bill that were of concern but were not included in the written submission to the Committee:

- Section 2 (1) which was taken from the Beijing Convention, should be deleted since those activities were already constituted under the Anti-Money Laundering and Countering the Financing of Terrorism Act 2009 and 2015. respectively:



- Section 104 defined serious offence and that definition was included in the Tokyo Convention. Article 9 of the Tokyo Convention stated that the aircraft pilot would determine what was a serious offence; thus should not be included;
- Section 105 would lead to a potential problem of "double-jeopardy" since those activities were already catered for under penalties of the Anti-Money Laundering and Countering the Financing of Terrorism Act 2015 ;
- Section 107, the offences were too broad and difficult to understand;
- Section 113 was already a terrorist act and extradition to Guyana was almost impossible due to our death penalty laws. Additionally, the language in the Beijing Convention should not be used but rather the parameters of the offences should be specified; and
- There was also a conflict between the penalties for the offences in the Bill.

4.4.8 Ms. Janki then offered to submit those additional points to the Committee before its next Meeting.

4.4.9 There being no other questions, the Director General of the Civil Aviation thanked the team for its submission and presentation and committed to considering the concerns which were raised.

4.4.10 Mr. Nascimento then thanked the Committee for inviting the team to make an oral presentation and recommended a comprehensive review of the Bill since in its present state, it provided a gateway to numerous challenges before the Courts. This, he said, was undesirable within the aviation industry.

4.4.11 The Chairman thereafter thanked the team for its very informative presentation to the Committee.

#### 4.5 PRESENTATION BY THE CHEDDI JAGAN INTERNATIONAL AIRPORT CORPORATION (CJIA)

4.5.1 The Chairman welcomed the team from the Cheddi Jagan International Airport Inc. (CJIA) at 11.30 a.m.

4.5.2 The team appearing before the Committee comprised:

- Mr. Ramesh Ghir - Chief Executive Officer (CEO);
- Mr. Andre Kellman — Deputy Chief Executive Officer;
- Mr. Alvin Majeed - Security Manager
- Mr. Manmohan Balram — Operations Manager

- Ms. Aneka Edwards- Head, CEO Secretariat

4.5.3 Mr. Ghir, CEO introduced himself and team and commended the Guyana Civil Aviation Authority and the drafters of the Bill for a very comprehensive piece of legislation that would strengthen aviation oversight and regulatory controls in the aviation sector. However, he noted that there were there (3) areas in the Bill which impacted directly on the CJIA' s operations and needed clarity.

4.5.4 The CEO drew the Committee's attention to Section 39 (1) which granted unrestricted access to the Director General or persons duly authorised by the Director General for the purpose of granting or renewing an aviation document. The Management of CJIA was of the view that such access should be subjected to the provisions of any Airport Security Programme that might be enforced from time to time.

4.5.5 The Committee was told the Airport Security programme had Clauses which were approved by the Civil Aviation Authority with regard to accessing restricted areas at the Airport.

4.5.6 Section 84 of the Bill which dealt with the refusal to testify or to produce documents for the purposes of an investigation or inspection was also highlighted by the CEO.

4.5.7 The CEO informed the Committee that all employees of public corporations were subject to a certain amount of confidentiality in carrying out their duties under the Public Corporations Act. It was therefore recommended that Section 84 should be subjected to the Public Corporations Act.

4.5.8 The Committee was informed that Section 87 should also be subjected to the Public Corporations Act.

#### 4.6 QUESTIONS AND COMMENTS FROM MEMBERS

4.7 Ms. Teixeira sought the views of CEA' s team on the following matters in the Bill:

- The reassignment of air navigation services to the Board and not the Director General of Civil Aviation;
- The effect of economic regulations on CJIA being a state entity as opposed to Ogle Airport Inc. which was a privately owned entity; and
- In relation to the composition of the Airport Security Committee which was specified in the Act but was redefined in the Bill and left open-ended.

- 4.7.1 In response, Mr. Ghir stated that from his understanding, the Civil Aviation Authority had regulatory oversight, however the provision of air navigation service was controlled by the Control Tower. He was unaware to whom Air Traffic Control reported.
- 4.7.2 With regard to the questions on economic regulations and the Airport Security Committee, the CEO requested permission to submit a detailed written response to the Committee. Members had no objection to the request.
- 4.7.3 Mr. Hamilton thereafter, recommended that the management of the CJIA should seek legal advice in reviewing the Bill, since there were other aspects that may impact their operations.
- 4.7.4 Ms. Teixeira intimated that CJIA being the most critical aerodrome in the industry, enquired whether the Bill as constructed, practicably addressed the issue of aerodrome and whether the offences were practical.
- 4.7.5 Mr. Ghir in response indicated that the Bill was reviewed by the Senior Management Team of CJIA and that in addition, legal advice was sought and it was believed that there were measures to deal with such situation if, and when they arose.
- 4.7.6 Ms. Teixeira expressed concern that the Bill did not adequately address issues of liability regarding injuries occurring at airports.
- 4.7.7 The Chairman indicated that a Bill was currently being drafted to address those issues, as it was the view that those issues should be addressed separately.
- 4.7.8 In addition, the Director General explained that ICAO had recommended that accident investigations should not be done by the Authority; rather it should be addressed separately, since it would mean that the agency would have been investigating itself.
- 4.8 At noon the Chairman thanked the CEO and team of CJIA for attending the meeting and they were excused from the meeting.

ITEM 5: CORRECTION AND CONSIDERATION OF THE MINUTES OF THE 2<sup>ND</sup> MEETING HELD ON THE 18<sup>TH</sup> MAY, 2017

- 5.1 The Minutes were confirmed, without corrections, on a motion moved and seconded by Ms. Gail Teixeira, M.P., and Mr. Michael Carrington, M.P., respectively.

5.1.1 The Committee agreed that in future, the Minutes of the referring contribution during deliberations.

#### MATTERS ARISING

5.2 Page 3, paragraph 5.2.2 — Presentation and/or submissions on the Bill from ancillary agencies.

5.2.1 Mr. Hamilton enquired of the status of the submissions and/or presentations from the ancillary agencies and was told this was a proposal and that the Committee did not make a decision on the matter.

5.2.2 After a brief discussion, the Committee agreed that the Clerk of the Committee should write to those agencies inviting them to make written submissions on the Bill, giving a deadline of two weeks.

5.3 Page 5, paragraph 5.3.7- electronic copies of the Civil Aviation Regulations

5.3.1 The Committee was informed that the information was received from the Hon. Annette Ferguson, M.P. and circulated to Members electronically.

#### ITEM 6 CORRECTION AND CONFIRMATION OF THE MINUTES OF THE 3<sup>RD</sup> MINUTES OF THE MEETING HELD ON 31<sup>ST</sup> MAY, 2017

~~6.1 The Minutes were confirmed with corrections made by Mr. Joseph Hamilton, M.P. and the Hon. Dawn Haughey, M.P., respectively.~~

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M.P., respectively.

#### MATTERS ARISING

6.3 Suspension

6.3.1 At 12.25 p.m. the Meeting was suspended until 1.00 p.m. when the next presentation was scheduled to commence.

#### ITEM 7: PRESENTATION BY NATIONAL ASSOCIATION (NATA) ON THE CIVIL AVIATION BILL- BILL NO. 1/2017

#### AIR TRANSPORTATION AVIATION BILL- BILL NO.

7.1 At 1.05 p.m., the Chairman welcomed the delegation from the National Air Transportation Association to the Meeting.

7.1.2 The Chairman of the NATA thereafter introduced the members of his team. The team comprised the following persons:

- (i) Capt. Learie Barclay - Chairman, NATA Compliance and Safety Policy Committee;
- (ii) Capt. Zahir Yusuf — Operations Manager, Air Services Ltd.;
- (iii) Capt. Paul Dalgety — Director of Safety, Guyana Defense Force;
- (iv) Mr. Shemroy Dean — Quality Assurance Manager, Wings Aviation Ltd.

7.1.3 Capt. Barclay gave a brief overview of the National Air Transportation Association (NATA) and expressed the Association's appreciation at being invited to make a presentation to the Special Select Committee. He further intimated that NATA was the premier aviation advocacy body in Guyana and comprised of companies and individual membership. Its membership included pilots, aviation engineers, air traffic controllers, flight attendants, flight operations officers, etc. The Committee was informed that the aim of the association was to provide advocacy and contribute to the development of aviation with respect to safety, security and economic feasibility.

7.1.4 The Committee was informed that the Bill was examined by the Association and a comprehensive report was compiled. The Bill was found to be well written and comprehensive. One area of concern for the Association was the draconian penalties contained in the Bill. Capt. Barclay intimated that such penalties could become adverse to aviation operations in Guyana. He further explained that a fear of breaking rules could put aviation professionals in adverse situations; he further informed the Committee that there was a fine line between safety and an environment which was conducive to aviation. Capt. Barclay addressed the issues as mentioned in the paragraphs below.

7.1.5 *Part IV:• The Director General of the Authority, Section 15 (1) (c).* Capt. Barclay indicated that the association felt that the section was clear, well written and easy to understand. NATA expressed the view that at part (v) of the section "any other matter", gave unfettered powers to the Director General of the Civil Aviation Authority; and had the risk of causing injury to both the Director General and the Authority; as a result it should be expunge from the Bill.

7.1.6 *Section 19 (1) (e) and Section 19 (2)* NATA indicated that the limits of the fees, levies, charges and administrative fines should be clearly outlined.

7.1.7 *Section 60 (5)*, the Association indicated that there was an omission after the word two in the paragraph.

7.1.8 *PART XI:• Civil Aviation Safety and Security Section 63 (2)* Capt. Barclay indicated that this section referred to the powers of the Minister with regard to the composition of the safety and security committees. He said that the procedures needed to be clearly defined so as to save time, promote efficiency, and enable transparency.

7.1.9 *Section 76 (4)*; the Committee was informed that NATA was of the opinion that this Section gave too much discretionary powers to the State and was subjected to a wide scope of interpretation. The Association sought clarification on the term "any officer". Capt. Barclay intimated that only the standards set by the Guyana Civil Aviation Authority had any standing and that there was no legal framework for CASSOS to make standards. The Committee was told that the Section overreached the tenants of the CASSOS Agreement and gave CASSOS powers, beyond what was included in the scope of the agreement. NATA also requested that the fees to be charged should be included.

7.1.10 *PARTS XVI General Offences, XVII Safety Offences, XVIII Security Offences and XXVI Security Offences Section 107 (3)*; the Association felt that the measures in Sections 77 through 115 contained draconian penalties which could be to the detriment of the aviation industry. NATA stated that Magistrates and Judges should be given discretionary powers under the legislation in relation to penalties applied.

7.1.11 *Part XX General Section 131*, the Association expressed the view that the Section contained draconian penalties for an offence not specified and was also opened to varying interpretations, as well as abuse. Capt. Barclay intimated that the penalties should allow discretion on the part of Judges or Magistrates depending on the magnitude of the offences.

7.1.12 *Part XXI Air Navigation Sections Section 146 (1)*, NATA expressed the opinion that the section gave broad, wide reaching and unfettered powers to the Minister and did not address compensation for aircraft owners/operators. The view was also expressed by Capt. Barclay that after being used in war(s), the equipment commandeered for use might not likely be fit to return to commercial service; he further stated that a section which detailed the mechanisms for commandeering equipment should be included.

7.1.13 *Schedule 1, Paragraph 1 (1)*, the Association was of the opinion that this could pose a danger for abuse by the Minister and recommended that consultations should be held with stakeholders before any appointments were made to the Board, which would be the highest decision making body for civil aviation in Guyana. Capt. Barclay intimated that the Association had an interest in the persons that would be considered for appointment to the Board.

7.1.14 *Schedule 2 (2)* NATA indicated that this paragraph could potentially bring irreparable harm to the decisions and reputation of the Authority by perception of bias and actual conflict of interest. The Association recommended that in order for Members to be appointed to the Board, they should declare any interests before their appointment. NATA further stated that Board Members should resign if they were found to have a vested interest, thus allowing the Board to carry out its functions without prejudice.

7.1.15 In relation to *Paragraph 7 (2)*, Capt. Barclay indicated that the paragraph should be strengthened to include conflict of interest since the issue of bias as was raised in Paragraph 2 (2). NATA recommended that an addition be made on the acquisition of an interest in air transport undertaking so as to protect the Authority from bias and conflict of interest.

7.1.16 The final area examined by NATA was *Paragraph 18 (1 to 4)*, Capt. Barclay stated that the Section should be strengthened to include conflict of interest and bias. He further stated that it was NATA's recommendation that it should be mandatory for Board Members with an interest in a contract under consideration to resign.

## 8.2 QUESTIONS AND COMMENTS FROM MEMBERS

8.2.1 The Chairman thanked Capt. Barclay and the team from NATA for their detailed and concise presentation and invited Members to present their questions and/or to make comments on the presentation.

8.2.2 The Chairman sought clarification on why the Association only represented nine tenths of the aviation industry. In responding Capt. Barclay stated that the only company that was not part of NATA was Trans Guyana Airways; however, he indicated that they were involved in certain projects with the Association.

8.2.3 The Chairman also asked whether the Private Aircraft Owners' Association was represented in NATA; Capt. Barclay in response informed the Committee that at least two of their Members were also a part of that organization.

8.2.4 Mr. Hamilton sought to establish whether NATA had ever considered proposing that the legislation should be withdrawn. Capt. Barclay responded in the negative. Mr. Hamilton further sought clarification as to whether NATA was of the view that Section 15 1 (c), was adequate. Capt. Barclay indicated that in their opinion it was adequate.

8.2.5 Capt. Barclay expressed concern that NATA had not yet seen any schedule outlining the amount of fees to be instituted for various offences outlined in the Bill. Mr. Hamilton explained that the absence of fees in the Bill was necessary, since it would require amending the legislation if there was need to increase those fees and this could be time consuming.

8.2.6 The Chairman invited Mr. Fung-a-Fat, S.C., to clarify some of the terms used in the fines/ penalties outlined in the Bill. He informed the Committee that the word "and" was used disjunctively and meant "or" in the context of the Bill. He further posited that the offences were summary and would be tried in the Magistrate's court where the Magistrate would have discretionary powers with regard to sentencing.

- 8.2.7 The Chairman informed Capt. Barclay and team that a document outlining the fees and penalties was being prepared and that stakeholders would be engaged on that issue.
- 8.2.8 Mr. Hamilton sought to ascertain the views of the Association on the composition of the Board. Capt. Barclay indicated that NATA would examine the section and provide a response at a later time.
- 8.2.9 At Section 76 (4) Mr. Hamilton sought clarification as to whether the penalties meant mandatory jail time. Mr. Fung-a-Fat indicated that if the words "together with" were used then it would indicate mandatory imprisonment.
- 8.2.10 Mr. Hamilton then sought the opinion of the Association on the entities that ought to comprise the Board. In responding, Capt. Barclay indicated that every organization involved in civil aviation has a vested interest. Therefore, he indicated that "a conversation" ought to be had with the various stakeholders to arrive at a common ground.
- 8.2.11 The Chairman then sought the opinion of NATA on Section 68 which dealt with the powers of a pilot in command of an aircraft. Capt. Barclay informed the Committee that under ICAO guidelines the tenets were standard. With regards to Section 29 (1) NATA indicated that after careful review the Association found no substantial issues with the content of the Section.

**ADJOURNMENT**

At 2.10 p.m., the meeting was adjourned to 2.00 p.m. on Thursday, 13<sup>th</sup> July, 2017.

Confirmed this day 19 of July, 2017

.....  
**Hon. David A. ... son, M.P.,**  
**Minister of Public Infrastructure,**  
**Chairperson.**



NATIONAL ASSEMBLY OF THE FIRST SESSION (2015- 2017)  
OF THE ELEVENTH PARLIAMENT OF GUYANA

MINUTES OF THE 5<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE  
ON THE CIVIL AVIATION BILL — BILL NO. 1/2017  
HELD ON WEDNESDAY, 13<sup>TH</sup> JULY, 2017  
AT 2.00 P.M.  
IN COMMITTEE ROOM NO.1, COMMITTEES DIVISION,  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

ATTENDANCE

MEMBERS OF THE COMMITTEE

CHAIRPERSON

Hon. David A. Patterson, M.P.,  
Minister of Public Infrastructure

A Partnership For National Unity/Alliance For Change (APNU/AFC) (4)  
(Nominated by the Committee of Selection on May 8, 2017)

Hon. Carl B. Greenidge, M.P.,  
Vice-President and Minister of Foreign Affairs

Hon. Dawn Hastings-Williams, M.P.,  
Minister within the Ministry of Communities

Hon. Annette N. Ferguson, M.P.,  
Minister within the Ministry of Public Infrastructure

Mr. Michael Carrington, M.P.

From the People's Progressive Party (PPP/C) (4) (Nominated  
by the Committee of Selection on May 8, 2017)

Mr. Clement J. Rohee, M.P.

Ms. Gail Teixeira, M.P., Opposition Chief

Whip Bishop Juan A. Edghill, M.S., J.P., M.P.

Mr. Joseph L.F. Hamilton, M.P.

## Officers

Ms. Sonia Maxwell  
Ms. Keshanna Murredhar  
Ms. Sereeta Bethune

Assistant Head of Committees Division  
Assistant Clerk of Committees  
Assistant Clerk of Committees

## In Attendance

Mrs. Amanza Walton-  
Desir Mr. Saheed Sulaman  
Mr. Abraham Dorris Ms.  
Ayesha Edwards

General Counsel  
Director, Air Transport  
Manager, Aviation Security  
Legal Officer

### ITEM 1: CALL TO ORDER

1.

The Chairman called the Meeting to order at 2.11 p.m. and welcomed Members and staff to the fifth Meeting of the Committee.

1.2 Excuse:

The Hon. Dawn Hastings-Williams, M.P., had indicated that she would be late for the meeting.

### ITEM 2: CIRCULATION OF DOCUMENTS

2.1 The following documents had been circulated prior to the Meeting:

- (i) Notice and Invitation to attend the 5<sup>th</sup> Meeting, dated 4<sup>th</sup> July, 2017;
- (ii) Minutes of the 4th Meeting held on 22<sup>nd</sup> June, 2017;
- (iii) Inter-American Development Bank Final Report — Constraints to Regional Air Connectivity between countries of the Guyana Shield and South America; and
- (iv) Supplementary Submission on Civil Aviation Bill — No. 1/2017 from Aircraft Owners' Association of Guyana Inc.

2.2 The following documents were circulated at the Meeting:

- (i) Submission from Guyana Defence Force, Re: Report on the Civil Aviation Bill — No. 1/2017; and
- (ii) Letter from Mr. Saheed Sulaman, Director (ag) Transport Management, GCAA on the Economic Regulations.

### **ITEM 3: CORRESPONDENCE**

#### **3.1 Incoming:**

- (i) Supplementary Submission on Civil Aviation Bill — No.1/2017 from Aircraft Owners' Association of Guyana Inc.
- (ii) Letter from Mr. Saheed Sulaman, Director (ag) Transport Management, GCAA on the Economic Regulations.

#### **3.2 Outgoing:**

Letter dated 27<sup>th</sup> June, 2017, Re: Submission on the Civil Aviation Bill to the following Agencies:

- (i) Commissioner of Police
- (ii) Chief of Staff, Guyana Defence Force
- (iii) Chief Hydromet Officer
- (iv) Head, Civil Defence Commission

### **ITEM 4 CORRECTION AND CONFIRMATION OF THE MINUTES OF THE 4<sup>TH</sup> MINUTES OF THE MEETING HELD ON 22<sup>ND</sup> JUNE, 2017**

#### **4.1 Corrections:**

#### **4.2 Page 5, paragraph 4.2.6 — Presentation by Guyana Aircraft Owners Association, Ogle Airport Inc. and Trans Guyana**

4.2.1 Substitution of "**Janki**" for "**Jenki**" in the first line of the sentence.

#### **4.3 Page 7, paragraph 4.4.3 — Questions and Comments from Members**

4.3.1 Substitution of the word "**plane**" for "**plain**" in the third line of the sentence.

#### **4.4 Page 8, Item 4.5 — Presentation by the Cheddi Jagan International Airport Corporation (CJIA)**

4.4.1 Substitution of the word "**PRESENTATION**" for "**PRESENATATION**" in the heading.

**4.5 Page 13, paragraph 7.1.9 — Presentation by National Air Transportation Association (NATA) on the Civil Aviation Bill — Bill No. 1/2017**

4.5.1 Substitution of the word "Tenets" for "Tenants" in the seventh line of the third sentence.

**4.6 Page 15, paragraph 8.2.9 — Question and Comments from Members**

4.6.1 Insertion of the letters "S.C" after the name "Mr. Fung-a-Fat" in the second line of the paragraph.

**4.7 Confirmation:**

4.7.1 The Minutes were confirmed, thereafter, on a motion, moved and seconded by Mr. Joseph L.F. Hamilton, M.P. and Mr. Michael Carrington, M.P., respectively.

**ITEM 5: MATTERS ARISING**

**5.1 Page 4 — Presentation by Guyana Aircraft Owners Association, Ogle Airport Inc. and Trans Guyana**

5.1.1 Ms. Teixeira proposed and the Committee agreed that a matrix of the Bill be prepared Clause by Clause outlining recommendations, proposed amendments by the stakeholders and the comments by Members of the Committee.

5.1.2 Mr. Clement Rohee suggested that another matrix should be prepared reflecting the documents the Committee had requested from stakeholders.

**5.2 Page 6, paragraph 4.3.1 - Presentation by Guyana Aircraft Owners Association, Ogle Airport Inc. and Trans Guyana**

5.2.1 The Committee agreed to a proposal by Ms. Teixeira that the GCAA should provide the Committee with an annotation of the specific regulations referred to by ICAO in the Bill.

**5.3 Paragraphs 4.4.4 and 4.4.5 - Economic Regulations**

5.3.1 Ms. Teixeira noted the response from GCAA which stated that several countries had economic regulations but indicated that she was interested in knowing the Models that were used, and whether those countries had placed economic regulations under the Civil Aviation Authority or another Agency. She requested that the General Counsel of GCAA provide the Committee with the laws which govern economic regulations.

5.3.2 The Chairman noted that the response from the GCAA was seeking to explain that the Civil Aviation authorities in those countries have a single body, unlike the

small islands such as, the Eastern Caribbean States which have an Eastern Caribbean Civil Aviation Authority that had responsibility for economic regulations.

5.3.3 Mr. Sulaman stated that on the subject of economic regulations, the law currently conferred that responsibility on the GCAA. However, the Bill sought to strengthen the existing legislation in that regard.

5.3.4 Ms. Teixeira expressed that clarity was needed on whether the civil aviation authority body had responsibility for regulating the economic component of the aviation industry. She noted that the granting of licenses to operators and competitiveness among operators were two aspects of economic regulations and intimated that clarity was needed on the deficiency in the Act of 2000 that the Bill sought to address.

5.3.5 Mr. Sulaman in response indicated that as it relates to economic regulation in the current legislation, this provide for the granting of permits and licenses and the regulations of aerodrome charges.

5.3.6 Ms. Teixeira noted that certain aspect of economic regulation involved investments and competition. She enquired whether the Bill sought to address the issue of competitive advantage between foreign and domestic airlines.

5.3.7 Mr. Sulaman stated that the economic regulation of air transport was specifically for the granting of permits and licenses based on the countries listed. Those countries also looked at the economic regulation of airports. As it related to economic regulations, the GCAA tried to ensure equity and fairness in the market place, which hold an essential part of economic regulations. He further stated that there was a linkage between safety of aviation and the economic issues that was a requirement by ICAO. The requirement by ICAO was that GCAA monitor the financial competence of aviation entities to ensure that they were financially viable to discharge their obligations in a very safe manner. However, it was up to the State to ensure that the requisite policies were in place.

5.3.8 Mr. Hamilton sought clarification on an issue, as to whether an airline runs into economic difficulties and passengers were left stranded, who would be responsible for ensuring that the passengers were transported to their destination.

5.3.9 The Chairman stated that the bond for an airline was determined by the Cabinet and was set based on the route navigated and the capacity of the aircraft. That bond was under the administration of the Ministry of Public Infrastructure.

5.3.10 Mr. Sulaman reiterated that the administration of the bond was handled exclusively by the Ministry of Public Infrastructure and that the amount of bond would be determined by the Cabinet.

5.3.11 Ms. Teixeira sought clarification as to whether certain powers relating to the bond being lodged by airlines remained under the Guyana Civil Aviation Authority and the Minister with responsibility for aviation.

5.3.12 In response, the Chairperson indicated that the bond was only required for airlines that operated chartered or unscheduled flights. He intimated that there was currently no law that regulated the administration of the bond. Ms. Desir reiterated that while the Bill did not address this issue in detail, the economic regulations would address the issue.

5.3.13 Ms. Teixeira then indicated that she was not referring to economic regulations that followed the passage of the Bill but rather economic regulation within the aviation industry as it related to cost effectiveness. She further stated that Guyana was using examples of countries that were quite advanced. The British legislation dealt with competition between airports and aerodromes. She requested that Officials from GCAA provide further clarity on the issue of economic regulations.

5.3.14 The Chairperson requested that further discussion on this issue be deferred until the Committee was considering the respective Clauses of the Bill, which dealt with the issues. He stated that the staff of the Guyana Civil Aviation Authority would further research the matter and provide details to the Committee.

#### **5.4 Page 10, paragraph 4.7.3 — Questions and Comments from Members**

5.4.1 The Committee was informed that a letter dated 10<sup>th</sup> July, 2017 was sent to the CEO, CJIA and the date for the submission of the information had not yet expired, which was 14<sup>th</sup> July, 2017.

#### **5.5 Page 10, paragraph 4.7.8 — Questions and Comments from Members**

5.5.1 Ms. Teixeira proposed that the drafting guidelines which were used to draft the Bill should be provided to Members for their reference, also the other legislation that was being prepared to address the issue of accident investigation.

5.5.2 She suggested that the Committee should ensure that there was synergy with the two Bills. The Chairman then asked that the General Counsel (GCAA) provide a synopsis of the Air Accident Investigation Bill to the Committee. He further stated that the reference points of what was included in the Bill would also be provided by the Chief Parliamentary Counsel during the Committee's deliberations of the Bill.

#### **5.6 Page 11, paragraph 5.2.2 — Submission from auxiliary agencies on the Civil Aviation Bill**

5.6.1 The Committee was informed that of the four auxiliary agencies that were invited to make written submissions on the Bill, only the Guyana Defence Force responded.

5.6.2 Members discussed the inclusion of the Guyana Fire Service as an entity to be written to; however Ms. Desir indicated that Annex 14 contained the role of the Guyana Fire Service and further the Act refrained from specificities.

**5.7 Page 15, paragraph 8.2.7 — Questions and Comments from Members**

5.7.1 In responding to a query from Mr. Rohee, the Chairman stated that the stakeholders engagement mentioned in paragraphs 8.2.7 and 8.2.10 were similar in nature.

**ITEM 6: CONSIDERATION OF THE CIVIL AVIATION BILL-BILL NO. 1 OF 2017**

6.1 The Committee agreed to defer the consideration of the Bill to allow the Committees Division to prepare a matrix reflecting the proposed amendments to the Bill made by organisations. The Clerk of the Committee was then directed to prepare and circulate to Members the matrix before the next meeting.

6.1.1 The Committee agreed to a proposal by Ms. Teixeira that it should consider carefully the following issues when examining the Bill:

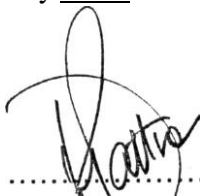
- (i) Comparability with other Laws of Guyana, and
- (ii) Penalties such as, the death penalty.

6.1.2 The Chairman indicated that Guyana Civil Aviation Authority had already begun engaging the Office of the Chief Parliamentary Council in relation to amendments which were to be made to the Bill, to ensure that it satisfied both ICAO requirement as well as GCAA social responsibilities.

**ADJOURNMENT**

At 3.20 p.m., the meeting was adjourned to 10.00 a.m., Friday, 4<sup>th</sup> August, 2017.

Confirmed this day 3<sup>31.</sup> of October, 2017



**Hon. David A. Tate, M.P.,  
Minister of Public Infrastructure,  
Chairperson.**







## Officers

Ms. Sonia Maxwell	Assistant Head of Committees Division
Ms. Dellon Adams	Assistant Clerk of Committees
Ms. Keshanna Murlidhar	Assistant Clerk of Committees

Adviser

Ms. Ananda Dhurjon	Legislative Drafting Consultant
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## In Attendance from GCAA

Mr. Egbert Fields	Director General
Mr. Howard Mc Calla,	Aviation Management & Security Consultant
Mrs. Amanza Walton- Desir	General Counsel
Mr. Saheed Sulaman	Director, Air Transport
Mr. Abraham Dorris	Manager, Aviation Security
Ms. Ayesha Edwards	Legal Officer

## **ITEM 1: CALL TO ORDER**

1.

The Chairman called the Meeting to order at 1.20 p.m. and welcomed Members and staff to the Meeting.

### **1.2 Excuse:**

The following Members had asked to be excused from the Meeting:

- (i) Hon. Carl B. Greenidge, M.P., and
- (ii) Ms. Gail Teixeira, M.P.,

## **ITEM 2: CIRCULATION OF DOCUMENTS**

2.1 The following documents had been circulated prior to the Meeting:

- (i) Notice and Invitation to attend the 6th Meeting, dated 26th October, 2017;
- (ii) Minutes of the 5th Meeting held on 13<sup>th</sup> July, 2017;
- (iii) Supplementary Information on Civil Aviation Bill — No. 1/2017 from Cheddi Jagan International Airport Corporation;
- (iv) Matrix of Proposed Amendments by Agencies on the Civil Aviation Bill-Bill No. 1/2017; and

- (v) Submission on Civil Aviation Bill — No. 1/2017 from the Hydro meteorological Department, Ministry of Agriculture.

### **ITEM 3: CORRESPONDENCE 3.1**

#### **Incoming:**

- Submission on Civil Aviation Bill — No. 1/2017 from the Hydro-meteorological Department, Ministry of Agriculture

### **ITEM 4 CORRECTION AND CONFIRMATION OF THE MINUTES OF THE 5TH THE MEETING HELD ON 13th JULY, 2017**

#### **4.1 Confirmation:**

- 4.1.1** The Minutes were confirmed, without corrections, on a motion, moved and seconded by Hon. Annette N. Ferguson, M.P., Minister within the Ministry of Public Infrastructure and Mr. Michael Carrington, M.P., respectively.

### **ITEM 5: MATTERS ARISING**

#### **5.1 Page 3, paragraph 3.2 — Outgoing correspondence**

- 5.1.1** The Chairman indicated that the submission on the Civil Aviation Bill- No.1/ 2017 from the Civil Defence Commission was still outstanding and directed the Clerk of the Committee to contact the Agency, via telephone, reminding them of the Committee's request.

#### **5.2 Page 4, paragraph 5.3.1 — Economic Regulation**

- 5.2.1** After a brief discussion, the Committee agreed that the General Counsel of the Guyana Civil Aviation Authority (GCAA) would liaise with the Clerk of the Committee to obtain the particulars of the request on economic regulations.
- 5.2.2** The General Counsel agreed to submit the information to the Committee before the Committee's next meeting.

#### **5.3 Page 6, paragraph 5.5.2 - Synopsis of the Air Accident Investigation Bill**

- 5.3.1** The General Counsel, GCAA undertook to provide the Committee with the information before the next meeting. Further, the Chairman requested that the Chief Parliamentary Counsel be reminded of the information requested with regard to the reference points on what was included in the Bill.

**5.4 Page 7, paragraph 6.1.2 — engagement of the GCAA and CPC with regard to amendments to be made to the Civil Aviation Bill — Bill No. 1/2017**

5.4.1 The Committee was informed by the Director General that the engagement had concluded.

**ITEM 6: COMMENCEMENT OF CONSIDERATION OF THE CIVIL AVIATION BILL - BILL NO. 1 OF 2017**

6.1 The Chairman noted that the Bill was before the Committee for most of 2017 and it was his desire that the work of the Committee be completed in a timely manner. Notwithstanding the lack of attendance by some Members at the meeting, the Chairman was inclined to proceed with the consideration of the Bill. However, suggestions on the way forward were requested from the other Members present.

6.1.1 The Committee agreed to proceed with the consideration of the Bill, Clause by Clause, in conjunction with the matrix of proposed suggestions/recommendations received from Stakeholders.

**Part 1, Preliminary:**

**6.1.2 Clause 1** - Clause 1 was amended as follows:

- Insertion of numeral "(1)" before the word "This" in Clause 1.
- Insertion of a new sub clause (2) as follows:

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

**6.2 Clause 2** -

**6.2.1 Subclause (1): Interpretation:**

- the definition of "*act of unlawful interference*" was **deferred** for clarification by Mrs. Dhurjon Legislative Drafting Consultant.
- "*aerodrome*" was **deferred** for clarification by GCAA to determine whether this definition was in conformity to ICAO's definition.
- "*aeronautical product*"- the suggestion by the Guyana Aircraft Owners' Association (GAOA) for the use of the word "part" instead of "product" was considered. The GCAA further informed the Committee that "product" includes the physical components of the aircraft as well as the liquids in the aircraft. The definition was **accepted as presented**.

- *"airman" was deferred for clarification by GCAA, to determine whether the definition was in conformity with ICAO's definition.*
- *"aircraft" was accepted as presented.*
- *"aircraft engine" was accepted as presented.*
- *"air navigation was accepted as presented.*

**6.2.2 During the consideration of the following definitions:**

*"air navigation facility", "air navigation services" and "Air Navigation Services Unit".* The Chairman brought the Committee's attention to the submission by the Hydrometeorological Department and questioned whether the functions of the Department would be usurped in this regard. After a brief discussion it was agreed that the GCAA and Mrs. Dhurjon should engage the Hydromet Department in an effort to allay its concerns, also making reference to the earlier agreement with the GCAA, and where necessary make changes. Also, a written report on that meeting should be submitted to the Committee.

**6.2.3 "air operator" — after considering the proposed amendments by the Guyana Defence Force and Guyana Aircraft Owners' Association, the definition was accepted as presented.**

6.2.4 *"Air Operator Certificate" — with regard to the recommendation by the GDF, the Director General suggested that the GDF should consider having military regulations since some of its operations in the future might be outside of the civil regulations (operations for reward or hire). The General Counsel informed the Committee that the Chicago Convention was pellucid and did not include State or Military operations. The Committee thereafter, agreed that the GCAA should engage the GDF in order to address those concerns. The definition was deferred.*

6.2.5 *"airport" — was accepted as presented.*

6.2.6 *"air Transport Service" — was accepted as presented.*

6.2.7 *"appliances" — there was an objection made by GDF that the definition was obtained from ICAO and that there should be a reference in the Bill from the parent document. The Committee was informed by GCAA that the word "appliances" meant a part that was used in an aircraft and not necessarily a part of the aircraft. The Committee deferred the definition for further clarification from Guyana Civil Aviation Authority.*

6.2.8 *"Authority" — was accepted as presented.*

6.2.9 *"aviation document" — was accepted as presented.*

- 6.2.10 "aviation security" — was **accepted** as **presented**.
- 6.2.11 "Board" — was **accepted** as **presented**.
- 6.2.12 "cargo" — was **accepted** as **presented**.
- 6.2.13 "Chairperson" — was **accepted** as **presented**.
- 6.2.14 "Chicago Convention" — was **accepted** as **presented**.
- 6.2.15 "commander" — Guyana Aircraft Owners' Association recommended that the word "commander" be substituted for the words "Pilot in Command". After much explanation, the Committee decided that the definition be **deferred** for further clarification from GCAA.
- 6.2.16 "Contracting State" — was **accepted** as **presented**.
- 6.2.17 "Commercial air transport operation" — was **accepted** as **presented**.
- 6.2.18 "corporate plan" — was **accepted** as **presented**.
- 6.2.19 "dangerous goods" — The Committee agreed to **defer** consideration of this definition to allow the GCAA to review it with the aim of including the TATA dangerous goods into the definition.
- 6.2.20 "Director-General" — was **accepted** as **presented**.
- 6.2.21 "flight" — Following an explanation by GCAA that the definition as printed, refers to a condition under Annex 6 of the ICAO regulation and that there were several definitions of "flight". The issue of another definition to be included might arise in future. The Committee agreed that the definition be **deferred** for further review by GCAA.
- 6.2.22 "Guyana Aircraft" — was **accepted** as **presented**.
- 6.2.23 "loss or damage" — was **accepted** as **presented**.
- 6.2.24 "Member" — was **accepted** as **presented**.
- 6.2.25 "Minister" — was **accepted** as **presented**.
- 6.2.26 "navigation of aircraft" — was **accepted** as **presented**.

6.2.27 "*Operator*" — Guyana Aircraft Owners' Association recommended that the definition be revised to "air operator" or be deleted since it was redundant. Mr. Mc Calla, Aviation Management & Security Consultant explained that air operator's certificate holders were operators but not all air operators were air operator's certificate holders. He stated that the term air operator was an abbreviation for air operator certificate holder. He recommended that the definition remain as printed. Thereafter, the Committee deferred the definition for further clarification by GCAA.

6.2.28 "*Pilot-in-Command*" — was **deferred** to allow for further review by

GCAA. 6.2.29 "*Propeller*" — was *accepted as presented*.

6.2.30 "*Rules of the Air*" — was *accepted as presented*

6.2.31 "*Security Committee*" — was *accepted as presented*.

6.2.32 "*Tokyo Convention*" — The Committee agreed to **defer** the definition to allow GCAA to review and synchronise with other conventions, given the fact that there were several subsidiary conventions.

### 6.3 **Subsection (2) Interpretation:**

6.3.1 Mr. Mc Calla enquired of the State's position on ownership of aircraft, whether only citizens of Guyana were allowed to own an aircraft or whether that applied to CARICOM Nationals. Ms. Desir responded that guidance was sought from the Ministry of Infrastructure on the issue and that a response was still being awaited. The Committee agreed that this **Subsection be deferred**.

Clause 3

### 6.4 **Clause 3** — was *accepted as presented*.

6.4.1 Insertion of a new 3(a), immediately after Clause 3, as follows:

*The Minister shall be responsible for the general administration of this Act, and for the formulation and development of policies on, and the regulating of, civil aviation and for fostering economic policies ensuring efficient and safe air services.*

6.4.2 The GCAA indicated that following further review of the Bill it observed that there was no indication that the Minister was responsible for aviation. Hence, the amendment was proposed.

6.4.3 Thereafter, **Clause 3 was accepted as amended**.

**6.5 Consideration of Aircraft Owners' Association Presentation**

6.5.1 The Chairman stated that there was an overall objection from Guyana Aircraft Owners' Association to the entire content of the Bill and requested the Clerk of Committees to forward the submission to Mrs. Dhurjon, Legislative Drafting Consultant for consideration.

**6.6 ANY OTHER BUSINESS**

**Remarks by the Director General GCAA**

6.6.1 The Director General expressed gratitude to the Committee for commencing consideration of the Bill. He stated that a number of protocol questions and corrective action plans depended on the Bill, in order for Guyana's aviation score to improve and for ICAO to return to conduct another audit. This, would enable GCAA to move to category one compliance.

**6.7 Date and time for subsequent meetings**

6.7.1 The Committee agreed that its impending dates for meetings would be 6th, 13th and 20<sup>th</sup> November, 2017 at 1:00 p.m. respectively.

**ADJOURNMENT**

At 3.20 p.m., the meeting was adjourned to 1.00 p.m., Monday, 6<sup>th</sup> November, 2017.

Confirmed this da 4<sup>th</sup> of November, 2017



Hon. David  
Minister of Pub

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NATIONAL ASSEMBLY OF THE FIRST SESSION (2015- 2017)  
OF THE ELEVENTH PARLIAMENT OF GUYANA

MINUTES OF THE 7<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE  
ON THE CIVIL AVIATION BILL — BILL NO. 1/2017  
HELD ON MONDAY, 06<sup>TH</sup> NOVEMBER, 2017  
AT 1.00 P.M.  
IN COMMITTEE ROOM NO.1, COMMITTEES DIVISION,  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

ATTENDANCE

MEMBERS OF THE COMMITTEE

CHAIRPERSON

Hon. David A. Patterson, M.P.,  
Minister of Public Infrastructure

A Partnership For National Unity/Alliance For Change (APNU/AFC) (4)  
(Nominated by the Committee of Selection on May 8, 2017)

Hon. Carl B. Greenidge, M.P.,  
Vice-President and Minister of Foreign Affairs                      Excused

Hon. Dawn Hastings-Williams, M.P.,  
Minister within the Ministry of Communities

Hon. Annette N. Ferguson, M.P.,  
Minister within the Ministry of Public Infrastructure

Mr. Michael Carrington, M.P.

From the People's Progressive Party (PPP/C) (4)  
(Nominated by the Committee of Selection on May 8, 2017)

Mr. Clement J. Rohee, M.P.    Absent

Ms. Gail Teixeira, M.P., Opposition Chief Whip                      Absent

Bishop Juan A. Edghill, M.S., J.P., M.P.                                      Absent

Mr. Joseph L.F. Hamilton, M.P.    Absent

### Officers

Ms. Sonia Maxwell  
Ms. Dellon Adams  
Ms. Keshanna Murlidhar

Assistant Head of Committees Division  
Assistant Clerk of Committees  
Assistant Clerk of Committees

### Adviser

Ms. Ananda Dhurjon

Legislative Drafting Consultant

### In Attendance from GCAA

Mr. Egbert Field  
Mr. Howard Mc Calla,  
Mr. Saheed Sulaman  
Mr. Abraham Dorris  
Ms. Ayesha Edwards

Director General  
Aviation Management & Security Consultant  
Director, Air Transport  
Manager, Aviation Security  
Legal Officer

### **ITEM 1: CALL TO ORDER**

- 1.1 The Chairman called the Meeting to order at 1.12 p.m. and welcomed Members and staff to the Meeting.

#### **1.2 Excuse:**

The Chairman informed the Committee that the Hon. Carl B. Greenidge, M.P., had asked to be excused from the Meeting.

### **ITEM 2: CIRCULATION OF DOCUMENTS**

- 2.1 The following documents had been circulated prior to today's meeting:

- Notice and Invitation to attend the 7th Meeting, dated 3<sup>rd</sup> November, 2017;
- Minutes of the 6<sup>th</sup> Meeting held on 30<sup>th</sup> October, 2017;
- Matrix of documents requested by the Committee on the Civil Aviation Bill No.1/2017;
- Proposed amendments to the Civil Aviation Bill 2017, submitted by GCAA and CPC;
- Letter dated 1<sup>st</sup> November, 2017 from Lt. Col. (ret'd) Egbert Field, Director-General, GCAA, Re: Amendments to the Civil Aviation Bill of 2017;

- Letter dated 2<sup>nd</sup> November, 2017 from Lt. Col. (ret'd) Egbert Field, Director-General, GCAA, Re: Documents requested by the Select Committee on the Civil Aviation Bill of 2017:
  - (i) ICAO Final Audit Report,
  - (ii) A Synopsis of the Aircraft Accident and Incident Investigation Bill (Explanatory Memorandum)

Via e-copies:

- Letter dated 2<sup>nd</sup> November, 2017 from GCAA , Re: Response to Ms. Teixeira's question;
- Manual on the Regulation of International Air Transport; and
- Jamaica Civil Aviation Act.

2.2 The following documents were circulated at the Meeting:

- Matrix of deferred Clauses; and
- Letter dated 2<sup>nd</sup> November, 2017 from GCAA, Re: Response to Ms. Teixeira's question.

### ITEM 3: CORRESPONDENCE

3.1 Incoming:

- Letter dated 2<sup>nd</sup> November, 2017 from Lt. Col. (ret'd) Egbert Field, Director-General, GCAA, Re: Amendments to the Civil Aviation Bill of 2017;
- Letter dated 2<sup>nd</sup> November, 2017 from Lt. Col. (ret'd) Egbert Field, Director-General, GCAA, Re: Documents requested by the Select Committee on the Civil Aviation Bill of 2017:
  - (iii) ICAO Final Audit Report,
  - (iv) A Synopsis of the Aircraft Accident and Incident Investigation Bill (Explanatory Memorandum); and
- Letter dated 2<sup>nd</sup> November, 2017 from GCAA, Re: Response to Ms. Teixeira's question.

ITEM 4 CORRECTION AND CONFIRMATION OF THE MINUTES OF THE 6<sup>TH</sup> THE MEETING HELD ON 30<sup>th</sup> OCTOBER, 2017

4.1 Correction:

4.1.1 Page 7, paragraph 6.4.1 — Insertion of a new 3 (a), immediately after Clause 3

4.1.2 Substitution of the letter (A) for (a) and inclusion of marginal note:

"Administration of Act and development of civil aviation in Guyana"

4.2 Confirmation:

4.1.1 There being no other corrections, the Minutes were confirmed, on a motion, moved and seconded by Hon. Annette N. Ferguson, M.P. and Mr. Michael Carrington, M.P., respectively.

ITEM 5: MATTERS ARISING

5.1 Page 3, paragraph 5.1.1 — Outgoing correspondence

5.1.1 The Chairman informed Members that the Clerk of the Committee had contacted the Head of the Civil Defence Commission (CDC) who had given a commitment to submit a response. However, that response was still outstanding.

5.2 Page 3, paragraph 5.3.1 — Synopsis of the Air Accident Investigation Bill

5.2.1 The Director General, GCAA in response to a query informed the Committee that a copy of the Aircraft Accident and Incident Investigation Bill was submitted to the Minister responsible for Civil Aviation.

5.3 Page 3, paragraph 5.2.1 — Economic Regulation

5.3.1 The Director-General, GCAA confirmed that the information on the economic regulations was submitted to the Clerk of the Committee along with the Jamaica model. He stated that it was the exact model that was proposed in the Bill.

5.4 Page 8, paragraph 6.6.1 — Consideration of Guyana Aircraft Owner's Association (GAOA) Presentation

5.4.1 The Chairman informed the Committee that the above presentation was sent to Mrs. Dhurjon, Legislative Drafting Consultant for consideration. He further stated that the GAOA had contacted him expressing disappointment that they were not invited to attend meetings on the consideration of the Bill. The Association was informed that the practice was that if further clarification was needed on its submission then the Committee would contact it.

ITEM 6: CONTINUATION OF CONSIDERATION OF THE CIVIL AVIATION  
BILL — BILL NO. 1/2017.

6.1. The Committee commenced consideration of the deferred Clauses, followed by the other Clauses of the Bill.

DEFERRED CLAUSES

6.2 Clause 2, subclause 1: Interpretation

6.2.1 "*act of unlawful interference*" was **accepted as presented**.

6.1.2 As proposed by the Legislative Drafting Consultant, the Committee agreed to the substitution of the definition of "*aerodrome*" to be read as follows:

*"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; "*

The definition of was **accepted as amended**.

6.1.3 "*airman*" was **accepted as presented**.

6.1.4 "*air navigation facility*" was **accepted as presented**.

6.1.5 "*air navigation services*":

- paragraphs (a) to (e) were **accepted as presented**.
- paragraph (f) was amended as follows:

*"09 meteorological information services for the provision of meteorological information for the safety of air navigation; "*

- paragraphs (g) and (h) were **accepted as presented**.

The definition was **accepted as amended**.

6.1.6 "*Air Navigation Services Unit*" was **accepted as presented**.

6.1.7 "*Air Operator Certificate*" was **accepted as presented**. 6.1.8

*"appliances"* was **accepted as presented**.

6.1.9 "*commander*":

6.1.9.1 The Director-General stated that based on further review by the GCAA team it was concluded that the term "*commander*" had not been used in neither ICAO nor FAA documentations and therefore GCAA was seeking to have the definition deleted from the Bill and "Pilot in Command" be substituted.

6.1.9.2 The Committee agreed that the definition "*commander*" be deleted and consequential amendments also be made in the Bill. Hence, the ***deletion*** was ***accepted***.

6.1.10 "*dangerous goods*" The Director-General informed the Committee that the GCAA was required to be in compliance with ICAO and not IATA. Hence, the following amendments were made:

- Insertion at the end of paragraph (b) "***;or***"
- Insertion of a new paragraph (c) as follows:

*"(c) or as maybe listed as Dangerous Good by the Authority."*

The definition was ***accepted*** as ***amended***.

6.1.11 "*flight*" was ***accepted*** as ***presented***.

6.1.12 "*operator*" was ***accepted*** as ***presented***.

6.1.13 "*Pilot-in-Command*" insertion of the following as a new definition:

*"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".*

The definition was ***accepted*** as ***presented***.

6.1.14 "*Tokyo Convention*" was ***accepted*** as ***presented***.

6.1.15 *Subsection (2) Interpretation* was further ***deferred*** for review by the GCAA.

## 6.2 **Recommittal of the definition of "*airport*"**

6.2.1 Following deliberation, the Committee agreed to recommit the definition of "*airport*" to allow further consideration by GCAA.

6.2.2 "*Authority*" the following amendment was made:

- deletion of the words "*under the*" after the word "establishment"

The definition was *accepted as amended*.

6.2.3 "*aviation document*" deletion of the (,) after the word "*any*" in the line 1. The definition was *accepted as amended*.

### **6.3 PART II - ESTABLISHMENT OF THE CIVIL AVIATION AUTHORITY**

6.3.1 Insertion of "*GUYANA*" before the word "*CIVIL*" in the above title. The title was *accepted as amended*.

#### **Clause 4**

**6.4** The following amendments were made:

- Insertion of "*Guyana*" in the marginal note;
- Deletion of "(1)" before the word "There"
- Insertion of "*Guyana*" before the word "*Civil*" in line 1.

Clause 4 was *accepted as amended*.

6.4.1 **Subclause (2):** The Committee was advised that this subclause should be deleted since it was catered for in PART 111 of the Bill.

6.4.2 Subclause (2) was then *deleted*.

#### **6.5 Clause 5:**

- Deletion of (1) before "The functions"
- **Paragraph (a):** Following discussion on the concerns raised by Guyana Aircraft Owners' Association (GAOA), the Chairman suggested that in order to prevent abuse as a result of varying interpretations, **paragraph (a)** should be **deferred**. The Legislative Drafting Consultant was requested to consider this paragraph in conjunction Clauses 140, 141, 142 and 145, with a view to ensuring that the powers of the Authority were confined. GCAA should consult with the Association to address their concerns.
- **Paragraphs (b) and (c)** were *accepted as presented*.
- **Paragraph (d)**, was amended as follows:
  - (i) Substitution of the word "*of*" for the word "*among*" after the word "development"
  - (ii) Insertion of the word "*among*" after the word "*aviation*"

Paragraph (d) was *accepted as amended*.

- Paragraphs (e) to (g) were *accepted as presented*.
- Paragraph (h) was amended, insertion of a comma (,) and the word "*programmes*" after the word "*regulations*"

Paragraph (h) was *accepted as amended*.

- Paragraphs (i) to (k) were *accepted as presented*.
- Paragraph (l) was amended, insertion of the words "*and environmental*" after the word "economic".

Paragraph (l) was *accepted as amended*.

- Paragraph (m) was amended, insertion of a comma (,) and the words "*air transport undertakings*" after the word "*airport*"

Paragraph (m) was *accepted as amended*.

- Paragraphs (n) and (o) were *accepted as presented*.
- Paragraph (p): The Committee noted the suggestion by GAOA and was informed by the Director General that the suggestion was in another part of the Bill. He further informed the Committee that the Air Investigative Unit was aided by resource personnel from the GCAA. This paragraph ensured that the investigative powers of the GCAA was retained, replacing it would have the opposite effect. Additionally, there was no conflict in this regard. The Chairman then requested the GCAA to consult other legislation with a view to obtain what existed in other jurisdictions, in this regard. The paragraph was *deferred*.

- **Paragraphs (q) and (r)** were *accepted as presented*.

- **Paragraph (s)**: Following consideration of the suggestion by the GAOA, the Committee agreed that this paragraph should be redrafted to include all stakeholders and not only stakeholders in the civil aviation industry. The Legislative Drafting Consultant was requested to redraft the paragraph, taking into considerations the proposals by the Committee. The paragraph was *deferred*.

- **Paragraphs (t) and (u)** were *accepted as presented*.

- **A new paragraph (v)**: Based on recommendation by the GCAA, the Committee agreed that a new paragraph should be inserted which will address the functions of the Minister in relation to security and civil



aviation matters. The paragraph would be formulated by the Legislative Drafting Consultant in conjunction with 6(2).

6.6 Clause 6

6.6.1 Subclause (1) - The Committee agreed that the Legislative Drafting Consultant should examine the suggestion by the GAGA to replace the word "civil aviation" with the words "Guyana and its citizens" and provide the Committee with advice at its next meeting This subsection was **deferred**.

6.6.2 Subclause (2) was *accepted* as *presented*.

6.7 Clause 7:

6.7.1 Subclause (1) was amended, as follows:

- Substitution of the words "*training institution or institutions*" for the words "*training schools or schools*" in line 1.
- Substitution of "*institutions*" in the marginal note.

Subclause (1) was *accepted as amended*.

5.8.2 Subclause (2) was amended, substitution of the word "*institutions*" for the word "school"

Subclause (2) was *accepted as amended*.

5.8.3 Subclause (3) was amended, substitution of the words "*institution or institutions*" for the words "school or schools".

Subclause (3) was *accepted as amended*.

**ADJOURNMENT**

At 4.00 p.m., the meeting was adjourned to 1.00 p.m., Monday, 13<sup>th</sup> November, 2017.

Confirmed this da <sup>134</sup>-of November, 2017



Hon. Davison, M.P.,

Minister of Public Works

Infrastructure,

Chaierson.



## Officers

Ms. Sonia Maxwell	Assistant Head of Committees Division
Ms. Dellon Adams	Assistant Clerk of Committees
Ms. Keshanna Murlidhar	Assistant Clerk of Committees

## Adviser

Ms. Ananda Dhurjon	Legislative Drafting Consultant
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## **In Attendance from GCAA**

Mr. Egbert Fields	–	Director General
Mr. Howard Mc Calla,		Aviation Management & Safety Consultant
Mrs. Amanza Walton- Desir		General Counsel
Mr. Saheed Sulaman		Director, Air Transport
Mr. Abraham Dorris		Manager, Aviation Security

## **ITEM 1: CALL TO ORDER**

1.1 The Chairman called the Meeting to order at 1.17 p.m. and welcomed Members and staff to the Meeting.

### **1.2 Excuse:**

The Chairman informed the Committee that the following Members had asked to be excused from the Meeting:

- Hon. Carl B. Greenidge, M.P., Vice-President and Minister of Foreign Affairs;
- Ms. Gail Teixeira, M.P., Opposition Chief Whip ; and
- Bishop Juan A. Edghill, M.S., J.P., M.P.

## **ITEM 2: CIRCULATION OF DOCUMENTS**

2.1 The following documents had been circulated prior to the meeting:

- Notice and Invitation to attend the 8<sup>th</sup> Meeting, dated 9<sup>th</sup> November, 2017; and
- Minutes of the 7<sup>th</sup> Meeting held on 6<sup>th</sup> November, 2017;

2.2 The following documents were circulated at the Meeting:

- Matrix of deferred Clauses; and
- Proposed Amendments submitted by the Legislative Drafting Consultant

### **ITEM 3: CORRESPONDENCE**

3.1 **Incoming: Nil**

3.2 **Outgoing: Nil**

### **ITEM 4: CORRECTION AND CONFIRMATION OF THE MINUTES OF THE 7<sup>TH</sup> THE MEETING HELD ON 6<sup>TH</sup> NOVEMBER, 2017**

#### **4.1 Confirmation:**

4.1.1 The Minutes were confirmed without corrections, on a motion, moved and seconded by Mr. Michael Carrington, M.P., and Hon. Dawn Hastings-Williams, M.P.

### **ITEM 5: MATTERS ARISING**

5.1 There was no matter arising from the Minutes.

### **ITEM 6: CONTINUATION OF CONSIDERATION OF THE CIVIL AVIATION BILL — BILL NO. 1/2017.**

6.1. The Committee commenced consideration of the deferred Clauses, and then continued consideration of the Bill.

#### **CONSIDERATION OF DEFERRED CLAUSES**

#### **6.2 Clause 2(1): Interpretation**

6.2.1 As proposed by the Legislative Drafting Consultant, the Committee agreed to the substitution of the definition of "*airport*" to be read as follows:

"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 recognized as an airport*".

The definition was *accepted* as *amended*. **6.2.2 Clause 2, subclause (2)**

The Director General at the 6<sup>th</sup> Meeting of the Committee held on 30<sup>th</sup> October in response as to whom was qualified to be the owner of an aircraft: whether it should be Guyanese only or CARICOM nationals stated that with the new Nassau Agreement there could be some linkage regarding cabotage and the free movement of individuals. He explained that at an earlier meeting of the GCAA, divergent views were expressed. However, he had requested that a final report on the outcome be submitted by 15<sup>th</sup> November, 2017. Hence this subclause was deferred.

6.2.3 Consideration of this *subclause* was further *deferred* awaiting that report, after which the Committee would conclude the matter.

### **6.3 Clause 5, paragraph (a)**

6.3.1 The Committee was informed that the GCAA was in consultation with the Guyana Aircraft Owners' Association (GAOA) with regard to its concerns on the Functions of the Authority. The Parliamentary Drafting Consultant then explained that contrary to the recommendation by the GAOA, the paragraph was not unconstitutional.

6.3.2 After a brief discussion, the Committee agreed that the GCAA should conclude its meeting with GAOA and report to the Committee its outcome at the next Meeting. The *paragraph* was further *deferred*.

### **6.4 Clause 5, paragraph (p):**

6.4.1 The Director General informed the Committee that following further review it was agreed that the paragraph should remain as presented. He stated that the functions of the Air Accident Unit was to show cause while the GCAA should retain the right to do further investigations and enforcement where necessary.

6.4.2 In response to concerns raised by the Chairman with regard to the jurisdiction of the Air Accident Unit, the General Counsel stated the paragraph would not usurp the powers of the Unit. Further, he stated that the legislation of both Trinidad & Tobago and Jamaica had this provision and that it was in keeping with the Obstacle Collision Avoidance System (OCAS). However, to allay concerns and maintain the paramountcy of the Air Accident Unit, the Committee agreed to amend the paragraph as follows:

- Insertion of "*subject to any other law,*" at the beginning of the

paragraph. The definition was *accepted* as *amended*.

## **6.5 Clause 5, paragraph (s)**

6.5.1 After a brief discussion on the intent of the paragraph, the Committee agreed to the following amendments:

- Substitution of a comma (,) for semi colon (;) at the end of the paragraph; and
- Insertion of the words "*or any other concerned stakeholder*" at the end of the paragraph.

The definition was *accepted as amended*.

## **6.6 Clause 5, Insertion of a new paragraph (v)**

- In paragraph (u) substitute a full stop (.) with "; and"
- The new paragraph would read as follows:

*"(v) to discharge any other function determined by the Minister."*

**Clause 5 (v)** was then *accepted as amended*.

## **6.7 Clause 6 (1)**

6.7.1 The Legislative Drafting Consultant stated that the recommendation by the GAOA for the replacement of the words "civil aviation" with "Guyana and its citizens" should be disregarded since "civil aviation" was a broad terminology and encompassed the safety of persons amongst other things. The Clause was *accepted and presented*.

## **PART III- THE BOARD OF THE AUTHORITY**

### **6.8 Clause 8**

**6.8.1 Subclauses (1) and (2)** were *accepted as presented*.

#### **6.8.2 Subclause (3)**

The Parliamentary Drafting Consultant recommended that the word "**Authority**" be substituted for the word "**Board**."

6.8.3 Following the proposed amendments, the General Counsel, GCAA sought clarification on whether the Board was the Authority or whether they were distinct entities. She referred to the Companies Act which vested certain fiduciary obligations to the Secretary which were transposed to semi-autonomous bodies.

6.8.4 The Hon. Ferguson in her effort to clarify concerns raised about the contradictory roles of the Board and the Authority, explained that the appointment of a Secretary was to the Board and not to the Authority. If a Secretary would have been appointed to the Authority then that would be contradictory.

6.8.5 Following an extensive discussion, Committee agreed that the Parliamentary Drafting Consultant should review the subclause with a view to determining whether the requisite body was Board or the Authority and provide the Committee with advice at the next meeting. **Subclause (3)** was *deferred*.

## **6.9 Clause 9:**

**6.9.1 Subclause (1)** was amended as follows:

- deletion of the words "*shall be responsible for the development of policies and regulations on civil aviation and*".

**Subclause (1)** was then *accepted* as *amended*.

**6.9.2 Subclauses (2) and (3)** were *accepted* as *presented*.

**6.10. Clause 10, paragraphs (a) to (e)** were *accepted* as *presented*.

**6.11 Clause 11, subclauses (1) and (2)** were *accepted* as *presented*.

## **6.12 Clause 11:**

**6.12.1 Subclause (2), paragraphs (a) to (c)** were *accepted* as *presented*.

**6.12.2 Clause 11, subclause (3)** was amended as follows:

- Deletion of the comma (,) and the words "*Director General*" after the word "body"

**Subclause (3)** was *accepted* as *amended*.

**6.12.3 Subclause (4), paragraphs (a) and (b)** were *accepted* as *presented*.

**6.13 Clause 12, subclauses (1) to (6)** were *accepted* as *presented*.

**6.14 Clause 13, subclauses (1) to (5)** were *accepted* as *presented*.

## PART IV- DIRECTOR-GENERAL OF THE AUTHORITY

### 7.1 Clause 14:

#### 7.1.1 Subclause (1) was amended as follows

- insertion of the words "*and whose remuneration, allowances and terms and conditions of employment shall be determined by the Minister*" before the full-stop.

Subclause (1) was then ***accepted as amended.***

#### 7.1.2 Subclause (2) was ***accepted as presented.***

7.1.3 Subclause (3), paragraphs (a) to (f) Mrs. Walton-Desir stated that she was unclear of rationale for the dichotomy of the reporting responsibilities of the Director General. She stated that one of ICAO requirements was the autonomy of the Agency. The Director General was vested with certain power and functions. Mrs. Walton-Desir questioned the protection that the Director General was given, in the context of independence in issuing aviation documents and securing the non-interference of his function. She was of the opinion that this subclause might open the door to allow a "rogue" Director General to side-step the Board in this regard. She suggested that this subclause was unnecessarily introducing an avenue for mischief.

7.2.1 Following an extensive discussion on the views expressed, the Committee agreed to ***defer the subclause*** for further consideration.

### 7.3 Clause 15:

#### 7.3.1 Subclause (1) was ***accepted as presented.***

#### 7.3.2 Subclause (2), paragraph (a) was ***accepted as presented.***

#### 7.3.3 Subclause (2), paragraph (b) was amended as follows:

- Substitution of the words "an unsafe" for "a" after the word "that" in line 1. Subclause 15, paragraph (b) was ***accepted as amended.***

#### 7.4 Subclauses (3) and (4) were ***accepted as presented.***

#### 7.5 Clause 16, paragraphs (a) to (g) were ***accepted as presented.***

#### 7.6 Clause 17



**7.6.1 Subclause (1)** was *accepted as presented*.

**7.6.2 Subclause (1), paragraphs (a) and (b)** were *deferred* to allow the Legislative Drafting Consultant to redraft the paragraphs.

**7.6.3 Subclause (2)** was *accepted as presented*.

**7.6.4 Subclause (2), paragraph (a)** was *accepted as presented*.

**7.6.5 Paragraph (b)** was *deferred* to allow the Legislative Drafting Consultant to redraft the paragraph.

**7.6.6 Subclause (3)** was *accepted as presented* pending the redrafting of subclause (2), paragraph (b).

**7.7 Clause 18:**

**7.7.1 Subclause (1), paragraph (a)** was *accepted as presented*.

**7.7.2 Paragraph (b):** was amended as follows. However, the Legislative Drafting Consultant was requested to further review the paragraph:

- Insertion of the words "*by the Minister under subsection (5)*" after the word "General".
- Deletion of the words "*the Ace*" at the end of the paragraph.

The paragraph was then *accepted as amended*.

**7.7.3 Subclause (2) was accepted as presented. 7.7.4**

**Paragraph (a)** was amended as follows:

- Substitution of the word "*Minister*" for the word "*Board*" wherever it appears in the paragraph.

**7.7.5 Paragraph (a)** was then *accepted as amended*.

**7.7.6 Paragraphs (b) to (d)** were *accepted as presented*.

**7.7.7 Subclause (3)** was *accepted as presented*.

**7.7.8 Paragraph (a),** substitution of the following for the paragraph:

- "*any person designated as an inspector or an authorised officer under section 17*".

**Paragraph (a)** was then *accepted as amended*.

**7.7.9 Paragraphs (b) and (c)** were deleted.

7.8 Subclause (4) amended as follows:

- Substitution of the words "*inspector, authorised officer or authorised person*" for the words "*employees of the Authority or competent person*" after the word "An" in line 1.

Subclause (4) was then *accepted as amended*.

7.8.1 Paragraphs (a) and (b) were *accepted as presented*.

7.9 New subclause (5)

7.9.1 The proposal of a **new subclause (5)** by the Legislative Drafting Consultant was *deferred* to allow GCAA and Legislative Drafting Consultant to clarify the delegation of power.

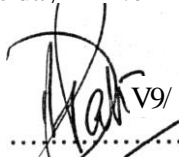
## ITEM 8: ANY OTHER BUSINESS

8.1 The Chairman informed the Committee that the Hon. Ferguson and Mr. Egbert Fields, the Director General, GCAA would not be at its next meeting. However, he advised the Hon. Minister and Mr. Fields that they should submit any comments which they might have on those forthcoming Clauses for consideration at the next meeting.

## ADJOURNMENT

At 4.24 p.m., the meeting was adjourned to 1.00 p.m., Monday, 20<sup>th</sup> November, 2017.

Confirmed this day .of November, 2017



.....  
**Hon. David Patterson, M.P.,**  
**Minister of Public Infrastructure,**  
**Chairperson.**



## **Officers**

**Ms. Sonia Maxwell**

**Assistant Head of Committees Division**

**Ms. Keshanna Murlidhar**

**Assistant Clerk of Committees**

## **Adviser**

**Ms. Ananda Dhurjon**

**Legislative Drafting Consultant (Excused)**

## **In Attendance from GCAA**

**Mrs. Amanza Walton- Desir**

**General Counsel**

## **ITEM 1: CALL TO ORDER**

**1.1 The Chairman called the Meeting to order at 1.13 p.m. and welcomed Members and staff to the Meeting.**

### **1.2 Excuse:**

**The Chairman informed the Committee that the following persons had asked to be excused from the Meeting:**

- **Hon. Carl B. Greenidge, M.P., Vice-President and Minister of Foreign Affairs;**
- **Hon. Annette N. Ferguson, M.P., Minister within the Ministry of Public Infrastructure; and**
- **Ms. Ananda Dhurjon, Legislative Drafting Consultant.**

## **ITEM 2: CIRCULATION OF DOCUMENTS**

**2.1 The following documents had been circulated prior to the meeting:**

- **Notice and Invitation to attend the 9<sup>th</sup> Meeting, dated 16<sup>th</sup> November, 2017;**
- **Minutes of the 8<sup>th</sup> Meeting held on 13<sup>th</sup> November, 2017; and**
- **Matrix of deferred Clauses.**

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### **ITEM 3: CORRESPONDENCE**

#### **3.1 Incoming: Nil**

#### **3.2 Outgoing: Nil**

#### **3.3 Suspension of Agenda**

3.3.1 The Committee agreed to suspend item three of the Business as per agenda and proceed with the Correction and Confirmation and Matters Arising of the Minutes.

#### **3.4 Preliminary Remarks**

3.4.1 The Chairman said he wished to apprise Members that following a meeting with Officials from the Guyana Civil Aviation Authority and the Guyana Aircraft Owners' Association, the Association indicated that it would challenge the constitutionality of the Civil Aviation Bill No. 1 of 2017 in Court. However, the Director General was in the process of preparing a report on the matter and sought Committee's concurrence to forward the report to the Chief Parliamentary Counsel for advice.

3.4.2 To this, Members concurred.

### **ITEM 4: CORRECTION AND CONFIRMATION OF THE MINUTES OF THE 8<sup>TH</sup> MEETING HELD ON 13<sup>TH</sup> NOVEMBER, 2017**

#### **4.1 Corrections:**

#### **4.2 Page 4, paragraph 6.4.2 — Clause 5, paragraph (p)**

4.2.1 Substitution of "*ICAO*" for "*OCAS*" in the fifth line of the paragraph.

#### **4.3 Page 7, paragraph 7.1.3 — Part (IV) — Director-General of the Authority**

4.3.1 Substitution of "*noted*" for "*questioned*" in the fourth line of the paragraph.

#### **4.4 Confirmation**

4.1.1 Thereafter, the Minutes were confirmed, on a motion, moved and seconded by Mr. Michael Carrington, M.P., and Hon. Dawn Hastings-Williams, M.P., respectively.

ITEM 5: MATTERS ARISING

5.1 Page 4, paragraph 6.2.2 — Clause 2, subclause (2)

5.1.1 Mrs. Walton-Desir confirmed that the meeting was held and the comments received were forwarded to the Hon. Annette Ferguson on 16<sup>th</sup> November, 2017.

5.1.2 Following an enquiry from a Member, Mrs. Walton-Desir stated that the current Regulations provided that only Guyanese Nationals could own an Aircraft. However, the Regulations were not yet updated to reflect the obligation under the revised Treaty of Chaguaramas which mandated that CARICOM Nationals should have certain rights and obligation. She further stated that the GCAA previously had sought Government's position on the matter with a view to having the issue finalised. However, the Government's position on the matter was still outstanding.

5.1.3 The Chairman requested that a draft letter be prepared by the General Counsel, GCAA, seeking advice from the Attorney General on whether there would be any legal implications to restrict CARICOM and Commonwealth Nationals from owning aircraft in Guyana. The draft should be forwarded to the Clerk of Committee for onward transmission to the Attorney General.

ITEM 6: CONSIDERATION OF DEFERRED CLAUSES

6.1 Due to the unavailability of the Ms. Ananda Dhurjon, Legislative Drafting Consultant the Committee agreed to defer this item.

ADJOURNMENT

At 1.30 p.m., the meeting was adjourned *sine die*.

Confirmed this d .....of March, 2018



Hon. Davinder Singh, M.P.,  
Minister of Ail" c Infrastructure,  
Chairperson.

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NATIONAL ASSEMBLY OF THE FIRST SESSION (2015- 2018)  
OF THE ELEVENTH PARLIAMENT OF GUYANA

MINUTES OF THE 10<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE  
ON THE CIVIL AVIATION BILL — BILL NO. 1/2017  
HELD ON WEDNESDAY, 14<sup>TH</sup> MARCH, 2018  
AT 3.00 P.M.  
IN COMMITTEE ROOM NO.1, COMMITTEES DIVISION,  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

ATTENDANCE

MEMBERS OF THE COMMITTEE

CHAIRPERSON

Hon. David A. Patterson, M.P.,  
Minister of Public Infrastructure

A Partnership For National Unity/Alliance For Change (APNU/AFC) (4)  
(Nominated by the Committee of Selection on May 8, 2017)

Hon. Carl B. Greenidge, M.P.,  
Vice-President and Minister of Foreign Affairs                      Excused

Hon. Dawn Hastings-Williams, M.P.,  
Minister within the Ministry of Communities

Hon. Annette N. Ferguson, M.P.,  
Minister within the Ministry of Public Infrastructure

Mr. Michael Carrington, M.P.

From the People's Progressive Party (PPP/C) (4)  
(Nominated by the Committee of Selection on May 8, 2017)

Mr. Clement J. Rohee, M.P.    Absent

Ms. Gail Teixeira, M.P., Opposition Chief Whip                      Excused

Bishop Juan A. Edghill, M.S., J.P., M.P.                                      Absent

Mr. Joseph L.F. Hamilton, M.P.

## Officers

Ms. Sonia Maxwell	Assistant Head of Committees Division
Ms. Keshanna Murlidhar	Assistant Clerk of Committees
Mr. Safraz Mohamed	Assistant Clerk of Committees

## Advisor

Ms. Ananda Dhurjon	Legislative Drafting Consultant
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## In Attendance from GCAA

Mr. Egbert Fields.	Director General
Mrs. Amanza Walton- Desir	General Counsel
Mr. Howard Mc Calla,	Aviation Management & Safety Consultant
Mr. Saheed Sulaman	Director, Air Transport
Mr. Abraham. Dorris	Manager, Aviation Security
Ms. Ayesha Edwards	Legal Officer

### **ITEM 1: CALL TO ORDER**

1.1 The Chairman called the Meeting to order at 3.17 p.m. and welcomed Members and staff to the Meeting.

#### **1.2 Excuses:**

The Chairman informed the Committee that the following Members had asked to be excused from the Meeting:

- Hon. Carl B. Greenidge, M.P., Vice-President and. Minister of Foreign Affairs; and
- Ms. Gail Teixeira, M.P., Opposition Chief

### **Whip. ITEM 2: CIRCULATION OF DOCUMENTS**

2.1 The following documents had been circulated prior to the Meeting:

- Notice of the 10<sup>th</sup> Meeting dated 9<sup>th</sup> March,2018;
- Minutes of the 9<sup>th</sup> Meeting held on 20<sup>th</sup> November, 2017; and
- Matrix of Deferred Clauses.



2.2 Records of Proceedings of the following meetings of the Committee were circulated at the Meeting:

- 2<sup>nd</sup> Meeting held on 18<sup>th</sup> May, 2017;
- 3<sup>rd</sup> Meeting held on 31<sup>st</sup> May, 2017;
- 4<sup>th</sup> Meeting held on 22<sup>nd</sup> June, 2017; and
- 5<sup>th</sup> Meeting held on 13<sup>th</sup> July, 2017

### ITEM 3: CORRESPONDENCE

3.1 Incoming: Nil

3.2 Outgoing:

- Letter dated 17<sup>th</sup> January, 2018 to the Hon. Basil Williams, S.C., M.P., Minister of Legal Affairs, Re: Request for a Legal Advice - Ownership of Guyana Registered Aircraft by Commonwealth Citizens.

3.3 Announcement

3.3.1 The Chairperson drew Members' attention to an email from Ms Teixeira which stated that she was advised by Mr. Kit Nascimento, that the Guyana Aircraft Owners' Association (GAOA) had requested to meet once more with the Committee.

3.3.2 Following deliberations, the Committee agreed that it would not meet with the Association unless it had new or further concerns on the Bill. The Clerk of the Committee was requested to write the GAOA advising it that if the Association had additional proposals or further concerns on the Bill, they should be submitted to the Clerk of Committee. After considering those additional concerns or proposed amendments, the Committee would then, determine whether it would be necessary to re-invite the Association to appear before it.

### ITEM 4: CORRECTION AND CONFIRMATION OF THE MINUTES OF THE 9<sup>T</sup><sup>11</sup> MEETING HELD ON 20<sup>th</sup> NOVEMBER, 2017

4.1 Confirmation

4.1.1 The Minutes were confirmed, without corrections, on a motion, moved and seconded by Mr. Michael Carrington and Hon. Annette N. Ferguson, respectively.

ITEM 5: MATTERS ARISING

5.1 There was no matter arising from the Minutes.

ITEM 6: CONTINUATION OF CONSIDERATION OF THE CIVIL AVIATION BILL — BILL NO. 1/2017.

6.1. Consideration of Deferred Clauses

6.1.1 Clause 2, subclause (2)

6.2.1 Mrs. Dhurjon, in providing a response to the advice which the Committee sought from the Hon. Minister of Legal Affairs on who could own an aircraft in Guyana, referred to the Civil Aviation Air Navigation Regulation 2001, Section 5 (3) which stated:

- (1) A person who is a citizen or permanent resident in Guyana;
- (2) Any other person as the Minister may approve;
- (3) A body cooperate which has its principle place of business in Guyana;
- (4) Any other body cooperate the Minister may approve;
- (5) A partnership or a voluntary association which has principle place of business or recreation in Guyana; and
- (6) Any partnership or association as the Minister may approve.

6.2.2 Mrs. Dhurjon elucidated that if a CARICOM or a Commonwealth citizen was a permanent resident in Guyana that:

- (1) Caricom or Commonwealth citizen would be qualified to have legal or beneficial ownership or a share in an aircraft registered in Guyana;
- (2) Caricom or Commonwealth citizen with the approval of the Minister could be qualified to have legal or beneficial ownership or a share in an aircraft registered in Guyana;
- (3) If a Body Cooperate, partnership or a voluntary association of a Caricom or Commonwealth State has its place of business in Guyana that entity is qualified to have legal or beneficial ownership or a share in an aircraft registered in Guyana; and.
- (4) A Body Cooperate, Partnership, or Voluntary Association of a Caricom or Commonwealth State with the approval of the Minister can

be qualified to have legal or beneficial ownership or share in an aircraft registered in Guyana.

6.2.3 Mrs Dhurjon, in summary, concluded that the Law did not give an automatic right to a CARICOM or Commonwealth citizen to be qualified to have a legal or beneficial interest in an aircraft registered in Guyana.

6.2.4 The Committee after considering the advice from the Legislative Drafting Consultant agreed that **subclause (2)** was *accepted as printed*.

### **6.3 Clause 5, paragraph (a)**

**6.3.1 Mrs. Dhurjon stated that the words "in accordance with this Act"** clearly meant that the Authority in discharging its function under the Act cannot go beyond the powers given to it by this Act. She further stated that the Clause was not in conflict with any other provision of the Bill.

6.3.3 Thereafter, the **paragraph (a)** was *accepted as printed*.

### **6.4 Recommital of Clause 5, paragraph (s)**

**6.4.1 The Committee recommitted paragraph (s)** and made the following amendment:

- Insertion of the words "*local or*" before the word "*international*"

6.4.2 Thereafter, **Clause 5, paragraph (s)** was *accepted as amended*.

### **6.5 Clause 8, subclause (3)**

**6.5.1 Clause 8, subclause (3)** was amended as follows:

- **Substitution of the word "Board"** for the word "*Authority*" in the penultimate line.

6.5.2 Thereafter, **Clause 8, subclause (3)** was *accepted as amended*.

### **6.6 Clause 14, subclause (3), paragraphs (a) to (f)**

6.6.1 The Director-General delineated that there was extensive discussion with ICAO Regional Director and South American (SAM) Regional Director on the issue of accountability. It was elucidated that the Director General was directly responsible to the Minister on matters relating to safety and security and to the Board on issues relating to administration and policies.

C)

6.6.2 The following amendments were made to **Clause 14, subclause (3), paragraphs (a) and (b):**

**paragraph (a):**

*to the Minister in respect of issues relating to civil aviation safety and security oversight;*

**paragraph (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 of moneys received and payments made by the Authority;

**(iv)** the administration and management of the Authority; and

**(v)** the discharge of the functions of the Authority.

6.6.3 Thereafter, **Clause 14, subclause (3)** was *accepted as amended*.

**6.7 Clause 17**

6.7.1 The following amendments were made to **Clause 17, subclause (1), paragraphs (a) and (b):**

*(a) technically trained and qualified employees of the Authority as Inspectors or authorised officers;*

*(b) persons who are not in the service of the Authority as authorised persons to conduct tests or examinations on behalf of the Authority.*

6.7.2 Thereafter, **subclause (1)** was *accepted as amended*

6.7.3 **Subclause (2), paragraph (b), subparagraphs (i) and (ii):**

The following amendments were proposed:

*"The Director-General shall sign and issue to each inspector personal credentials consisting of a unique badge and accompanied by an identification card which shall state the full name and contain a statement indicating that the*

*inspector —*

*(a) has been designated under subclause (1);*

*(b) is authorised assess pursuant to Clause 39, subclause (1)*

*(c) is empowered :-*

*(i) to exercise the powers and discharge the functions entrusted to inspectors directly; or*

*(ii) to exercise the powers and discharge the functions of the Director-General entrusted to the inspector under delegation."*

6.7.4 Following discussions, on the proposed amendments, concerns were expressed regarding the use of the term "*unique badge*", the Committee agreed to *defer* subclause (2) to allow the Legislative Drafting Consultant to further consider the term "*unique badge*".

6.8 Subclause (3)

The following amendment was made:

- Deletion of the words "*authorised officers or*" before the word "*inspectors*".

6.8.1 Thereafter, subclause (3) was *accepted as amended*.

6.9 New subclause (4) was *deferred* to await the circulation of the proposed amendments to Members.

6.10 Clause 18 was *further deferred*.

6.11 CONTINUATION OF CONSIDERATION OF THE BILL

PART V — FINANCE OF THE AUTHORITY

6.11 Clause 19 was *accepted as printed*.

6.12 Clause 20 was *accepted as printed*.

6.13 Clause 21 was *accepted as printed*.

6.14 Clause 22 was *accepted as printed*.

6.15 Clause 23

6.15.1 Some Members expressed concerns that there was no limit on the investment of the moneys standing to the credit of the Authority, and proposed that a limit should be placed on the investment.

6.15.2 The Clause was then *deferred* for Members to consider the issue and determine an appropriate percent of the moneys that could be invested.

6.16 Clause 24 was *accepted as printed*.

6.17 Clause 25 was *accepted as printed*.

6.18 Clause 26 was *accepted as printed*.

6.19 Clause 27

6.19.1 The Clause was *deferred* to allow the Legislative Drafting Consultant to prepare a redraft of the Clause.

6.20 Clause 28 was *accepted as printed*.

## **PART VI — ESTABLISHMENT OF AERODROMES AND CONTROL OF LAND**

**6.21 Clause 29**

6.21.1 The Committee *deferred* the Clause to allow the Legislative Drafting Consultant to prepare a redraft of the Clause, taking into consideration the comments made by Members regarding the governing authority.

**6.22 Clause 30**

(1) **Subclause (1)** was *deferred* to allow the Legislative Drafting Consultant to review the use of the word *expedience* and prepare a redraft.

(ii) **Subclause (2):**

- **paragraph (a)** was *accepted as printed*.
- **paragraph (b)**, the following amendment was made:

Insertion of the words "*on the Guyana Civil Aviation website and*" after the word "*publish*"

**Thereafter, paragraph (b)** was *accepted as amended*.

(iii) **paragraphs (c)** *accepted as printed*.

- 6.23 Clause 31 was *accepted as printed*.
- 6.24 Clause 32 was *accepted as printed*.
- 6.25 Clause 33 was *accepted as printed*.
- 6.26 Clause 34 was *accepted as printed*.

PART VII — CIVIAL AVIATION SYSTEM

- 6.27 Clause 35 was *accepted as printed*.
- 6.28 Clause 36 was *accepted as printed*.
- 6.29 Clause 37

(<sup>1</sup>) Subclauses (1) to (4) were *accepted as printed*.

Subclause (5):

The following amendment was made:

(iii) Substitution of the words, "*in accordance with*" for the words "*to the High Court under*" before "*section 73*".

6.29.1 Thereafter, subclause (5) was *accepted as amended*.

ADJOURNMENT

At 5.18 p.m., the meeting was adjourned to 10.00 a.m., Friday, 23<sup>rd</sup> March, 2018.

Confirmed this day ..of March, 2018



**Hon. David ..son, M.P.,**  
**Minister of Publ nrastructure,**  
**Ch person.**

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## Officers

Ms. Sonia Maxwell	Assistant Head of Committees Division
Ms. Keshanna Murlidhar	Assistant Clerk of Committees
Mr. Safraz Mohamed	Assistant Clerk of Committees

## Advisor

Ms. Ananda Dhurjon	Legislative Drafting Consultant
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## **In Attendance from GCAA**

Mr. Egbert Fields	Director General
Mrs. Amanza Walton- Desir	General Counsel
Mr. Howard Mc Calla	Aviation Management & Safety Consultant
Mr. Saheed Sulaman	Director, Air Transport
Mr. Abraham Dorris	Manager, Aviation Security

### **ITEM 1: CALL TO ORDER**

1.1 The Chairman called the Meeting to order at 10.22 a.m. and welcomed Members and staff to the Meeting.

#### **1.2 Excuses:**

The Chairman informed the Committee that the following Member had asked to be excused from the Meeting:

- Hon. Carl B. Greenidge, M.P., Vice-President and Minister of Foreign Affairs.

### **ITEM 2: CIRCULATION OF DOCUMENTS**

2.1 The following documents had been circulated prior to the Meeting:

- Notice of the 11<sup>th</sup> Meeting dated 15<sup>th</sup> March, 2018;
- Minutes of the 10<sup>th</sup> Meeting held on 14<sup>th</sup> March, 2018; and
- Matrix of Deferred Clauses dated 16<sup>th</sup> March, 2018.

2.2 The following document was circulated at the Meeting:

- Matrix of proposed amendments dated 23<sup>rd</sup> March, 2018, submitted by the Legislative Drafting Consultant.

**ITEM 3: CORRESPONDENCE**

**3.1 Incoming: Nil**

**3.2 Outgoing:**

Letter to Mr. Michael O. Corriea Jr., President, Aircraft Owners' Association of Guyana (AOAG), Re: Submission of additional concerns or proposed amendments to the Civil Aviation Bill — Bill No. 1/2017.

**ITEM 4: CORRECTION AND CONFIRMATION OF THE MINUTES OF THE 10TH MEETING HELD ON 14th MARCH, 2018.**

**4.1 Confirmation**

4.1.1 **Page 9, Part VII**, Substitution of the word "**Civil**" for the word "**Civial**".

4.1.2 There being no other corrections, the Minutes were confirmed, on a motion, moved and seconded by Hon. Annette N. Ferguson, and Mr. Michael Carrington, respectively.

**ITEM 5: MATTERS ARISING**

**5.1 Page 3, paragraph 3.3.1** — Letter to the Guyana Aircraft Owners' Association (GAOA)

5.1.1 The Chairperson informed Members that the letter to the GAOA had been dispatched, giving a deadline of 22<sup>n</sup><sup>d</sup> March, 2018. However, no response was received.

**5.2 Page 6, paragraph 6.6.2. (i) — Clause 14, subclause (3) paragraph (a)**

5.2.1 The Chairperson sought clarification from the Director General in relation to the reporting mechanisms to the Minister and to the Board on issues of security, safety, civil aviation and governance policies.

5.2.2 The Director General in his response explained that, the Director General had direct responsibility to report to the Minister on issues relating to safety, security and oversight and to the Board on issues relating to administration and governance. He further explained that the Board would also be apprised on issues relating to civil aviation, safety and security oversight.

**ITEM 6: CONTINUATION OF CONSIDERATION OF THE CIVIL AVIATION BILL — BILL NO. 1/2017.**

**CONSIDERATION OF DEFERRED CLAUSES**

**6.1 Recommittal of Clause 16**

6.1.1 The Committee recommitted **Clause 16** and **deferred** the Clause to allow the Legislative Drafting Consultant to prepare a redraft of the Clause.

**6.2 Clause 17 was amended as follows:**

(1) The Director-General may designate —

- (a) **technically trained and qualified employees** of the Authority as inspectors or authorised officers;
- (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 contain a statement indicating that the inspector —**

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

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

*Insertion of a new subclause (4):*

- (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 contain a statement indicating that the authorised person —**
- (a) **has been designated under subsection (1)(b); and**
  - (b) **is empowered to exercise the powers and discharge the functions entrusted to the authorised person pursuant to section (1)(b) or any provision of the Act or its Regulations stated in the document.**

6.2.1 Thereafter, *Clause 17* was *accepted as amended*.

6.3 **Clause 18** was *amended* as follows:

- **subclause (1), paragraph (a)** was *accepted as printed*.
- **subclause (1), paragraph (b), amended** as follows:
  - any power or function delegated to the Director General **by the Minister under subsection (5)**.
- **subclause (2), paragraph (a), amended** as follows:
  - any power delegated to the Director-General by the **Minister** without the written approval of the **Minister**;

**paragraphs (b), (c) and (d)** were *accepted as printed*.
- **subclause (3)** was *amended* as follows:
  - A delegation under this section may be made to **any person designated as an inspector or authorised officer under section 17**.
  - **Paragraphs (a), (b) and (c)** were *deleted*.
- **subclause (4)** was *amended* as follows:

An **inspector or authorised officer** purporting to act pursuant to any delegation under this section —

Insertion of the word "**and**" at the end of **paragraph (a)**.

- Paragraph (b) was *accepted* as *printed*.

- *Insertion of a new subclause to be numbered (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".**

6.3.1 Following the proposed amendments, a discussion ensued and the Committee agreed to *defer* further consideration, to allow the Legislative Drafting Consultant to review the Clause and prepare a redraft of the Clause for circulation to Members.

**6.4** The Committee considered **Clause 23** and *accepted* it as *printed*.

**6.5** **Clause 27**

6.5.1 The Committee in considering the above Clause, noted the explanation from the Director General and Team and agreed to write the Minister of Finance *seeking guidance on the issue of the Authority being exempted from all taxes being inscribed in the law*.

6.5.2 The Clerk of the Committee was directed to write the Hon. Minister in that regard.

**6.6** **Clause 29, subclause (1), paragraphs (a) and (b)**

6.6.1 The Committee in considering the Clause, agreed that it should be amended to include that, there should be consultation with Local Government Authorities and a notice published in the Official Gazette before the establishment of aerodromes.

6.6.2 The Clause was further *deferred* to allow the Legislative Drafting Consultant to prepare a *redraft* of the Clause taking into consideration the proposal by Members.

**6.7** **Clause 30**, the following amendments were made:

- **Subclause (1)** was amended as follows:

- Substitution the words "*consider necessary or*" for the word "*think*" after the word "*Minister*".

- **Subclause (2)** was *amended* as follows:

**Paragraph (a)**

Insertion of the words "*on the Guyana Civil Aviation Authority website and in one or more newspapers of wide circulation in Guyana*" after the word "*publish*".

**Paragraph (b)**

Insertion of the words "*on the Guyana Civil Aviation Authority website and*" after the word "*publish*".

**Paragraph (c)**

Substitution of the words "**by the order**" for the word "**thereby**" at the end of the paragraph.

6.7.1 Clause 30 was then *accepted as amended*.

**CONTINUATION OF CONSIDERATION OF THE CIVIL AVIATION BILL  
— BILL NO. 1/2017**

**6.8** Clause 38 was *accepted as printed*

**6.9** Clause 39:

6.9.1 The Committee in considering the Clause, sought clarification on the term "*conducting any surveillance*" and was informed that "*surveillance*" was a standard term used by ICAO.

6.9.2 Further, it was explained that, the term *surveillance* related to the security sector and that it was not an inspection but rather was incorporated into the Security Plan and Programme.

6.9.3 The General Counsel, GCAA cautioned the Committee against modifying the Clause, as it was in accordance with ICAO Protocol Question.

6.9.4 Following an extensive deliberation, the Chairperson noted the concerns expressed and proposed that the Committee *defer* the Clause to allow him to further ventilate the issue with the Defense Board. The Committee concurred.

**6.10** Clause 40 was *accepted as printed*.

**6.11** Clause 41, the following amendments were made:

- Subclauses (1) and (2) were *accepted as printed*.
- Subclause (3) was **amended** as follows:

- Substitution of the words "*in accordance with*" for the words "*to the High Court under*" after the word "*decision*".

**6.11.1 Clause 41** was then *accepted as amended*.

## **6.12 Provision for an Appeal Tribunal**

6.12.1 Following discussions on the provision for an Appeal Tribunal, the Committee agreed that the Legislative Drafting Consultant should draft a provision for an Appeal Tribunal.

**6.13 Clause 42** was *accepted as printed*.

**6.14 Clause 43** was *accepted as printed*.

**6.15 Clause 44**, the following amendments were made:

- **Subclause (1),**

- **paragraphs (a) to (c)** were *accepted as printed*.

**Paragraph (d)** was amended as follows:

- Following deliberations, **paragraph (d)** was *deferred* to allow the Legislative Drafting Consultant to prepare a redraft of the paragraph,

- **Paragraphs (e) and (1)** were *accepted as printed*.

- **Subclause (2)** was *accepted as printed*.

- **Subclause (3), paragraph (a)** was *accepted as printed*.

**Paragraph (b):**

The **paragraph** was *deferred* to allow the Legislative Drafting Consultant and the GCAA to review the paragraph with the aim of preparing a redraft.

- **Subclause (4):**

The **subclause** was *deferred* to allow the Legislative Drafting Consultant and the GCAA to review the subclause with the view of preparing a redraft.

**Paragraphs (a) and (b)** were *accepted as printed*.

- **Subclauses (5) to (7)** were *accepted as printed*.

- **Subclause (8), paragraph (a)** was *accepted as printed*.



- Paragraph (b) was amended as follows:

Substitution of the words "*in accordance with*" for the words "*to the High Court under*" before "*section 73*".

6.15.1 Clause 44 was the *accepted* as *amended*.

6.16 Clause 45 was *accepted* as *printed*.

#### 6.17 SUSPENSION AND RESUMPTION OF MEETING

6.17.1 At 12.45 p.m. the meeting was suspended and resumed at 1.25 p.m.

### PART VIII — AIR TRANSPORT UNDERTAKINGS

#### 6.18 Clause 46

- Subclause (1) was *deferred* to allow the Legislative Drafting Consultant to prepare a redraft of the subclause.
- Subclauses (2) to (5) were *accepted* as *printed*.

6.19 Clause 47 was *accepted* as *printed*.

6.20 Clause 48 was *accepted* as *printed*.

### PART IX — AIRCRAFT

6.21 Clause 49 was *accepted* as *printed*.

#### 6.22 Clause 50

- Subclause (1) was *accepted* as *printed*.
- Subclause (2) was *amended* as follows:
  - "*A civil aircraft shall not be registered in Guyana if it is registered in another country*".
- Subclause (2) was then *accepted* as *amended*.
- Subclause (3) was *accepted* as *printed*.

- **Subclause (4)** was *amended* as follows:

- Substitution for the words "*in accordance with*" for the words "*to the High Court*", before the words *section 73.*".

- **Subclause (4)** then was *accepted as amended*.

6.23 **Clause 51** was *accepted as printed*.

6.24 **Clause 52** was *accepted as printed*.

6.25 **Clause 53** was *accepted as printed*.

6.26 **Clause 54** was *accepted as printed*.

6.27 **Clause 55** was *accepted as printed*.

6.28 **Clause 56**

6.28.1 In response to an enquiry, the General Counsel informed the Committee that ICAO had employed a non-discriminatory policy as it related to charges for Airport and Air Navigation Services.

6.28.2 The Committee noted the explanation from the General Counsel and agreed that **Clause 56** should be *deferred* to allow the GCAA to review the Clause taking into consideration the views by Members.

## **PART X — AIR NAVIGATION SERVICES**

6.29 **Clause 57**

### **Subclause (1)**

6.29.1 Following an enquiry, the Committee was informed that Annex 3 of the Convention required the GCAA to transmit meteorological information from the Hydromet Department and not to generate the information.

6.29.2 The Committee noted the explanation and agreed that the GCAA should engage the Hydromet Department with a view to arriving at a mutual understanding, in this regard and provide the Committee with an update.

6.29.3 Thereafter, *subsection (1)* was *deferred*.

6.29.4 **Subclauses (3) to (6)** were *accepted as printed*.

### **6.30 Clause 58**

Subclause (1) was *amended* as follows:

- Deletion of the words "*Authority with the approval of the*" before the words "*the Minister*".

**6.30.1 Subclause (1)** was then *accepted* as *amended*.

**6.30.2 Subclause (2)** was *accepted* as *printed*.

### **6.31 Clause 59**

**6.31.1 Subclauses (1) to (3)** were *accepted* as *printed*.

**6.31.2 Subclause (4)** was *amended* as follows:

- Substitution of the word "*shall*" for the word "*may*" after the word "*Director-General*".
- Insertion of the words "*immediately report to the Minister who shall*" after the comma (,)

**6.31.3 Subclause (4)** was then *accepted* as *amended*.

**6.31.4 Subclauses (5), (6) and (7):**

Following a brief discussion, the Committee agreed to *defer* the subclauses to allow the Legislative Drafting Consultant to review the subclauses taking into consideration the views expressed by Members.

**6.32 Clause 60** was *accepted* as *printed*.

## **PART XI — CIVIL AVIATION SAFETY AND SECURITY**

**6.33 Clause 61** was *accepted* as *printed*.

**6.34 Clause 62** was *accepted* as *printed*.

**6.35 Clause 63** was *accepted* as *printed*.

**6.36 Clause 64:**

- Paragraphs (a) to (d) were *accepted* as *printed*.
- Paragraph (e) was *deferred* to allow the GCAA and the Legislative Drafting Consultant to review the paragraph.

- **Paragraphs (f) and (g)** were *accepted as printed*.
- **Paragraph (h)** was *amended* as follows:  
  
Insertion of the words "*and compliance with*" before the words "*the NCASP*"
- **Paragraphs (i) to (m)** were *accepted as printed*.
- **Paragraph (n)** was *deleted*.

6.37.1 The Legislative Drafting Consultant was requested to prepare a redraft of the remaining **paragraphs** and circulate to Members.

**6.38 Clause 65** was *accepted as printed*.

**6.40 Clause 66** was *accepted as printed*.

**6.41 Clause 67** was *deferred* to allow the GCAA and the Legislative Drafting Consultant to review the Clause and prepare a redraft.

**6.42 Clause 68** was *accepted as printed*.

**6.43 Clause 69** was *accepted as printed*.

**6.44 Clause 70** was *accepted as printed*.

## **PART XII — ACCIDENT INVESTIGATION**

**6.45 Clause 71** was *deferred* for review by the GCAA and the necessary amendments made.

## **PART XIII — COMPLAINTS AND INVESTIGATION**

### **6.46 Clause 72**

6.46.1 Following an enquiry, the Committee was informed that the objective of the Appeal Tribunal was to appeal investigations regarding complaint against the Authority. It was also a mechanism to address complaints against the Director-General.

6.46.2 Following the deliberations, **Clause 72** was *accepted as printed*.

**ADJOURNMENT**

At 2.52 p.m., the meeting was adjourned to 10.00 a.m., Thursday, 29<sup>th</sup> March, 2018.

Confirmed this day a of April, 2018

A handwritten signature in black ink, appearing to read 'David Toon', is written over a horizontal dotted line.

**Hon. David Toon, M.P.,  
Minister of Public Infrastructure,  
Chairperson.**



Officers

Ms. Sonia Maxwell	Assistant Head of Committees Division
Ms. Keshanna Murlidhar	Assistant Clerk of Committees
Mr. Safraz Mohamed	Assistant Clerk of Committees

Advisor

Ms. Ananda Dhurjon – Legislative Drafting Consultant

In Attendance from GCAA

Mr. Egbert Field	Director General
Mrs. Amanza Walton- Desir	General Counsel
Mr. Howard Mc Calla	Aviation Management & Safety Consultant
Mr. Saheed Sulaman	Director, Air Transport
Mr. Abraham Dorris	Manager, Aviation Security

ITEM 1: CALL TO ORDER

1.1 The Chairman called the Meeting to order at 10.50 a.m. and welcomed Members and staff to the Meeting.

1.2 Excuses:

The Chairman informed the Committee that the following Members had asked to be excused from the Meeting:

- Hon. Carl B. Greenidge, M.P., Vice-President and Minister of Foreign Affairs;
- Ms. Gail Teixeira, M.P., Opposition Chief Whip;
- Bishop Juan A. Edghill, M.S., J.P., M.P.; and
- Mr. Joseph L.F. Hamilton, M.P.

ITEM 2: CIRCULATION OF DOCUMENTS

2.1 The following documents had been circulated prior to the Meeting:

- Notice of the 12<sup>th</sup> Meeting dated 28<sup>th</sup> March, 2018; and
- Minutes of the 11<sup>th</sup> Meeting held on 23<sup>th</sup> March, 2018.

2.2 The following documents were circulated at the Meeting:

- Matrix of Deferred Clauses dated 3<sup>rd</sup> April 2018; and
- Proposed Amendments for Select Committee dated 5<sup>th</sup> April, 2018, submitted by the Legislative Drafting Consultant.

### **ITEM 3: CORRESPONDENCE 3.1**

#### **Incoming:**

- Letter of acknowledgement dated 21<sup>st</sup> March, 2018 from Mr. Anthony Mekdeci, A.A., re submission of additional concerns or proposed amendments to the Civil Aviation Bill — Bill No. 1/2017.

#### **3.2 Outgoing:**

- Letter to Hon. Winston D. Jordon, M.P., Minister of Finance, Re: Consideration of the Civil Aviation Bill — Bill No.1 of 2017.

### **ITEM 4: CORRECTION AND CONFIRMATION OF THE MINUTES OF THE 10<sup>th</sup> MEETING HELD ON 14<sup>th</sup> MARCH, 2018.**

#### **4.1 Corrections:**

4.1.1 **Page 2, In Attendance from GCAA**, Substitution of the name "**Field**" for "**Fields**".

4.2 **Page 7, paragraph 6.9.2**, substitute the following for the paragraph:

- Further, it was explained that "surveillance" in the context aviation security was a key feature of the Security Plans and Programme which ICAO required the GCAA to develop and promulgate.

#### **4.3 Confirmation:**

4.3.2 There being no other corrections, the Minutes were confirmed, on a motion, moved and seconded by Mr. Carrington and the Hon. Hastings-Williams, respectively.



## **ITEM 5: MATTERS ARISING**

### **5.1 Absence of the Opposition from Meetings of Committee**

5.1.1 A Member enquired of the number of occasions a Member would be allowed to be absent from Meetings of a Committee. He expressed concerns that Members of the Opposition were not attending meetings to participate in the consideration of the Bill but might seek to raise issues of concern when the Committee would have submitted its Report to the Assembly.

5.1.2 The Chairman in response, indicated that the Clerk of Committee had advised that the Standing Orders 95 (7) provided that a Member could be absent three (3) consecutive times with permission from the Chairperson (excused). However, the Minutes would reflect his concerns.

### **5.2 Page 3, paragraph 3.2, Letter of Acknowledgement from the Guyana Aircraft Owners' Association**

5.2.1 The Chairperson informed Members that a letter of acknowledgement was received from the Guyana Aircraft Owners' Association, with no further proposals and sought from Members the way forward.

5.2.2 Following discussions, the Committee agreed that the Clerk of the Committee in acknowledging receipt of the letter should indicate that the Committee was of the view that the Association had no further proposals or amendments to the Bill, and that the Committee wishes to thank the Association for its engagement in this process.

### **5.3 Page 6, paragraph 6.5.1 — Clause 27: Letter to the Minister of Finance**

5.3.1 Members were informed that a letter dated 28<sup>th</sup> March, 20018 was dispatched to the Hon. Minister of Finance seeking guidance on Clause 27 and subsequently read the contents of the letter.

### **5.4 Page 10, paragraph 6.29.2 — Clause 57, Subclause (1): Collaboration with the GCAA and the Hydromet Department**

5.4.1 Following an enquiry by a Member whether GCAA had engaged the Hydromet Department on the issue of air navigation services, the Committee was informed by the Director-General that due to the National Holidays they were unable to convene a meeting and promised to have that done at the earliest opportunity. Thereafter, the **Clause** was further *deferred*.

ITEM 6: CONSIDERATION OF DEFERRED CLAUSES

Recommittal of Clause 14

6.1 The Committee recommitted Clause 14 and the following amendments were made to subclause (3):

- Paragraph (b), subparagraph (iii)

Substitution of the word "*for*" for the word "*of*" after the word "*accounting*".

- Substitution of "*full-stop*" for the "*semicolon*" at the end of subparagraph (iv).
- Deletion of subparagraph (v).

6.1.2 Thereafter, subclause (3), paragraph (b), was then *accepted as amended*.

6.2 Clause 16, was amended as follows:

- Deletion of the words "*subject to the directions of the Board,* " in the chapeau.

The Clause was then *accepted as amended*.

6.2.1 Following a deliberation on the ambiguity of the Clause the Legislative Drafting Consultant proposed that an omnibus clause could be included for any other duties of the Board.

6.2.2 The Clause was *deferred* for further review by the Legislative Drafting Consultant.

6.3 Clause 18, was amended as follows:

- Insertion of new subclauses to be numbered (5) and (6):

(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 except the power to make regulations.*

(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."*

6.3.1 Thereafter, new subclauses (5) and (6) were then *accepted as amended*.

6.4 Clause 29 — New subclause (3)

*"(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."*

6.4.1 Subclause (3) was then *accepted as amended*.

6.5 Clause 39, the following amendments were proposed for subclauses (1) and (2):

- *"(1) In the exercise of any power or the discharge of any function under section 15, the Director-General or any person authorised by the Director-General shall be granted unrestricted access by an applicant or the holder of an aviation document to any place, office, hanger, 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 operations are conducted in accordance with prescribed safety, security, and other recommended standards.*
- *(2) For the purpose of subclause (1), "document" includes manuals, certificates, authorizations, approvals, procedures, technical files, personnel files, and personnel licences."*

6.5.1 The Chairperson expressed concern as it related to the use of the words *"any place"* and feared that it gave the Director General and the authorized persons powers that were higher than the police and the National Security Act.

6.5.2 Ms. Desir stated that the construction of the word "place" was subjected to the cannons of statutory interpretation. The word "place" was followed by a series of aviation related locations, statutory interpretation did not allow it to be interpreted as a place of residence. "Place" was on a list of audit inspection checklist by the ICAO compliance and the auditors.

6.5.3 Following extensive discussions, the Committee agreed to *defer* the Clause for further review by Legislative Drafting Consultant and GCAA.

## Clause 44

### 6.6 Subclause (1), paragraph (d):

6.6.1 Based on the explanation by Mrs. Dhurjon that paragraph (d) must be read with the chapeau and that no restriction should be placed on the paragraph.

6.6.2 Subclause (1) paragraph (d) was then *accepted as printed*.

### 6.6.3 Recommittal of subclause (3)

#### Paragraph (a):

- The Chairperson expressed concerns that the paragraph gave excessive powers to the Director-General to obtain medical records of a pilot and questioned whether this should not only be done with the consent individual.
- The Consultant, Aviation Management and Safety in offering an explanation stated that a pilot must have a regular medical examination and depending on the level of the license, the age of the person, and repetitiveness, the examination would be conducted. Specifically designated aviation doctors would conduct examination and while the records were confidential the GCAA should be privy to the records for the purpose of issuing a license. The challenge however, was the ability of the GCAA to assess the medical history of persons who were holders of licenses.
- The General Counsel stated that embodied in the personnel Regulations licensing processes was a consent. It was a condition under which an individual was issued a license that meant they must undergo these tests and satisfy the requirements

6.6.3.1 Following an extensive discussion the Committee agreed to *defer* further consideration of the *subclause* to allow the GCAA to review it. However, agreed in principle to the following amendments:

- Substitution of the word "*Section*" for the words "*Act*" before the word "*this*".
- Insertion of the word "*credible*" before the word "*source*".

6.6.4 Subclause (4) was amended as follows:

- Substitution of the words "*body corporate*" for the words "*juristic person*" before the word "with".

Subclause (4) was then *accepted* as *amended*.

6.7 Clause 46, the following amendment was made to subclause (1):

- " (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 undertaking for the purpose of any trade or business, except under the authority of and in accordance with a licence, permit, or other authorization issued to him for that purpose by the Authority."*

Subclause (1) was (b) was then *accepted* as *amended*.

6.8 Clause 56 was further *deferred* to allow the Guyana Civil Aviation Authority to review the Clause.

6.9 Clause 57, the following *amendments* were *made*:

- Subclause (1), was *amended* as follows:

- Insertion of the word "*provision*" before the word "*of*".

Subclause (1) was then *accepted* as *amended*.

- Subclause (2) was *recommitted* and *amended* as follows:

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*.

Subclause (2) was then *accepted* as *amended*.

- Subclause (5), **paragraph (1)** *recommitted* and *amended* as follows:

"W *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."*

Subclause (5) was then *accepted as amended*.

- **Insertion of a new subclause (7) as follows:**

*"This section shall come into operation on a date appointed by the Minister by order."*

Subclause (7) was then *accepted as amended*.

**6.10 Clause 59, the following amendment was made:**

- **Recommittal of subclause (4) and amended as follows:**

**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.

Subclause (4) was then *accepted as amended*.

- **Subclauses (5), (6) and (7) were accepted as printed.**

**6.11 Clause 64, the following amendments were made:**

- **Paragraph (e), was accepted as printed.**
- **Paragraph (n) and (o) were replaced with paragraphs (n), (o) and (p) as follows:**

*"(n) develop and implement a National Civil Aviation Security Quality Program, a Quality Management System and a Security Management System Programme;*

*(o) develop and implement a National Civil Aviation Security Training Programme with training standards; and*

*(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"*

- Insertion of a new paragraph (q) as follows: (q)  
*develop aviation security training and standards*

6.11.1 Following discussions on the new paragraph, the Committee agreed to *defer* the *paragraph* to allow the Legislative Drafting consultant to review the paragraph.

6.12 **Clause 67** was further *deferred* to allow for the Legislative Drafting Consultant to *review* and prepare a redraft of the Clause.

### 6.13 **Recommittal of Clause 70**

6.13.1 **Clause 70** was *recommitted* and the following *amendments* were *proposed*:

#### **Paragraph (a):**

- Deletion of the word "*cabin*" after the word "*aircraft*" in the second line.
- Deletion of the words, "*weapon detecting*" before the word, "*procedures*" in the third line.
- Insertion of the words, "*to detect weapons and other prohibited items and substances*" at the end of the paragraph.

Thereafter, **Clause 70** was *deferred* by the Guyana Civil Aviation Authority for *confirmation*.

6.13.2 **Clause 71** was further *deferred* for review by the Guyana Civil Aviation Authority.

## **CONTINUATION OF CONSIDERATION OF THE CIVIL AVIATION BILL — BILL NO. 1/2017**

### **PART XIV — RIGHTS OF APPEAL**

#### **6.14 Clause 73**

6.14.1 The Legislative Drafting Consultant indicated that the redraft of the Clause was still under consideration. The Committee *deferred* the Clause to await the redraft of the provision of an *Appeal Tribunal*.

### **PART XV — INTERNATIONAL AND REGIONAL OBLIGATIONS**

6.15 **Clause 74** was *accepted* as *printed*.

**6.16 Clause 75 was accepted as printed.**

**6.17 Clause 76**

6.17.1 The Chairperson enquired the reason for including the **CASSOS Agreement as part of the** legislation.

6.17.2 The Director General in response indicated the CASSOS agreement harmonises with the GCAA operations and Regulations, which allowed CAS SOS to provide assistance to GCAA. This, therefore allowed for the utilisation and delegation of powers to CASSOS officers as local inspectors to conduct surveillance.

6.17.3 The Legislative Drafting Consultant advised that for some legislation to be given effect, it would require being brought into Law.

6.17.4 The General Counsel mentioned that CASSOS should be given judicial personality so as to be recognized as a Legal body. The General Counsel also stated that the draft legislation was circulated to members of CAS SOS and they had endorsed the inclusion of the agreement.

6.17.5 In response to an enquiry by the Chairperson, as to how many other countries had taken that position, informed Members that Guyana was the first country. The General Counsel made mentioned that CASSOS at its meetings had been encouraging other member states to give CASSOS judicial personality

6.17.6 The Chairperson expressed the concern of inscribing such Agreements, especially when it did not replicate elsewhere, Guyana being the first.

6.17.7 The GCAA was advised to enquire from the Ministry of Foreign Affairs about the status of the Agreement.

6.17.8 The Committee agreed that the Legislative drafting Consultant should prepare a draft to include that it becomes effective "*by order of the Minister*".

6.17.9 **Clause 76 was then deferred** to allow the GCAA and the Legislative Drafting Consultant to review the Clause.

**PART XVI — GENERAL OFFENSES**

**6.18 Clause 77**

- **Subclause (1), paragraph (a), was amended** as follows:

Substitution of the word "*an*" for the word "*and*" before the word "*offence*"



- 6.18.1 Following an extensive deliberation on the penalties, the Committee agreed to *defer Clause 77* to allow the GCAA to re-examine the Clauses with the aim of harmonising the offences with the penalties, taking into consideration the comments by the Committee that the penalties should not exceed the crime.
- 6.18.2 Clauses 77 to 81 were *deferred* to allow the GCAA to review *the Clauses* considering the comments made by Members that the penalties' should not exceed the crimes.

ITEM 7: ANY OTHER BUSINESS

- 7.1 Concern raised by Minister Hasting-Williams
  - 7.1.1 Minister Hastings-Williams enquired who was responsible for domestic flights and agents in the Hinterlands Regions. She stated that there were many communities surrounding the Kamarang airstrip and that there was no proper waiting area and washroom facilities available to passengers.
  - 7.1.2 Following a lengthy discussion a Member from GCAA stated that an Aviation Security Regulation was currently being drafted and that it might be possible to include a provision under the Facilitation Security Regulation which catered for efficiency, processing of passenger, airlines and cargos.
  - 7.1.3 The Director-General stated that the certificate and the approval of handling agents were not done by the GCAA but that it was moving in that direction. Currently, consideration was being given for the approval of the handling agents, however, that was still a work in progress. He undertook to continue the conversation on areas that could be incorporated in relation to the handling agents.

ADJOURNMENT

At 1.50 p.m., the meeting was adjourned to 10:00 a.m., Thursday, 12<sup>th</sup> April, 2018.

Confirmed this                      of April, 2018

<p>.....</p> <p>Hon. David</p> <p>Minister of Pu</p>	<p>.....</p> <p>•P•/</p> <p>Chair rson.</p>	<p>as tructure,</p>
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NATIONAL ASSEMBLY OF THE FIRST SESSION (2015- 2018)  
OF THE ELEVENTH PARLIAMENT OF GUYANA

MINUTES OF THE 13<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE  
ON THE CIVIL AVIATION BILL — BILL NO. 1/2017  
HELD ON THURSDAY, 12<sup>TH</sup> APRIL, 2018  
AT 10.30 A.M.  
IN COMMITTEE ROOM NO.1, COMMITTEES DIVISION,  
PUBLIC BUILDINGS, BRICICDAM, GEORGETOWN.

ATTENDANCE

MEMBERS OF THE COMMITTEE

CHAIRPERSON

J Hon. David A. Patterson, M.P.,  
Minister of Public Infrastructure

A Partnership For National Unity/Alliance For Change (APNU/AFC) (4)  
(Nominated by the Committee of Selection on May 8, 2017)

Hon. Carl B. Greenidge, M.P.,  
Vice-President and Minister of Foreign Affairs                      Excused

Hon. Dawn Hastings-Williams, M.P.,  
Minister within the Ministry of Communities

Hon. Annette N. Ferguson, M.P.,  
Minister within the Ministry of Public Infrastructure

Mr. Michael Carrington, M.P.

From the People's Progressive Party (PPP/C) (4)  
(Nominated by the Committee of Selection on May 8, 2017)

Mr. Clement J. Rohee, M.P.    Excused

Ms. Gail Teixeira, M.P., Opposition Chief Whip                      Excused

Bishop Juan A. Edghill, M.S., J.P., M.P.                                      Absent

Mr. Joseph L.F. Hamilton, M.P.    Absent

## Officers

Ms. Sonia Maxwell	Assistant Head of Committees Division
Ms. Keshanna Murlidhar	Assistant Clerk of Committees
Mr. Safraz Mohamed	Assistant Clerk of Committees

## Advisor

Ms. Ananda Dhurjon	Legislative Drafting Consultant
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## In Attendance from GCAA

Mr. Egbert Field	Director General
Mrs. Amanza Walton- Desir	General Counsel
Mr. Howard Mc Calla	Aviation Management & Safety Consultant
Mr. Saheed Sulaman	Director, Air Transport
Mr. Abraham Dorris	Manager, Aviation Security

## **ITEM 1: CALL TO ORDER**

- 1.1 In the absence of the substantive Chairperson, the Clerk of the Committee called the Meeting to order at 10.55 a.m.
- 1.2 In accordance with Standing Order 95 (4), the Clerk of the Committee called for nominations for a Presiding Member to conduct the day's proceedings.
- 1.3 Mr. Carrington proposed and the Hon. Dawn Hastings-Williams seconded the nomination of the Hon. Annette Ferguson as the Presiding Member.
- 1.4 There being no further nominations, the Hon. Annette Ferguson, was elected Presiding Member.
- 1.5 Thereafter, the Presiding Member welcomed Members and staff to the Meeting.
- 1.6 Excuses:**

The following Members had asked to be excused from the Meeting:

- Hon. Carl B. Greenidge, M.P., Vice-President and Minister of Foreign Affairs;
- Mr. Clement J. Rohee, M.P.; and
- Ms. Gail Teixeira, M.P., Opposition Chief Whip

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ITEM 2: CIRCULATION OF DOCUMENTS

2.1 The following documents had been circulated prior to the Meeting:

- Notice of 13<sup>th</sup> Meeting dated 6<sup>th</sup> April, 2018; and
- Minutes of 12<sup>th</sup> Meeting held on 5<sup>th</sup> April, 2018.

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2.2 The following documents were circulated at the Meeting:

- Matrix of Deferred Clauses dated 9<sup>th</sup> April 2018;
- Amendments to the Civil Aviation Bill 2017 dated 12<sup>th</sup> April, 2018 from the Legislative Drafting Consultant; and
- Letter from the Hon. Winston D. Jordon, M.P., Minister of Finance, **Re: Consideration of the Civil Aviation Bill — Bill No. 1 of 2017** dated 12<sup>th</sup> April, 2018.

**ITEM 3: CORRESPONDENCE 3.1**

**Incoming:**

Letter from the Hon. Winston D. Jordon, M.P., Minister of Finance, **Re: Consideration of the Civil Aviation Bill — Bill No. 1 of 2017** dated 12<sup>th</sup> April, 2018.

**3.2 Outgoing:**

- Letter of acknowledgement dated 9<sup>th</sup> April, 2018 Mr. Anthony Mekdeci, A.A, additional concerns or proposed amendments

**ITEM 4: CORRECTION AND CONFIRMATION OF THE MINUTES OF THE 12<sup>TH</sup> MEETING HELD ON 5th APRIL, 2018.**

**4.1 Confirmation**

4.1.2 The Minutes were confirmed, without corrections, on a motion, moved and seconded by Mr. Carrington and Hon. Dawn Hastings-Williams, respectively.

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**ITEM 5: MATTERS ARISING**

**5.1 Page 3, paragraph 3.2, Outgoing — Correspondence**

5.1.1 The Presiding Member in response to a Member's enquiry indicated that the response was just received from the Hon. Minister of Finance and would be circulated to Members shortly.

**5.2 Page 4, paragraph 5.4.1 — Collaboration with the Guyana Civil Aviation Authority and the Hydromet Department.**

5.2.1 The Director General informed the Committee that efforts to convene a meeting with the Hydromet Department was unsuccessful due to the fact that the CEO was out of the Jurisdiction. He anticipated that the meeting should be held during the following week.

**5.3 Page 4, paragraph 5.2.2 — Letter of acknowledge to the GAOA**

5.3.1 The Presiding Member informed Members that the letter of acknowledgement was dispatched to the Guyana Aircraft Owners'

**5.4 Page 11, paragraph 6.17.7 — CASSOS Agreement**

5.4.1 In response to an enquiry, as to whether the GCAA was able to obtain from the Ministry of Foreign Affairs the status of the CASSOS Agreement, the Director General indicated that relevant the person could not be contacted. However, efforts to contact the person would be made the following week.

**ITEM 6: CONSIDERATION OF DEFERRED CLAUSES 6.1**

**Recommittal of Clause 16**

6.1.1 **Clause 16** was *recommitted* and the following *amendments* were made:

**Paragraph (g):**

- Insertion of the word, "(;) **and**" at the end of the paragraph (g).

6.1.2 **Insertion of a new paragraph (h) as follow:**

- **(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.**

6.1.3 **Clause 16** was thereafter *accepted as amended*.

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## 6.2 Clause 27: Response from the Minister of Finance

6.2.1 The Presiding Member referred to the letter received from the Hon. Minister of Finance and invited the views from Members.

6.2.2 The Committee discussed the contents of the letter, which outlined the fiscal policy of the Government, those included the broadening of tax, reduction of tax rates and minimising exemptions. It was under such circumstance, support could not be given for tax exemptions to be inscribed in the Bill for the Authority.

6.2.3 Following a brief discussion, the Committee agreed that **Clause 27 should be deleted** from the Bill and the Clauses be re-numbered, consequentially. **Clause 27** was thereafter *accepted as deleted*.

**6.4 Clause 39, the following amendments** were proposed for **subclause (1) and (2):**

### Subclause (1):

- **Insertion of the words, "at any time," after the word, "access," in the third line.**
- **Insertion of the words, "place in which aviation operations are conducted," after the words, "to any" in the third line.**
- **Insertion of the word, "aviation" before the word, "operations" in the penultimate line.**

### Subclause (2):

- **Insertion of the word, "programmes," after the word, "include" in the first line.**
- **Substitution of the word "or" for "(,)" after the word "files" in the penultimate line.**

**Clause 39, Subclauses (1) and (2) were *accepted as amended*.**

## 6.5 Recommittal of Clause 44

6.5.1 **Clause 44** was recommitted and the following amendments were made:

### Subclause (1)

- **(1) Where under this Act it is required to determine whether or not a person satisfies the fit and proper person test, 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 —

Subclause (3):

- Insertion of the words, "with the consent of the applicant" at the end of the subclause.

6.5.2 Clause 44, was subsequently *deferred for further consideration* by the Guyana Civil Aviation Authority and the Legislative drafting Consultant.

6.6 Clause 56 was *further deferred* to allow for the Legislative Drafting Consultant to review the Clause.

6.7 Clause 57, subclause (1) was *further deferred* to allow for the Guyana Civil Aviation Authority to engage with the Hydromet Department.

6.8 Clause 64

6.8.1 Insertion of a new paragraph (q) as follow:

- (q) take any other measure to ensure aviation safety and security.

Clause 64, paragraph (q) was *accepted as amended*.

6.9 Clause 67

6.9.1 The following amendments were made to:

- (1) *The Director-General may in writing, require security service providers, aerodrome operators, air navigation service providers, air operators, maintenance organizations, handling agents, and any other similar person operating at an aerodrome, 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, and 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 and test in respect of aviation security under subsection (2), may have in his possession simulations of the following items —*

- 
- a) *arms and ammunition;*
  - b) *explosives and explosive devices; and*
  - 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, and appliances used by any operator of civil aircraft to determine that the operators are maintaining them for their safe and effective operation;*
    - b) *carry out inspections of facilities, workshops, equipment, tools, and 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;*
    - c) *advise the operator on the findings of the inspection and on the requirement for resolution of the findings; and*
    - d) *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.*

## 6.10 Recommital of Clause 70

6.10.1 Clause 70 was recommitted and the following *amendments made to paragraph (a)*:

.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;*

Clause 70, paragraph (a) was then *accepted as amended*.



**6.11** Clause 71 was *further deferred* to allow the Guyana Civil Aviation Authority to further review the Clause.

**6.12** Clause 73 was *further deferred* since the Legislative Drafting Consultant informed the Committee that *redraft* of the Clause was still under consideration.

**6.13** Clause 76

6.13.1 In light of the absence of the Chairperson, the Committee agreed to *defer* the Clause, since he had expressed concerns relating to the Clause.

**6.14** Clauses 77 to 81

6.14.1 The Director General explained that the nature of aviation industry should be taken seriously, as such, issues relating to the fines should be examined in that context.

6.14.2 The Legislative Drafting Consultant in support of the Director General stated that, in considering the issues of aviation safety, she would retain the fines and penalties as was printed, since the Magistrate had the discretion in imposing fines.

6.14.3 Clauses 77 to 81 were then *accepted as printed*.

**ITEM 7: CONTINUATION OF CONSIDERATION OF THE CIVIL AVIATION BILL —  
BILL NO. 1/2017.**

**7.1** Clause 82 was *accepted as printed*.

**7.2** Clause 83

7.2.1 Subclause (1) was **amended** as follows:

Insertion of the word, "*for*" after the word, "*imprisonment*" in the last line.

**Subclause (1)** was then *accepted as amended*.

7.2.2 Views expressed by some Members were that in relation to hinterland areas, cattle rearing was a means of life in the community, this Clause meant that charges could be brought against someone for just having their cattle crossing the airstrip, even though it might not result in an accident.

7.2.3 A Member then suggested that when legislation of this nature was passed residents in those areas should be educated.

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7.3 Clause 83, subclause (1), was then *accepted as amended*.

7.2.6 Clause 83, subclause (2) was *accepted as printed*.

7.3 Clause 84

7.3.1 After considering the comments made by the stakeholders, and the explanations from the Director General, the Committee agreed that Clause 84 should be *accepted as printed*.

7.4 Clause 85 was *accepted as printed*.

7.5 Clause 86 was *accepted as printed*.

7.6 Clause 87 was *accepted as printed*.

7.7 Clause 88

7.7.1 After a brief discussion, the *Clause* was *deferred* to allow for the Guyana Civil Aviation Authority to *review the fines*.

#### PART XVII — SAFETY OFFENCES

7.8 Clause 89

7.8.1 Following a brief discussion on aircraft maintenance, the Committee agreed to the following amendments:

Subclause (2)

- Insertion of the words, "*and to imprisonment for two years*" at the end of the subclause.

Clause 89 was then *accepted as amended*.

7.9 Clause 90 was *accepted as printed*.

7.10 Clause 91, paragraph (a) was *amended as follow*:

- Substitution of "*three million*" for "*two million*" before the word "*dollars*".

Thereafter, Clause 91 was *accepted as amended*.

## **7.11 Clause 92**

7.11.1 A discussion ensued on the use of the words "*continuing offence*" and thereafter the Committee agreed to *defer* the Clause to allow GCAA and the Legislative Drafting Consultant to further review the Clause

## **7.12 Suspension and Resumption of Meeting**

7.12.1 At 1.08 p.m. the Meeting was suspended and resumed at 1.40 p.m.

7.12.2 At the end of the suspension, the Chairperson called for the resumption and apologised for his absence. He expressed gratitude to Hon. Annette N. Ferguson, M.P., for her stewardship.

## **7.13 Summary of Discussions**

7.13.1 The Chairperson enquired from the Director-General whether GCAA had given consideration to the concerns which he had expressed at the previous meeting in relation to the fines and penalties.

7.13.2 The Director-General, in response, stated that the Committee had examined the fines and penalties and found that the increases were appropriate compared to that of other regions, taking into consideration the nature of the aviation industry, also that the fines were considered low in light of the gravity and seriousness of the offences. He further stated, that the aviation industry was a unique industry and ICAO was aiming towards zero accidents and incidents, and as such, were very stringent in that regard.

## **7.14 Clauses 93 to 95**

7.14.1 Following deliberations, the Committee agreed to *defer* **Clauses 92, 93, 94 and 95** to allow the Legislative Drafting Consultant to review the Clauses, and if necessary, provide the appropriate amendments.

## **7.15 Clause 96**

7.15.1 The following amendment was made:

- Deletion of the words "*and to imprisonment for one year*" at the end of the Clause.

The **Clause** was then *accepted as amended*.

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7.16 Clause 97

7.16.1 The following amendment was made:

- The number "(1)" was inserted immediately after the number "97" in the Clause.

Thereafter, Clause 97 was **accepted** as **amended**.

7.17 Clause 98

7.17.1 The Committee noted that this Clause was related Clause 37, application to be granted for renewal of an aviation document and agreed to *defer* the Clause to allow the Legislative Drafting Consultant to review it with the aim of creating a correlation with the Clauses.

**7.18 Clause 99** was *accepted as printed*.

7.19 Clause **100** was *accepted as printed*.

**7.20 Clause 101** was *accepted as printed*.

**7.21 Clause 102** was *accepted as printed*.

**7.22 Clause 103** was *accepted as printed*.

## **PART XVIII — SECURITY OFFENCES**

### **7.23 Clause 104**

7.23.1 The Committee noted the comments from the Guyana Aircraft Owners' Association (GAOA), that the Clause conflicted with the Anti-Money Laundering and Countering Financing of Terrorism) Act 2009, section 2 (1) AMLCFT, and agreed to *deferred* the *Clause* to allow the Legislative Drafting Consultant to make that determination.

7.23.2 Also, the GCAA and the Legislative Drafting Consultant should collaborate with a view to determining other Conventions to be included instead of only the Tokyo Convention.

### **7.24 Clause 105**

7.24.1 Following an extensive discussion, the Committee agreed to *defer* the **Clause** for GCAA to include a definition of "*international airport*".

7.25 Clause 106 was *accepted as printed*

7.26 Clause 107

- Subclause (1) was *accepted* as *printed*.

Subclause (2), the following amendments were made:

Paragraph (a)

- Deletion of the words "*offensive or insulting*" after the word threatening.

Paragraph (b)

- Deletion of the words "*offensive or insulting*" after the word threatening.

Thereafter, subclause (2) was *accepted* as *amended*.

Subclause (3) was *accepted* as *printed*.

7.27 Clause 108

7.29.1 The Committee noted the comments from GCAA that any attempt to impersonate or obstruct an authorised person from executing his/her duties would be considered an offence and proposed the following amendment to the Clause:

- Insertion of the following:

*"and for the purpose of attempting to enter a restricted area or enter an aircraft" —*

7.29.2 The *Clause* was *deferred* to allow the Legislative Drafting Consultant to review the proposed amendment.

7.30 Clause 109 was amended as follows:

Subclause (1):

- Substitution of the words "*that would adversely affect*" for the words "*relating to*" after the word "*information*" in the Chapeau.

Subclause (1) was then *accepted* as *amended*.

Subclause (2):

- Paragraph (a) substitution of "*three million*" for the word "*one million*".
- Paragraph (b) substitution of "*five million*" for "*three million*".

Subclause (2) was then *accepted* as *amended*.

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7.31 Clause 110, the following amendments were made: 7.32

Subclause (1):

- Deletion of *paragraph (1)*
- *Renumber paragraphs (g) and (h) as (f) and (g), respectively.*

Subclause (1) was then *accepted as amended*.

Subclause (2):

- Deletion of *paragraph (g)*
- *Renumber paragraphs (h), (i) and (j) as (g), (h) and (i), respectively.*

Subclause (2) was then *accepted as amended*.

Subclause (3)

- Deletion of the word "*or*" before the word "*pistol*"
- Insertion of the words "*or any parts thereof*" after the word "*pistol*" in the Chapeau.

Subclause (3) was then *accepted as amended*.

Subclause (4)

- Deletion of the letters (*d*) and (*I*) in the first line.

Subclause (4) was then *accepted as amended*.

7.33 Clauses 111 to 113 were *deferred* for the Legislative Drafting Consultant to prepare an amendment to include "*a fine of five million dollars*".

7.34 Clause 114 was *accepted as printed*.

7.35 Clause 115

7.35.1 A discussion ensued and the Committee agreed to *defer* the *Clause* to await the advice of the Legislative Drafting Consultant on whether it was necessary to include this provision in the Bill.

ADJOURNMENT

At 3.45 p.m., the meeting was adjourned to 10.00 a.m., Friday, 20<sup>th</sup> April, 2018.

Confirmed this day of April, 2018

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**Hon. David Pakeron, M.P.,**  
**Minister of P e,Infrastructure,**  
**Chapierson.**





## **Officers**

Ms. Sonia Maxwell	Assistant Head of Committees Division
Ms. Keshanna Murlidhar	Assistant Clerk of Committees
Mr. Safraz Mohamed	Assistant Clerk of Committees

## **Advisor**

Ms. Ananda Dhurjon	Legislative Drafting Consultant	(Excused)
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## **In Attendance from GCAA**

Mr. Egbert Field	–	Director General
Mrs. Amanza Walton- Desir	–	General Counsel
Mr. Howard Mc Calla	–	Aviation Management & Safety Consultant
Mr. Saheed Sulaman	–	Director, Air Transport
Mr. Abraham Dorris	–	Manager, Aviation Security
Ms. Ayesha Edwards	–	Legal Officer

## **ITEM 1: CALL TO ORDER**

1.1 The Chairperson called the Meeting to order at 10.17 a.m. and welcomed Members and staff to the Meeting.

### **1.2 Excuses:**

The Chairperson informed the Committee that the following Members had asked to be excused from the Meeting:

- Hon. Carl B. Greenidge, M.P.,
- Hon. Dawn Hasting-Williams, M.P; and
- Mr. Clement J. Rohee, M.P

## **ITEM 2: CIRCULATION OF DOCUMENTS**

2.1 The following documents had been circulated prior to the Meeting:

- Notice of the 14<sup>th</sup> Meeting dated 16<sup>th</sup> April, 2018; and
- Minutes of the 13<sup>th</sup> Meeting held on 12<sup>th</sup> April, 2018

2.2 The following document was circulated at the Meeting:

- Matrix of Deferred Clauses dated 17<sup>th</sup> April 2018.

### **ITEM 3: CORRESPONDENCE**

**3.1 Incoming: Nil**

**3.2 Outgoing: Nil**

### **ITEM 4: CORRECTION AND CONFIRMATION OF THE MINUTES OF THE 13TH MEETING HELD ON 12th APRIL, 2018.**

#### **4.1 Corrections:**

**4.1.2 Page 4, paragraph 5.3.1 — Inclusion of the word "Association" in the last line of the paragraph.**

**4.1.3 Page 4, paragraph 5.4.1 — Deletion of the word "the" in the third line of the paragraph.**

#### **4.2 Confirmation:**

**4.2.1 There being no other corrections, the Minutes were confirmed, on a motion, moved and seconded by the Hon. Ferguson and Mr. Carrington, respectively.**

### **ITEM 5: MATTERS ARISING**

**5.1 Page 4, paragraph 5.2.1, Collaboration with the Guyana Civil Aviation Authority and the Hydromet Department.**

**5.1.1 The Director-General informed the Committee that a meeting was held with the CEO of the Hydromet Department who had indicated that he would send a letter to the Committee. He however, informed the CEO that the Committee would be meeting today and that the letter should be sent before the meeting.**

**5.2 Page 4, paragraph 5.4.1 — CASSOS Agreement**

**5.2.1 In response to an enquiry, the Director-General informed the Committee that the particular matter was still to be determined; his team was working assiduously with the Ministry of Foreign Affairs.**

### **ITEM 6: CONSIDERATION OF DEFERRED CLAUSES 6.1**

#### **Recommittal of Clause 44**

**6.1.1 The following *amendments* were *proposed*:**

**Subclause (1):**

- Substitution of the words "*to hold an aviation document*" for the words "*for any purpose under this act*" in the second line.

**Subclause (3):**

- **Insertion of the** words "*with the consent of the applicant*" at the end of the subclause.

6.1.2 The Committee agreed that the Clerk of the Committee should forward the proposed amendments to the Legislative Drafting Consultant for review before the amendments could be accepted. Thereafter the *Clause* was *deferred*.

**6.3 Clause 56**

6.3.1 Discussions evolved around the issue as to whether **international and domestic operators** should have equal access to the facilities. As a result, the Legislative Drafting Consultant undertook to review the Clause in conjunction with the Convention with the aim of providing a redraft. The Committee agreed to *further defer* the *Clause*.

**6.4 Clause 57, subclause (1)** was *further deferred* to await the letter from the Hydromet Department.

**6.5 Clause 71**

6.5.1 The Director-General explained that the Accident and Investigation Section was still under review. The GCAA did not have the capacity to finance the Human Resource for that Unit, since it would be a separate Unit. He further explained that the Authority was considering Regulations that would closely coincide with what ICAO was requesting for a functional separation, giving the Minister the power to identify the Investigator-in-Charge. Thereafter the Director General requested that the Clause be *further deferred*

**6.6 Clause 73** was *further deferred* to await a redraft of the Clause by the Legislative Drafting Consultant.

**6.7 Clause 76**

6.7.1 The *Clause* was *further deferred* to await a determination of the status of the Agreement by the Guyana Civil Aviation Authority.

## 6.8 Clause 88

6.8.1 The following *amendments* were made:

### Paragraph (a):

- **Substitution** of the word, "*three*" for the word "*one*" in the first line of the paragraph.

### Paragraph (b):

- **Substitution** of the word, "*five*" for the word "*three*" in the paragraph.

6.8.2 The **Clause** was thereafter *accepted as amended*.

**6.9 Clause 92** was *further deferred* to await a redraft of the *Clause* by the Legislative Drafting Consultant.

**6.10 Clauses 93 to 95** were *further deferred* to allow the Legislative Drafting Consultant to prepare redrafts to synchronise the fines of the *Clauses*.

**6.11 Clause 98** was *further deferred* to await a redraft of the *Clause* by the Legislative Drafting Consultant.

## 6.12 Clause 104

6.12.1 The Committee noted the comments of the Manager, Aviation Security that the offences under the Tokyo Convention were limited and that there were offences under other Conventions. He proposed that the **Clause** should be **amended**.

6.12.3 After a brief discussion, the *Clause* was *further deferred* for redraft by the Legislative Drafting Consultant and the GCAA.

## 6.13 Clause 105

6.13.1 The following *amendments* were *proposed*:

- New definition for "*Airport*"

*"An aerodrome designated as such by the Government, that is normally used for international operations and that has an Air Traffic Control Tower, a terminal building, emergency services, border control facilities and a secure perimeter."*

6.13.2 The *Clause* was *further deferred* for consideration to be given to replace the current definition of "*airport*" with the proposed definition. The Legislative Drafting Consultant was required to review the proposed amendments.

#### **6.14 Clause 108**

6.14.1 Following discussions the Committee agreed that the Legislative Drafting Consultant should consider the inclusion of the words in the Chapeau "*with the intention of gaining access to an aerodrome or an aircraft*" when preparing a redraft to the Clause.

6.14.2 The Clause was *further deferred* to await the redraft from Legislative Drafting Consultant.

**6.15 Clauses 111 to 113** were *further deferred* to allow the Legislative Drafting Consultant to prepare amendments.

#### **6.16 Clause 115**

6.16.1 Following discussions, the Committee agreed that the **Clause should be further deferred** to allow the Legislative Drafting Consultant to prepare a redraft of the Clause and also to review the use of the term "*joint or international registration*".

### **ITEM 7: CONTINUATION OF CONSIDERATION OF THE CIVIL AVIATION BILL — BILL NO. 1/2017.**

#### **PART XIX — UNRULY PASSENGER OFFENCES**

#### **7.1 Clause 116**

7.1.1 In response to an enquiry, the General Counsel explained that offences set out in this Part were deemed to be serious offences under the Tokyo Convention. As such, whether an offence was committed on an aircraft in Guyana or an aircraft in flight, regardless of the nationality of the aircraft, actions against unruly passengers, would be available under an international convention that required a foreign State to accept and deal with offenders when an aircraft arrived in that State.

7.1.2 In light of such circumstances, the Committee agreed to *defer* the *Clause* to enable the Legislative Drafting Consultant to examine the Clause with a view to determining whether those intentions were encapsulated in subclause (4).

## 7.2 Clause 117

7.2.1 In response to an enquiry, the General Counsel explained that most criminal offences of a country were not enforceable when committed outside of that country. However, because of the nature of aviation, this provision allows Guyana to assume jurisdiction. In other words, should an incident regarding unruly passengers occur on an aircraft bound for Guyana, this would allow officials to make an arrest. Under the convention, the principle of extra territoriality takes effect and did not allow the passenger to have a defense.

7.2.2 Following the explanations, the Committee agreed to *defer* the *Clause* to allow the Legislative Drafting Consultant to examine it with a view to determining whether those intentions were encapsulated in the Clause.

**7.3 Clause 118** was *accepted* as *printed*.

## 7.4 Clause 119

7.4.1 The following *amendment* was *made*:

- **Substitution** of the word "*three*" for the word "*one*" in the penultimate.

7.4.2 **Clause 119** was then *accepted* as *amended*.

## 7.5 Clause 120

- **Paragraph (a)**: deletion of the words "*offensive, or insulting*" after the word "*threatening*".
- **Paragraph (b)**: deletion of the words "*offensive, insulting*" after the word "*threatening*".

7.5.1 Following an extensive discussion, the *Clause* was *deferred* to allow the Legislative Drafting Consultant to prepare a definition for "*crew member*".

## 7.6 Clause 121

7.6.1 *The following amendment* was *made*:

- **Substitution** of the word "*three*" for the word "*one*" in the last line of the Clause.

7.6.2 Thereafter, the *Clause* was *accepted* as *amended*.

## **7.7 Clause 122**

7.7.1 Following an extensive deliberation, the Committee agreed that Members and the GCAA should cogitate and research the issue relating to intoxication of a passenger on an aircraft and the fines imposed thereof

7.7.2 Thereafter, the *Clause* was *deferred* for further consideration.

## **7.8 Clause 123**

7.8.1 The following *amendment* was *made*:

- Insertion of the words "*and imprisonment for three months*" at the end of the "long line".

7.8.2 **Clause 123** was then *accepted* as *amended*.

## **7.9 Clause 124**

7.9.1 Based on the advice from the General Counsel that the Clause was a repetition, the Committee agreed that the *Clause* should be *deleted*.

7.9.2 Thereafter, the Clause was *deleted* and the subsequent Clauses be renumbered.

## **7.10 Clause 125**

7.10.1 The following *amendment* was *made*:

- Insertion of the words, "*and imprisonment for three months*" at the end of the Clause.

7.10.2 **Clause 125** was then *accepted* as *amended*

## **7.11 Clause 126**

7.11.1 The following *amendment* was *made*:

- Insertion of the words, "*and imprisonment for three months*" at the end of the "long line".

7.11.2 **Clause 126** was then *accepted* as *amended*.

## 7.12 Clause 127

7.12.1 The following *amendments* were

***made: Subclause (1)***

- Insertion of the words, "*and imprisonment for three months*" at the end of the subclause.

**Subclause (2)**

- Substitution of the word, "*electronic*" for the word "*fake*" in the penultimate line.

7.12.2 **Clause 127** was then *accepted* as

*amended.* 7.13 **Clause 128**

7.13.1 The following *amendments* were *made*:

- Insertion of the word "*knowingly*" after the word "*who*" in the first line of the chapeau.
- Insertion of the words, "*which are not permitted for air transport or which are in contravention with this Act*" after the word, "*goods*" in the last line of the chapeau.
- Substitution of "*five*" for "*three*" in **paragraph**

(b) 7.13.2 **Clause 128** was thereafter *accepted* as *amended*.

## **PART XX — GENERAL**

### 7.14 Clause 129

7.14.1 The following *amendments* were *made*:

- **Subclause (1), paragraph (d), subparagraph (ii)**
  - Substitution of the words, "*Pilot in command*" for the word, "*commander*" in the first line.
  - Substitution of the words, "*Pilot in command*" for the word, "*commander*" in the penultimate line.



7.14.2 Clause 129 was thereafter *accepted as amended*.

7.15 Clause 130

7.15.1 The Director General informed Members that the Clause was under consideration since the Safety Regulations were still being finalised.

7.15.2 The Committee agreed to *defer* to allow for the Legislative Drafting Consultant to review it and if necessary, to prepare a redraft of the Clause.

7.16 Clause 131 was *accepted as printed*

7.17 Clause 132 was *accepted as printed*

7.18 Clause 133

Subclause (1):

7.18.1 Discussion ensued on the terms, "*Any air operator*" and "*any foreign air operator*" as it was the view of Members that any foreign air operator would be included in the definition of any air operator.

7.18.2 In this regard, the Clause was *deferred* to allow for the Guyana Civil Aviation Authority to review the Clause.

7.19 Suspension and Resumption of Meeting

7.19.1 At 1.00 p.m., the meeting was suspended and resumed at 1.10 p.m.

7.20 Clause 134 was *accepted as printed*

7.21 Clause 135 was *accepted as printed*

7.22 Clause 136 was *accepted as printed*

7.23 Clause 137

Subclause (1) was *amended* as follows:

Insertion of the words, "*inclusive of compensation costs associated with accident and incident investigation*" after the word, "*parties*" in the penultimate line.

7.23.1 Thereafter, Clause 137 was *accepted as amended*.

7.24 Clause 138 was *accepted as printed*

7.25 Clause 139 was *accepted as printed*

PART XXI — AIR NAVIGATION REGULATIONS

7.26 The *proposal to amend* the above heading to **CIVIL AVIATION REGULATIONS** was *deferred* for further review by GCAA.

7.27 Clause **140**

7.27.1 The following *amendments* were *proposed*:

Subclause (1)

■ Paragraph (d):

Substitution of the word "*surveillance*" for the word "*supervision*" after the word "*and*" in the first line.

● Paragraph (o):

Insertion of the words, "*Safety and security of aerodromes and other aviation facilities*," before the word, "*licensing*" at the beginning of the paragraph.

7.27.1 Subclause (1), paragraph (o) was *deferred* to allow the Manager, Aviation Security to confirm whether the proposed amendments were applicable.

7.28.2 *Subclauses* (2) and (3) were *accepted as printed*.

7.28.3 Subclause (4) was **amended as follows**:

- substitution of the words, "*the National Assembly*" for the word, "*Parliament*" at the end of the subclause.

Subclause (4) was *accepted as amended*.

7.28.3 Insertion of a **new subclause** (6) immediately after **subclause** (5) as follows:

*"(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."*

New subclause (6) was then *accepted*.

**7.29 Clause 141** was *deferred* to allow the Legislative Drafting Consultant to review the requisite Clause number referred to in the subclause.

### 7.30 Clause 142

7.30.1 The following *amendment* was *proposed*:

- Substitution of the words, "*civil aviation operations in Guyana*" for the words, "*the operation of air navigation facilities in Guyana*" at the end of the Clause.

7.30.2 In light of the proposal and subsequent deferral of the **amendment** to the heading of this Part, the Clause was *deferred for further review* by GCAA and the Legislative Drafting Consultant.

7.31 **Clause 143** was *accepted as printed*.

### 7.32 Clause 144

7.32.1 A Member intimated that emergency regulations should be tabled in the National Assembly in order for Members of Parliament to become aware of those regulations before they were published in the Gazette.

7.31.2 The Consultant, Aviation Management & Safety indicated that there was a provision which instructed the Director-General to notify the Minister if emergency regulations were to be made and to discuss the proposed regulations before they were being made.

7.31.3 He stated that the Minister could also extend the timeframe for which emergency regulations should be made or the Director-General with the consent of the Minister could make such extensions.

7.31.4 The Member indicated that political policy questions should also be included as part of the process when emergency regulations were being contemplated.

7.31.5 **Clause 144** was subsequently *deferred* to allow the Guyana Civil Aviation Authority to consult with the Legislative Drafting Consultant to formulate a redraft of the Clause.

### 7.32 Clause 145

7.32.1 The following *amendments* were *made*: •

#### **Subclause (1)**

Substitution of the word, "*and*" after the word "*Board*" for the word "*or*" in the first line.

**Subclause (1)** was then *accepted as amended*.

**Subclause (2)** was *accepted as printed*.

- **Subclause (3);**

- **Deletion of the** words, "*or Director-General*" **in** the first line of the subclause.

- *Subclauses (4) and (5) were accepted as printed.*

**7.33 Clause 145** was thereafter *accepted as amended*.

**7.34 Clause 146**

**7.34.1 Subclause (1), paragraph (b)**

Following discussions, the Committee agreed:

- That the term "**the taking of possession**" should be reviewed with the aims of replacing it with more appropriate drafting language.
- That the Clause should be reviewed as there appeared to be an issue regarding compensation, it should be stated that compensation would be considered and that it was not an entitlement.

**7.34.2 Clause 146** was thereafter *deferred* to allow the Guyana Civil Aviation Authority and the Legislative Drafting Consultant to *review* the Clause.

**PART 30(11)— MISCELLANEOUS**

**7.35 Clause 147** was *deferred* to allow the Legislative Drafting Consultant to advise the Committee on whether **subclause (2)** should be deleted, since subsidiary legislation was passed by the National Assembly.

**7.36 Clause 148** was *accepted as printed*

**7.37 Clause 149** was *accepted as printed*

**ADJOURNMENT**

At 2.05 p.m., the meeting was adjourned to 10.00 a.m., Thursday, <sup>yd</sup> May,

2018.

Confirmed this day <sup>H</sup>..... of June, 2018



**Hon. David Iton M**  
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**Minister of Infrastructure,**  
**Chalirp**



## Officers

Ms. Sonia Maxwell	Assistant Head of Committees Division
Ms. Keshanna Murlidhar	Assistant Clerk of Committees
Mr. Safraz Mohamed	Assistant Clerk of Committees

## Advisor

Ms. Ananda Dhurjon	Legislative Drafting Consultant
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## In Attendance from GCAA

Mr. Egbert Field	Director General
Mrs. Amanza Walton- Desir	General Counsel (Excused)
Mr. Howard Mc Calla	Aviation Management & Safety Consultant
Mr. Saheed Sulaman	Director, Air Transport
Mr. Abraham Dorris	Manager, Aviation Security
Ms. Ayesha Edwards	Legal Officer

## **ITEM 1: CALL TO ORDER**

- 1.1 The Chairperson called the Meeting to order at 10.30 a.m. and welcomed Members and staff to the Meeting.

### **1.2 ANNOUNCEMENTS**

#### **1.2.1 Excuses:**

The Chairperson informed the Committee that the following Member had asked to be excused from the Meeting:

- Hon. Carl B. Greenidge, M.P.,

- 1.2.2 The Chairperson drew to the Committees' attention Standing Order 58 (4), which states:

*"When a Committee's report on a Bill is so tabled, the Bill will be placed on the Order Paper for a third reading at which time the Bill and the proposed amendments, if any, in the report form part of the debate. The Bill goes through the third reading."*

- 1.2.3 The Committee agreed that Members should be provided with an electronic copy of the amended Bill before it was tabled in the National Assembly.

## **ITEM 2: CIRCULATION OF DOCUMENTS**

2.1 The following documents had been circulated prior to the Meeting:

- Notice of the 15<sup>th</sup> Meeting dated 11<sup>th</sup> June, 2018;
- Minutes of the 14<sup>th</sup> Meeting held on 20<sup>th</sup> April, 2018; and
- Matrix of Deferred Clauses dated 26<sup>th</sup> April 2018

2.2 The following document was circulated at the Meeting:

- Proposed amendments to the Civil Aviation Bill, dated 14<sup>th</sup> June 2018

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## **ITEM 3: CORRESPONDENCE**

3.1 **Incoming:** Nil

3.2 **Outgoing:** Nil

## **ITEM 4: CORRECTION AND CONFIRMATION OF THE MINUTES OF THE 14TH MEETING HELD ON 20<sup>TH</sup> APRIL, 2018.**

### **4.1 Confirmation:**

4.1.2 The Minutes were confirmed, without corrections, on a motion, moved and seconded by Mr. Carrington and Hon. Ferguson, respectively.

## **ITEM 5: MATTERS ARISING**

### **5.1 Page 3, paragraph 5.2.1, Collaboration with the Guyana Civil Aviation Authority and the Hydromet Department.**

5.1.1 The Chairperson informed the Committee that no correspondence had been received from the Hydromet Department and requested the Director General to follow up the matter with the Department.

### **5.2 Page 3, paragraph 5.2.1 — CASSOS Agreement**

5.2.1 In response to an enquiry, the Director-General informed the Committee that the General Counsel had been engaging the Ministry of Foreign Affairs on the matter, and in light of her absence could not provide an update. However, the Committee would be provided with an update at its next meeting.



## ITEM 6: CONSIDERATION OF DEFERRED CLAUSES 6.1

### Recommittal of Clause 5

6.1.1 (1) The following *amendments* were *made*:

**Insertion of a new paragraph (c)** as follows:

- *(c) 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;"*
- Renumber the original **paragraph (c)** as paragraph (d) and **subsequent paragraphs accordingly**.

6.1.2 Thereafter, **Clause 5** was *accepted* as *amended*.

### 6.2 Recommittal of Clause 15

6.2.1 The following *amendments* were *made*:

Subclause (4):

- Insertion of the words, "*advisory circular*" after the words, "*aviation directive*" in the first line of the subclause.

Paragraph (a)

- Deletion of the word "*and*" after the semi-colon, at the end of the paragraph.

Paragraph (b)

- **Substitution** of the word "**or**" for **the full stop (.)** at the end of the paragraph.

**Insertion** of a new **paragraph (c)** after **paragraph (b)** as follows:

- *(c) necessary for the implementation of immediate security measures and requirements.*

6.2.2 Thereafter, **Clause 15** was *accepted* as *amended*.

## 6.3 Clause 44

6.3.1 The following *amendments* were made:

### Subclause (1):

- **Substitution of the words, "to hold an aviation document"** for the words, "*for any purpose under this Act*" in the second line of the subclause.

### Subclause (1), paragraph (d):

- **Insertion of the words, "which must be supported by medical reports"** after the word "*person*" in the last line of the paragraph.

### Subclause (3):

- **Substitution of the words, "to hold an aviation document"** for the words, "*for any purpose under this Act*" in the second line of the subclause.

6.3.2 Thereafter, **Clause 44** was *accepted as amended*. **6.4**

## Recommittal of Clause 50

6.4.1 **Subclause (2)** was *amended* as follows:

- *A civil aircraft shall not be registered in Guyana while it is registered in any other country.*

6.4.2 **Clause 50** was *accepted as amended*.

## 6.5 Clause 56

6.5.1 Following a discussion on the fees imposed, Members sought clarification on whether the fees were applied to both international and domestic aircraft operating in Guyana and who would impose the fees.

6.5.2 The Director, Air Transport informed the Committee that the fees were for scheduled international aircraft and not domestic aircraft.

6.5.3 The Director General suggested that the Clause be deferred to allow GCAA to peruse the ICAO documents to ascertain who determined the charge. The **Clause was subsequently deferred**.

6.6 **Clause 57** was further *deferred* to await an update from GCAA on the matter.

## 6.7 Recommital of Clause 67

### 6.7.1 Clause 67 was *recommitted* and amended as follows: "67 (1)

The Director-General may in writing, require —

- (a) security service providers, aerodrome operators, air navigation service providers, air operators, maintenance organizations, 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, and 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 and test in respect of aviation security under subsection (2), may have in his possession simulations of the following items —

- (a) arms and ammunition;
- (b) explosives and explosive devices; and
- (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, and appliances used by any operator of civil aircraft to determine that the operators are maintaining them for their safe and effective operation; and
- (b) carry out inspections of facilities, workshops, equipment, tools, and 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."**

6.7.2 A Member was concerned that the safety and security only made reference to arms and ammunition, explosive devices, weapons of war, and questioned whether consideration was given to issue of viruses that pose a threat to public health.

6.7.3 The Director General in response stated that aviation reacts to public health issues by issuing an advisory note to the Authority. He further stated that industry would implement restrictions to curb the spread of the viruses.

6.7.4 Thereafter, **Clause 67** was *accepted as amended*.

## **6.8 Clause 71**

6.8.1 After an extensive deliberation on the *Accident Prevention Unit*, the Clause was *deferred* to allow the Guyana Civil Aviation Authority to continue to *review* the Clause taking into consideration the concerns raised by Members.

**6.9 Clause 73** was *further deferred* to await a redraft of the Clause by the Legislative Drafting Consultant.

## 6.10 Recommital of Clause 74

6.10.1 The following *amendments* were made:

**Subclause (3):**

- **Substitution** of the words, "*Minister responsible for foreign affairs*" for the words "*Minister with responsibility of foreign affairs*" in the first line of the subclause.
- **Insertion** of the words, "*the power*" after the word, "*Authority*" in the second line of the subclause.

6.10.2 The **Clause** was thereafter *accepted* as amended. **6.11** Clause 76

6.11.1 The following amendments were made:

- Deletion of subclause (3).
- Subsequent subclauses renumbered accordingly.

6.11.2 **Clause 76** was then *accepted* as amended.

6.12 Recommital of Clause 77

6.12.1 The following *amendment* was made:

**Subclause (1), paragraph (a):**

- **Substitution** of the word, "*an*" for the word "*and*" after the word "*commits*" in the paragraph.

6.12.2 **Clause 77** was thereafter *accepted* as amended.

6.13 Recommital of Clause 80

6.13.1 The following *amendment* was made:

Paragraph (a):

- **Insertion** of the word, "*or*" after the ";" at the end of the paragraph (a).

6.13.2 **Clause 80** was then *accepted* as amended.

## 6.14 Recommital of Clause 88

6.14.1 The following *amendments* were made:

- **Substitution** of "*section 143*" for "*section 144*" in the penultimate line of the Chapeau.

### Paragraph (a):

- **Substitution** of "*three million*" for "*one million*" in the paragraph

### Long line:

- **Substitution** of "*five million*" for "*three million*" after the word "of" at the end of the line.

6.13.2 **Clause 88** was thereafter *accepted as amended*.

## 6.14 Clause 92

6.14.1 **Clause 92** was *amended* as follows:

**"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."**

- **Substitution** of the words, "*Failure to obtain authorization to operate an aircraft*" for the words, "*Failure to license aircraft*" in the **Marginal Note**.
- **Substitution** of the words, "*Failure to obtain authorization to operate an aircraft.*" for the words, "*Failure to license aircraft.*" in the **"ARRANGEMENT OF SECTIONS - PART XVII, SAFETY OFFENCES."**

6.14.2 Thereafter, **Clause 92** was *accepted as amended*.

6.15 Clause 93

6.15.1 The following *amendments* were *made*:

- **Insertion** of the words, "*or any person authorised by the Director-General*" after the words, "*Director-General*" in the second line of the **Chapeau**.
- Substitution of the number, "5" for the number "3" in the **Chapeau**.

**Paragraph (a):**

- **Substitution** of "*three million*" for "*one million*" in the first line of the **paragraph**.
- **Substitution** of "*two*" for "*one*" in the third line of the **paragraph**.

**Paragraph (b):**

- **Substitution** of "*five million*" for "*three million*" in the first line of the **paragraph**.
- **Substitution** of "*three*" for the word "*two*" in the second line of the **paragraph**.

6.15.2 Thereafter, **Clause 93** was *accepted* as *amended*.

6.16 Clause 94

6.16.1 The following *amendments* were *made*:

- **Deletion** of the word, "*solo*" in the second line of the **Chapeau**.
- **Substitution** of "*three million*" for "*one million*" in the **long line**.

6.16.2 **Clause 94** was then *accepted* as *amended*.

6.17 **Clause 95**

6.17.1 **Clause 95** was amended as follows:

- Substitution of "*three million*" for "*one million*" in the **long line**.

6.17.2 **Clause 95** was then *accepted* as *amended*.

6.18 **Clause 98**

6.18.1 The following **amendment** was **made**:

Subclause (2):

- Insertion of the words, "*for applicants under sections 37 and 38*" after the word, "*specify*" in the **long line**.

6.18.2 **Clause 98** was then *accepted as*

*amended*. **6.19 Clause 104**

6.19.1 **Clause 104** was *amended as follow*:

- "*104. The offences in this Part are serious offences committed at an airport or on board an aircraft*"

6.19.2 **Clause 104** was then *accepted as amended*.

6.20 **SUSPENSION AND RESUMPTION OF MEETING**

6.20.1 At 12.10 p.m., the meeting was suspended and resumed at 12.40

p.m. **6.21 Clause 105**

6.21.1 The following *amendments* were made:

- Deletion of the word "*international*" in the last line of the **Chapeau**
- Deletion of the words, "*or any other airport*" in the last line of the **Chapeau**.

6.21.2 **Clause 105** was thereafter *accepted as*

*amended*. **6.22 Clause 108**

6.22.1 The following *amendment* was made:

Paragraph (a):

- **Insertion** of the words, ", *and carries out or attempts to carry out any function of an authorised person; accesses or attempts to access an airport restricted area or board an aircraft*" after the words, "*being an authorised person*" in the last line of the paragraph.



6.22.2 **Clause 108** was then *accepted* as *amended*.

6.23 Recommittal of Clause 110

6.23.1 **Clause 110** was *amended* as follows:

**Paragraph (g):**

- Substitution of the words "*any biological weapon,*" at the beginning of the paragraph.

**Paragraph (h):**

- Substitution of the words "*any biological weapon,*" at the beginning of the paragraph.

6.23.2 **Clause 110** was then *accepted* as *amended*.

6.24 Clauses **111**

6.24.1 **Clause 111** was *amended* as follow:

- **Substitution** of the words, *to a fine of five million dollars and to imprisonment for life*" for the words, *"to life imprisonment"* in the long line.

6.24.2 **Clause 111** was then *accepted* as *amended*.

**6.25 Clause 112**

6.25.1 **Clause 112** was **amended** as follow:

Subclause (3):

- **Substitution** of the words, *to a fine of five million dollars and to imprisonment for life*" for the words, *"to life imprisonment"* in the last line of the subclause.

6.25.2 **Clause 112** was then *accepted as amended*.

**6.28 Clause 113**

6.28.1 **Clause 113** was *amended* as follow:

- **Substitution** of the words, *to a fine of five million dollars and to imprisonment for life*" for the words, *"to life imprisonment"* in the long line.

6.28.2 **Clause 113** was then *accepted as amended*.

### **6.29 Clause 115**

6.29.1 **Subclause (1), paragraph (b)** was **amended**. **Substitute** the following for the **paragraph**:

- *"in the territory of a State other than the State of registry of the aircraft, unless-"*

6.29.2 **Clause 115** was then *accepted as amended*.

### **6.30 Clause 116**

6.30.1 **Clause 116, subclause (4)**:

- Deletion of **subclause (4)**

6.30.2 **Clause 116, subclause (4)** was *accepted as deleted*.

### **6.31 Clause 120**

6.31.1 The following **amendment** was **made**:

- Insertion of a definition for "**crew member**" immediately after the definition for "*corporate plan*" in **Clause 2** as follow:

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

6.31.2 Following discussions on the issue of the penalties for a passenger being intoxicated on an aircraft, the Committee agreed that the GCAA should review the provision, and provide the Committee with some assurance to enable it to make a determination on the matter.

6.31.2 **Clause 120** was *further deferred*.

### **6.32 Clause 122**

6.32.1 The Committee agreed to *defer the Clause further*, to allow the GCAA to cogitate and research the issue relating to intoxication of a passenger on an aircraft and the fines imposed thereof, for its consideration.

### **6.33 Recommital of Clause 124**

6.33.1 Following the decisions to delete the Clause, concerns were expressed by the Director General. The Director General provided an explanation and the Committee agreed to recommit the Clause for further review.

6.33.2 Members were concerned about the reason for including penalties for offences committed by passengers and that there were no provisions for similar offences committed by crew members.

6.33.3 The Committee noted the explanation by the Director General that penalties for offences committed by crew members would be included in the Regulations, and agreed that the *Clause* be *deferred* for further review by the Legislative Drafting Consultant, taking into consideration the concerns raised by members.

### **6.34 Recommital of Clause 128**

6.34.1 **Clause 128** was *amended* as follows:

- **Insertion** of the word "*knowingly*" after the word "*who*" in the first line.

6.34.2 **Clause 128** was then *accepted* as *amended*:

### **6.35 Recommital of Clause 130**

6.35.1 **Clause 130** was *amended* as follows:

#### **Paragraph (1)**

- Substitution of the words "*been charged with*" after the word "*has*" in the second line.

6.35.2 **Clause 130** was then *accepted* as *amended*.

### **6.36 Recommital of Clause 131**

6.36.1 **Clause 131** was *amended* as follows:

- Substitution of "*three million*" for "*one million*" in the second line of the **Clause**.

6.36.2 **Clause 131** was then *accepted* as *amended*.

6.37 Clause 133

6.37.1 The following *amendments* were made:

Subclause (1):

- **Deletion** of the words, "*registered in Guyana and any foreign air operator in Guyana*" in the first line of the **subclause**.

Subclause (2):

- **Deletion** of the words, "*or foreign air operator*" in the second line of the **subclause**.

6.37.2 Clause 133 was thereafter, *accepted* as

*amended*. 6.38 Recommittal of Clause 137

6.38.1 The following **amendment** was made:

Subclause (4):

- **Substitution** of "*five million*" for "*three million*" in the last line of the **subclause**.

6.38.2 Clause 137 was then *accepted* as *amended*.

6.39 Clause 140

6.39.1 The following *amendments* were made:

**PART XXI:**

- **Substitution** of the words, "*CIVIL AVIATION REGULATIONS*" for the words, "*AIR NAVIGATION REGULATIONS*".

Subclause (1):

- Substitution of the word "*surveillance*" for the word "*supervision*" throughout the **Clause** wherever the word appeared.

Subclause (1), paragraph (o):

- Insertion of the words, "*safety and security of aerodromes and other aviation facilities,*" before the word, "*licensing*" at the beginning of the paragraph.

6.39.2 **Clause 140** was thereafter *accepted as amended*.

#### **6.40 Clause 144**

6.40.1 The following *amendments* were made:

**Subclause (1):**

6.40.2 The Clause was *deferred* to allow the Legislative Drafting Consultant to prepare a *redraft* of the subclause to include the words "*inform the Minister as soon as practical*", as was proposed by the Director General.

**Subclause (4):**

- **Substitution** of the word, "*Minister*" for the word, "*Board*" in the first line of the subclause.

**Subclause (5):**

- **Substitution** of the word, "*Minister*" for the word, "*Board*" in the second line of the subclause.

6.40.3 **Clause 144** was then *accepted as amended*.

#### **6.41 Clause 146**

6.41.1 The following *amendments* were proposed for paragraph (b):

"(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; and**
- (ii) the regulating or prohibiting of the use, **construction**, maintenance or establishment of any airport or flying school."

6.41.2 Following deliberations on the issue of compensation, the Clause was *deferred* to allow the Legislative Drafting Consultant to examine whether the issue of compensation was addressed in the **Defense Act**.

6.42 **Clause 147** was *accepted as printed*.

ITEM 7: CONTINUATION OF CONSIDERATION OF THE CIVIL AVIATION  
BILL — BILL NO. 1/2017.

7.1 FIRST SCHEDULE - APPOINTMENTS AND CONDUCT OF  
PROCEEDINGS OF THE BOARD AND  
RELATED MATTERS.

7.1.1 Paragraph (1):

- Sub-paragraph (1) was *accepted as printed*.
- Sub-paragraph (2) was *accepted as printed*.
- Sub-paragraph (3) was *deferred* to allow the Legislative Drafting Consultant to prepare a *redraft* of the paragraph to include experience in the *environmental field*.
- Sub-paragraph (4) was *accepted as printed*.

7.1.2 Paragraph (2):

- Sub-paragraph (1) was *deferred* to allow the Legislative Drafting Consultant to prepare a *redraft* to include ground travelling and/or aviation interest.
- Sub-paragraph (2) was *deferred* to allow for the Legislative Drafting Consultant to prepare a *redraft* of the paragraph to include that a person after being appointed, expresses an interest in an air transport undertaking should resign from the post.

7.1.3 Paragraph (3) was *accepted as printed*.

7.2 The Committee *deferred* consideration of the remaining paragraphs in the *First Schedule*.

7.3 SECOND SCHEDULE - PROTECTED INSTALLATIONS

7.3.1 The Committee noted the information proffered by the Director General that the GACC had acquired additional equipment which should be included in the Schedule and agreed to *defer* consideration of the Schedule to allow it to be updated.

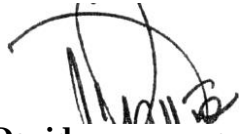
7.4 THIRD SCHEDULE - THE CARIBBEAN AVIATION SAFETY AND SECURITY  
OVERSIGHT SYSTEM AGREEMENT.

7.4.1 The Committee agreed that the Guyana Civil Aviation Authority should confirm whether the CASSOS Agreement was ratified, with a view to determining whether it should be included as the Third Schedule for consideration

**ADJOURNMENT**

At 2.40 p.m., the meeting was adjourned to 10.00 a.m., Thursday, 21' June, 2018.

Confirmed this dam..... of June, 2018



**Hon. David Hanson, M.P.,**  
**Minister of Public Works and Infrastructure,**  
**Chairperson.**

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## Officers

Ms. Sonia Maxwell	Assistant Head of Committees Division
Ms. Sereeta Bethune	Assistant Clerk of Committees
Mr. Safraz Mohamed	Assistant Clerk of Committees

## Advisor

Ms. Ananda Dhurjon	Legislative Drafting Consultant
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## In Attendance from GCAA

Mr. Egbert Field	Director General
Mrs. Amanza Walton- Desir	General Counsel
Mr. Howard Mc Calla	Aviation Management & Safety Consultant
Mr. Saheed Sulaman	Director, Air Transport
Mr. Abraham Dorris	Manager, Aviation Security
Ms. Ayesha Edwards	Legal Officer

## **ITEM 1: CALL TO ORDER**

- 1.1 The Chairperson called the Meeting to order at 10.30 a.m. and welcomed Members and staff to the Meeting.
- 1.2 **Excuses:**
  - 1.2.1 The Chairperson informed the Committee that the following Members have asked to be excused from the Meeting:
    - Hon. Carl B. Greenidge, M.P.,
    - Hon. Annette N. Ferguson, M.P.,
    - Ms. Gail Teixeira, M.P., and
    - Bishop Juan A. Edghill, M.S., J.P., M.P.

## **ITEM 2: CIRCULATION OF DOCUMENTS**

- 2.1 **The following documents had been circulated prior to the Meeting:**
  - Notice of the 16<sup>th</sup> Meeting dated 15<sup>th</sup> June, 2018;
  - Minutes of the 15<sup>th</sup> Meeting held on 14<sup>th</sup> June, 2018; and
  - Matrix of Deferred Clauses dated 18<sup>th</sup> June, 2018.

**2.2 The following documents was circulated at the meeting:**

- Proposed amendments to the Civil Aviation Bill No. 1/2017, dated 21<sup>st</sup> June, 2018, submitted by the Legislative Drafting Consultant; and
- Memorandum dated 20<sup>th</sup> June, 2018, from Hon. Annette Ferguson, M.P., Minister within the Ministry of Public Infrastructure, **Re: PROPOSED AREAS FOR INCLUSION INTO DRAFT CIVIL AVIATION BILL NO. 1/2017; and**
- Letter dated 20<sup>th</sup> June, 2018 from the Permanent Secretary, Ministry of Agriculture, **Re: Resolution of Hydrometeorological Department's Concerns with Respect to the Civil Aviation Bill 2017**

**ITEM 3: CORRESPONDENCE 3.1**

**Incoming:**

- Memorandum dated 20<sup>th</sup> June, 2018, from Hon. Annette Ferguson, M.P., Minister within the Ministry of Public Infrastructure, **Re: PROPOSED AREAS FOR INCLUSION INTO DRAFT CIVIL AVIATION BILL 1/2017; and**
- Letter dated 20<sup>th</sup> June, 2018 from the Permanent Secretary, Ministry of Agriculture, **Re: Resolution of Hydrometeorological Department's Concerns with Respect to the Civil Aviation Bill 2017**

**3.2 Outgoing: Nil**

**ITEM 4: CORRECTION AND CONFIRMATION OF THE MINUTES OF THE 15<sup>TH</sup> MEETING HELD ON 14<sup>TH</sup> JUNE, 2018.**

**4.1 Confirmation:**

4.1.2 The Minutes were confirmed, without corrections, on a motion, moved and seconded by Mr. Carrington and Hon. Hastings-Williams, respectively.

**ITEM 5: MATTERS ARISING**

**5.1 Page 3, paragraph 5.1.1, Collaboration with the Guyana Civil Aviation Authority and the Hydromet Department.**

5.1.1 The Chairperson referred to the correspondence received from the Hydromet Department which included a proposal to amend the definition for "*air navigation services, paragraph W*".

5.1.2 The Committee considered the proposed amendment **dissemination of meteorological information for air navigation services** and agreed to *accept* the definition as *amended*.

## **5.2 Page 3, paragraph 5.2.1— CASSOS Agreement**

5.2.1 The Director-General informed the Committee that the CASSOS Agreement was brought into force after four States had signed it, He however, mentioned that Guyana was the first state to include the Agreement as part of its legislation. Other States were in the process of amending their legislation.

5.2.2 Concern expressed by the Chairperson was whether including the Agreement would place Guyana at a disadvantage in the aviation industry.

5.2.3 In response to the concern, the Director-General and the General Counsel informed the Committee that, Guyana had been the largest beneficiary of CASSOS services, in relation to flight inspectors, *inter alia*, and this could be deemed advantageous to Guyana's aviation industry.

## **5.3 Page 7, paragraph 6.8.1: Clause 71 - Accident Prevention Unit**

5.3.1 The Director-General informed the Committee that the Authority had no objection to the Aircraft Accident Investigation Unit being separate from and independent of the Guyana Civil Aviation Authority.

5.3.2 The Director-General submitted to the Committee a proposal for *Clause 71*, which outlined two options; the establishment of an Aircraft Accident and Investigation Unit or an Investigator-in-Charge which would be appointed by the Minister, either from GCAA or CASSOS member State.

5.3.3 The Director-General also informed the Committee that an "**On-site Verification Audit**" was scheduled to be conducted by ICAO in November 2018, and that the **option** chosen should be fully implemented by the end of September 2018.

5.3.4 The Chairperson subsequently reminded the Committee that concerns were expressed that the Aircraft Accident Investigation Unit should be independent of the Guyana Civil Aviation Authority, since it would be investigating itself if an accident were to occur.

## ITEM 6: CONSIDERATION OF DEFERRED CLAUSES

### 6.1 Recommittal of Clause 2:

"air navigation services", paragraph (f), the following *amendment* was made:

- Substitution of following for paragraph (f):

*dissemination of meteorological information for air navigation services*

6.1.2 Thereafter, paragraph (f) was *accepted* as *amended*.

### 6.2 Recommittal of Clause 26

6.2.1 The following *amendments* were *proposed*:

Clause 26, subclause (1)

Substitution of Clause 26, subclause (1) as follow:

26. The Director-General 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 Director-General audited in accordance with section 24.

6.2.2 Following deliberation on the issue as to whether it was detrimental to exclude the Board from the process of preparing the annual reports which would be submitted to the Minister to be tabled in the National Assembly, the Committee agreed to *defer* the Clause to allow the Legislative Drafting Consultant to review the proposed amendments, taking into consideration the concerns raised.

6.2.3 Clause 26, subclause (2) was deleted.

6.3 Clause 27 was amended as follows:

6.3.1 Substitution of the following for Clause 27:

Copy of <sup>27</sup> annual report. 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 Director-General during the period to

**which the report relates shall be laid before the National Assembly no later than nine months after the end of each calendar year.**

6.3.2 Thereafter, **Clause 27** was *accepted as amended*. **6.4**

#### **Clause 56**

6.4.1 The following **amendments** were **proposed** at the **14<sup>11</sup> Meeting**, held on **14<sup>11</sup> June, 2018**:

- **Renumber clause "56" as "56 (1)".**
- **Insertion** of the following as *subclause (2)*:
  - (2) **Any charges that may be imposed for the use of an airport and air navigation facilities by an aircraft registered in any other 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 a similar international air services."**

6.4.2 The Committee referred to its earlier concerns in relation to the possibility of inequitable imposition of fees for local and international aircraft, and was advised by the Director-General that he had consulted with the CEO, CJIA, who had no objections to this particular part of the Bill.

6.4.3 Thereafter, **Clause 56** was *accepted as amended*.

#### **6.5 Clause 71**

6.5.1 The Committee noted the proposal submitted by the Guyana Civil Aviation Authority with the options in relation to the Accident and Investigation Unit, and agreed to *further defer* the *Clause* to allow the Legislative Drafting Consultant to *review* the proposal and to advise the Committee accordingly.

## 6.6 Clause 73

6.6.1 The Committee agreed that the proposed amendments submitted by the Legislative Drafting consultant to "**PART XIV — RIGHTS OF APPEAL**" should be forwarded to the Aircraft Owners' Association of Guyana Inc. (AOAG) for consideration. The deadline for a response should be no later than 13<sup>th</sup> July, 2018.

6.6.2 **Clause 73** was *further deferred* to allow the Committee and the AOAG to consider the *proposed amendments*.

## 6.7 Recommittal of Clause 104

6.7.1 The following **amendments** were **made**:

**Substitution** of the following for **Clause 104**:

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 to such an extent as to impair his capacity to so act.**

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

6.7.2 The Committee agreed to increase the fine to five million dollars following a request from the Director-General citing the seriousness of one neglecting his/her responsibility and also that it should serve as a deterrent.

6.7.3 The Committee also agreed that **Clause 104** should be **removed and placed** immediately after **Clause 103 (2)**.

6.7.4 **Clause 104** was then *accepted as amended*.

## 6.8 Clause 120

6.8.1 The following **amendments** were **made**:

**Subclause (1):**

- **Deletion of paragraphs (a) and (b) and renumber paragraphs (c) and (d) as (a) and (b), respectively.**

6.8.2 In response to an enquiry by Members the Guyana Civil Aviation Authority informed the Committee that punitive actions were provided for under Clause 124.

## **6.8 Clause 122**

6.8.1 The following **amendments** were **made**:

**Substitution** of the following for **Clause 122**:

**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 behavior as a result of taking prescription medication in accordance with a medical authorisation."**

6.8.2 **Substitution** of the word "*Misconduct*" for the words "*Intoxicated persons on aircraft*" for the **marginal note** of the Clause.

6.8.3 **Clause 122** was thereafter *accepted as amended*.

## **6.9 Clause 124**

6.9.1 The following **amendment** was **made**:

**Substitution** of the following for **Clause 124**:

**124. A person commits an offence who, on any aircraft behaves in a threatening manner or uses threatening words to the crew and persons in the aircraft and is liable on summary conviction to a fine of one million dollars.**

6.9.2 **Clause 124** was then *accepted as amended*.

6.10 Recommital of Clause 143

6.10.1 Clause 143 was amended as follows:

Insertion of a new subclause (4):

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

6.10.2 Clause 143 was then *accepted as amended*.

6.11 Clause 146

6.11.1 The Clause was *further deferred* to allow the Legislative Drafting Consultant to examine whether the issue of compensation was addressed in the Defense Act.

6.12 First Schedule

PARAGRAPH 1

6.12.1 The following amendments were made:

Paragraph 1, sub-paragraph (2):

- Insertion of the word "*Guyana*" Immediately before the words "*Civil Aviation Authority*" in the second line.
- Substitution of the words "*subparagraphs (1), (3) and (4)*" for the word "*paragraph*" in the last line.

Paragraph 1, sub-paragraph (3),

- Insertion of the words "*environmental protection,*" after the words "*financial management,*" in the penultimate line.
- Substitution of the word "*economics*" after the word "*law*" in the penultimate line.
- Deletion of the word "*economic*" after the word "*management*" in the penultimate line.

6.12.2 Paragraph (1) was then *accepted as amended*.



**PARAGRAPH 2-**

**6.13 Paragraph 2, sub-paragraph (1):**

- **Insertion** of the words "*or in any entity or other field in the aviation industry*" after the word "*undertaking*" in the last line of the paragraph.

**Paragraph 2, sub-paragraph (2):**

- **Insertion** of the words "*or in any entity or other field in the aviation industry*" after the word "*undertaking*" in the **second line** of the paragraph.

**New Sub-paragraph (3):**

- **Insertion** of the following **sub-paragraph**, immediately after **sub-paragraph (2)**:  
  
(<sup>3</sup>) **A Chairperson or member who fails to comply with subparagraph (2) shall be required to resign from his post on the Board.**

6.13.1 Paragraph 2 was then *accepted as amended*.

**ITEM 7: CONTINUATION OF CONSIDERATION OF THE CIVIL AVIATION BILL — BILL NO. 1/2017.**

**7.1 FIRST SCHEDULE - APPOINTMENTS AND CONDUCT OF PROCEEDINGS OF THE BOARD AND RELATED MATTERS.**

7.1.1 PARAGRAPHS (3) and (4) were *accepted as printed*.

**PARAGRAPH 5**

7.2 Paragraph 5 (a) was *accepted as printed*.

7.2.1 Paragraph 5 (b) was **amended as follows:**

- *Deletion* of the "()" from "*I*" in the penultimate line.

7.2.2 Thereafter, Paragraph 5 was *accepted as amended*.

7.3 Paragraph 6 was *accepted as printed*.

7.4 PARAGRAPH 7:

7.4.1 The following amendments were made:

(i) Delete subparagraph (1)

(ii) Amendments to subparagraph (2) were as *follows*:

- Delete the number **(2)** from the subparagraph
- Substitute the following for the subparagraph:

On the recommendation of the Board, the Minister may revoke the appointment of the Chairperson or any other Member where that person-

- The following amendments were made to subparagraphs **(d) and (e)**:

(d) is guilty of misconduct in relation to the duties of the **Chairperson or** that Member; or

(e) fails to discharge any of the functions imposed on **the Chairperson or** that Member under this Act.

- **Insertion** of a new sub-paragraph (f) as follow:

(f) **Engage in misuse of sensitive information for his/her own personal gain or benefit, which may compromise the integrity of the Authority."**

7.4.2 Following discussions, the *paragraph was deferred* to allow the Legislative Drafting Consultant to review subparagraph (f) to be included, as was proposed by the Hon Ferguson.

7.4.3 **Paragraph 8 was accepted as printed.**

7.4.4 **Paragraph 9 was accepted as printed.**

7.4.5 **Paragraph 10 was accepted as printed.**

7.4.6 **Paragraph 11 was accepted as printed.**

**7.4.7 Paragraph 12:**

**Paragraph 12** was amended as follows:

- Insertion of the words "*two-thirds of the*" before the word "*five*" in the end paragraph.

7.4.7.1 **Paragraph 12** was then *accepted as amended*.

7.4.9 **Paragraph 13** was *accepted as printed*. 7.4.10

**Paragraph 14** was *accepted as printed*. 7.4.11

**Paragraph 15** was *accepted as printed*. 7.4.12

**Paragraph 16** was *accepted as printed*. 7.1.13

**Paragraph 17**

7.4.14 A Member enquired, whether there was a provision that catered for the failure of the Chairperson to convene a meeting of the Board. He further enquired how the Authority intended to address this issue.

7.4.15 The Committee agreed that a *sub paragraph* should be included in *paragraph 17* to state that the Director-General shall be obligated to inform the Minister if meetings were not being held for a prolonged period (two months).

7.4.16 Thereafter, **paragraph 17** was *deferred* to allow the Legislative Drafting Consultant to prepare a *draft* to that effect.

7.4.17 **Paragraph 18** was *accepted as printed*.

7.4.18 **Insertion of a new Paragraph 19** immediately after **paragraph 18** in the first schedule as follows:

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 Authority.**

**(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 authorized to act in that behalf or the Secretary to the Authority."**

7.4.19 The **new paragraph 19** was then *accepted*.

## 7.5 SECOND SCHEDULE -PROTECTED INSTALLATIONS

7.5.1 The Director-General undertook to provide the Clerk of the Committee, with the list of additional equipment acquired by GCAA to be included in the Second Schedule.

7.5.2 The Second Schedule was *further deferred*.

## 7.6 THIRD SCHEDULE - THE CARIBBEAN AVIATION SAFETY AND SECURITY OVERSIGHT SYSTEM AGREEMENT.

7.6.1 The following *amendment* was made:

Substitution of "*Section 76 (1)*" for "*Section 79 (1)*" after the words "THIRD SCHEDULE"

7.6.2 In response to a question by the Chairperson as to the purpose of having the CASSOS Agreement (Third Schedule) as part of the Bill, the General Counsel indicated that, this was necessary to give CASSOS international jurisdiction.

7.6.3 As was requested, the Committee agreed to allow the Director-General to submit the signed copy of the CASSOS Agreement to replace the unsigned copy as the Third Schedule.

## ADJOURNMENT

At 12.33p.m., the meeting was adjourned to 10.00 a.m., Thursday, 19<sup>th</sup> July, 2018.

Confirmed this day <sup>23<sup>rd</sup></sup>..... of July, 2018

  
Hon. David A. Patterson, M.P.  
Minister of Public Infrastructure,  
Chairperson.

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NATIONAL ASSEMBLY OF THE FIRST SESSION (2015- 2018)  
OF THE ELEVENTH PARLIAMENT OF GUYANA

MINUTES OF THE 17TH MEETING OF THE SPECIAL SELECT COMMITTEE  
ON THE CIVIL AVIATION BILL — BILL NO. 1/2017  
HELD ON THURSDAY, 23RD JULY, 2018  
AT 10.00 A.M.  
IN COMMITTEE ROOM NO.1, COMMITTEES DIVISION,  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

ATTENDANCE

MEMBERS OF THE COMMITTEE

CHAIRPERSON

Hon. David A. Patterson, M.P.,  
Minister of Public Infrastructure

A Partnership For National Unity/Alliance For Change (APNU/AFC) (4)  
(Nominated by the Committee of Selection on May 8, 2017)

L., Hon. Carl B. Greenidge, M.P.,  
Vice-President and Minister of Foreign Affairs Absent

Hon. Dawn Hastings-Williams, M.P.,  
Minister within the Ministry of Communities

7 Hon. Annette N. Ferguson, M.P.,  
Minister within the Ministry of Public Infrastructure Excused

Mr. Michael Carrington, M.P.

From the People's Progressive Party/Civil (PPP/C) (4)  
(Nominated by the Committee of Selection on May 8, 2017)

Mr. Clement J. Rohee, M.P. Absent

Ms. Gail Teixeira, M.P., Opposition Chief Whip Absent

Bishop Juan A. Edghill, M.S., J.P., M.P. Excused

Mr. Joseph L.F. Hamilton, M.P. Excused

## Officers

Ms. Sonia Maxwell	Assistant Head of Committees Division
Ms. Keshanna Murlidhar	Assistant Clerk of Committees
Mr. Safraz Mohamed	Assistant Clerk of Committees

## Advisor

Ms. Ananda Dhurjon	Legislative Drafting Consultant
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## In Attendance from GCAA

Mrs. Amanza Walton- Desir	General Counsel
Mr. Howard Mc Calla	Aviation Management & Safety Consultant
Mr. Saheed Sulaman	Director, Air Transport
Ms. Ayesha Edwards	Legal Officer
Lt. Col. (Ret'd) Lawrence London	Chairman, GCAA Board
Mrs. Cameba Bayley-Sundar	Aviation Security Inspector

## **ITEM 1: CALL TO ORDER**

**1.1** The Chairperson called the Meeting to order at 11.50 a.m. He apologised for the delayed start. which was due to the absence of a quorum and welcomed Members and staff to the Meeting.

**1.2 Excuses:**

1.2.1 The Chairperson informed the Committee that the following Members had asked to be excused from the Meeting:

- Hon. Annette N. Ferguson, M.P.,
- Bishop Juan A. Edghill, M.S., J.P., M.P., and
- Mr. Joseph L.F. Hamilton, M.P.

## **ITEM 2: CIRCULATION OF DOCUMENTS**

**2.1 The following documents had been circulated prior to the Meeting:**

- Notice of the 17<sup>th</sup> Meeting dated 17<sup>th</sup> July, 2018;
- Minutes of the 16<sup>th</sup> Meeting held on 21<sup>st</sup> July, 2018;
- Draft report of the Special Select Committee on the Civil Aviation Bill — Bill No.1 of 2017;
- Deferred Clauses from the 16<sup>th</sup> Meeting, dated 21<sup>st</sup> June, 2018; and

- Records of Proceedings of the following:
  - (i) 10<sup>th</sup> Meeting dated 14<sup>th</sup> March, 2018;
  - (ii) 11<sup>th</sup> Meeting dated 23<sup>rd</sup> March, 2018; and  
12<sup>th</sup> Meeting dated 5<sup>th</sup> April, 2018.

**2.2 The following document was circulated at the meeting:**

- Proposed Clause 71 — Investigation of aviation accident and incident submitted by the Legislative Drafting Consultant.

**ITEM 3: CORRESPONDENCE**

**3.1 Incoming:**

- Letter dated 9<sup>th</sup> July, 2018 from Mr. Anthony Mekdeci, A.A., First Vice President of Aircraft Owners' Association of Guyana Inc., Re: Clause 73 of the Civil Aviation Bill.

**3.2 Outgoing:**

- Letter dated 25<sup>th</sup> June, 2018 to Mr. Michael O. Corriea Jr., President, Aircraft Owners' Association of Guyana (AOAG), Re: Redraft of Clause 73 of the Civil Aviation Bill — Bill No. 1/2017.

**ITEM 4: CORRECTION AND CONFIRMATION OF THE MINUTES OF THE 16TH MEETING HELD ON 21ST JUNE, 2018.**

**4.1 Correction:**

**4.1.1 Page 5, paragraph 6.1 — Recommittal of Clause 2**

- Deletion of the word "*services*" from **paragraph (f)**.

**4.2 Confirmation:**

- 4.2.1 There being no other corrections, the Minutes were confirmed, on a motion, moved and seconded by Mr. Carrington and Hon. Hastings-Williams, respectively.



## ITEM 5: MATTERS ARISING

### 5.1 Page 4, paragraph 5.2.2 — CASSOS Agreement

- 5.1.1 In response to a question, as to whether including the Agreement of CASSOS in the Bill would place Guyana at a disadvantage in the aviation industry and whether other countries had undertaken similar actions, the General Counsel informed the Committee that she could not identify any disadvantage at the moment, but that during the CASSOS meeting hosted by Guyana, other member States were advised to replicate Guyana's action.
- 5.1.2 The Chairperson referred to an email from the Director-General in which he stated that he had communicated with Mr. Oscar Quesada, South American (SAM), Deputy Regional Director of ICAO, outlining the independence of the Accident and Incident Investigation in Guyana. Mr. Quesada advised that GCAA could retain experienced personnel on an agreement, this arrangement along with the proposals in Clause 71 would enable Guyana to have a system in place instead of an Organisation. AIO/ARCM could also provide additional support.
- 5.1.3 The General Counsel in response to a comment made by the Chairperson posited that the opinion of the Director-General was to allow for the separation of the investigation, by the establishment of a separate mechanism and not necessarily, an entire organisation.

### 5.2 Page 4, paragraph 5.3.3: Clause 71 — Accident Prevention Unit

- 5.2.1 In response to an enquiry by Hon. Hastings-Williams, the Chairperson informed the Hon. Minister that the options were either the establishment of an Aircraft Accident and Investigation Unit or for the Minister to appoint an Investigator-in-Charge if an accident were to occur.

### 5.3 Recommittal of Clause 104

- 5.3.1 **Clause 104(1)** was recommitted and amended to read:

**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.**

- 5.3.2 **Clause 104, subclause (1)** was *accepted as amended*.

### 5.4 Page 11, paragraph 7.4.1 — Paragraph 7

- 5.4.1 The Chairperson reminded the Committee that the Hon. Ferguson had submitted amendments to paragraph 7, First Schedule, as was requested by the Committee. The Legislative Drafting Consultant was requested to prepare a redraft of the

subparagraph to include the fourth proposal submitted by the Hon. Minister.

**5.5 Page 13, paragraph 7.6.3 — CASSOS Agreement**

5.5.1 In response to a query by the Chairperson, the Committee was informed that the signed copy of the CASSOS Agreement was submitted by the General-Council to the Clerk of the Committee on 4<sup>th</sup> July, 2018.

**ITEM 6: CONSIDERATION OF DEFERRED CLAUSES**

**6.1 Recommittal of Clause 60**

6.2.1 Following deliberations, the Committee agreed to insert a **new subclause (6)** as follows:

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

6.2.2 Thereafter, **Clause 60** was *accepted as amended*.

**ITEM 7: CONSIDERATION OF DEFERRED CLAUSES**

**7.1 Clause 71**

7.2.1 **Clause 71** was **amended** as follows:

**PART XII:**

- **Substitution** of the words, "*ACCIDENT AND INCIDENT INVESTIGATION*" for the words, "*ACCIDENT INVESTIGATION*".

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.**

7.3.2 Thereafter, Clause 71 was *accepted as amended*.

7.4 Clause 73

7.4.1 The Committee examined a letter dated 20<sup>th</sup> July, 2018 from the Aircraft Owners' Association of Guyana Inc., highlighting its concerns on the proposed redraft of Clause 73, and considered those concerns in conjunction with the proposed redraft.

7.4.2 Following an extensive discussion the following **amendments** were made:

**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.

## **7.5 Suspension and Resumption of Meeting**

7.5.1 At 1.00 p.m. the Meeting was suspended and resumed at 1.20 p.m.

### **Clause 146**

**7.6.1 The Legislative Drafting Consultant** informed the Committee that the issue of compensation was not addressed in the Defense Act, thereafter, **the Clause** was *accepted as amended in the Bill*.

## **FIRST SCHEDULE**

**8.1 PARAGRAPH 7** was *amended* as follows:

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

**(2) Without limiting the general powers 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.**

8.1.1 Thereafter, **paragraph 7** was *accepted as amended*.

## **8.2 PARAGRAPH 17**

8.2.1 The following **amendments** were **made**:

**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.**

8.2.2 Thereafter, **paragraph 17** was *accepted as amended*.

## **PARAGRAPH 19**

**9.1** Insertion of a new **paragraph (19)** and **marginal note** as follows:

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 authorized to act in that behalf or the Secretary to the Board.**

**9.1.1 Paragraph (19)** was then *accepted as amended*.

## 10.1 SECOND SCHEDULE

10.1.1 Paragraphs 1 to 6 were *accepted as printed*.

10.1.2 The following **amendments** were **made**. **Insertion** of a **new paragraphs 7, 8, 9 and 10**, as **follows**:

- (i) 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.
- (ii) 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"
- (iv) 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"

10.1.2 New paragraphs 7, 8, 9, 10 were *accepted as amended*.

## 10.2 Matrix of Amendments to the Bill

10.2.1 The Committee agreed to **accept**, in principle, the Matrix of Amendment to the Bill, subject to the amendments by the Legislative Drafting Consultant to specific Clauses

**ITEM 11: CONSIDERATION OF DRAFT REPORT OF THE SPECIAL SELECT COMMITTEE ON THE CIVIL AVIATION BILL — BILL NO. 1/2017.**

**11.1** The Committee commenced consideration of the above report paragraph by paragraph.

**11.2 Page 3, paragraph 6: Methodology —**

The following **amendments** were **made**:

**(i) Oral presentation**

- **Insertion** of the words "**of Guyana Inc.**" after the word "**Association**" in the fourth bullet.

**(ii) Written presentation**

- **Substitution** of the words "**Hydro-meteorological Department,**

**11.3 Page 4, paragraph 7.1 — Presentation by Stakeholders on the Civil Aviation Bill — Bill No. 1 of 2017**

**11.3.1** **Substitution** of the words "**that the Director General and other technical Officers**" for the words **Director General, the General Counsel and the Legal Officer** after the word "**Counsel**" in the second line.

**11.4 Page 5, paragraph 9.2 — Consideration of the Bill**

**11.4.1** The following **amendment** was **made**:

- **Insertion** of a comma "," after the year "**2017**" in the first line of the paragraph.

**11.4 Page 5, paragraph 9.4 — Consideration of the Bill**

**11.5.1** The following **amendment** was **made**:

- **Substitution** of the word "**that**" for the word "**this**" in the first line of the paragraph.

11.5 Page 5, paragraph 9.5 — Consideration of the Bill

11.6.1 The following amendment was made:

- Insertion of a comma "," after the year "2018" in the first line of the paragraph.

11.7 Page 6, paragraph 9.6 - Consideration of the Bill

11.7.1 The following *amendments* were *made*:

- Deletion of the word "only" in the first line of the paragraph.
- Substitution of the words "if necessary to discussed any" for the word "it had" in the second line of the paragraph.

11.8 Page 6, paragraph 10

11.8.1 The following *amendment* were *made*:

- Insertion of the words "CLAUSES ACCEPTED AND AMENDED" immediately after paragraph 9.9 as the heading for paragraph 10.

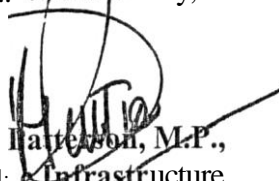
11.9 Expression of Thanks

11.9.1 The Chairman expressed sincere thanks to the Members of the Committee, the Legislative Drafting Consultant and Staff of the Parliament Office and GCAA for their co-operation, commitment and contribution during the consideration of the Civil Aviation Bill.

Adjournment

At 3.15 p.m. the Meeting was adjourned to Friday, 27<sup>th</sup> July, 2018, during the first suspension of the National Assembly.

Confirmed this day .. ..... of July, 2018

  
Hon. David A. Harrison, M.P.,  
Minister of Public Infrastructure,  
Chairperson.



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NATIONAL ASSEMBLY OF THE FIRST SESSION (2015- 2018)  
OF THE ELEVENTH PARLIAMENT OF GUYANA

MINUTES OF THE 18<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE  
ON THE CIVIL AVIATION BILL — BILL NO. 1/2017  
HELD ON FRIDAY, 27<sup>TH</sup> JULY, 2018  
AT 4.00 P.M.  
IN COMMITTEE ROOM NO.1, COMMITTEES DIVISION,  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

ATTENDANCE

MEMBERS OF THE COMMITTEE

CHAIRPERSON

Hon. David A. Patterson, M.P.,  
Minister of Public Infrastructure

A Partnership For National Unity/Alliance For Change (APNU/AFC) (4)  
(Nominated by the Committee of Selection on May 8, 2017)

Hon. Carl B. Greenidge, M.P.,  
Vice-President and Minister of Foreign Affairs

Hon. Dawn Hastings-Williams, M.P.,  
Minister within the Ministry of Communities

Excused

Hon. Annette N. Ferguson, M.P.,  
Minister within the Ministry of Public Infrastructure

Excused

Mr. Michael Carrington, M.P.

From the People's Progressive Party/Civil (PPP/C) (4)  
(Nominated by the Committee of Selection on May 8, 2017)

Mr. Clement J. Rohee, M.P.

Absent

Ms. Gail Teixeira, M.P., Opposition Chief Whip

Absent

Bishop Juan A. Edghill, M.S., J.P., M.P.

Absent

Mr. Joseph L.F. Hamilton, M.P.

Excused

## Officers

Ms. Sonia Maxwell	Assistant Head of Committees Division
Ms. Keshanna Murlidhar	Assistant Clerk of Committees
Mr. Safraz Mohamed	Assistant Clerk of Committees

## Advisor

Ms. Ananda Dhurjon	Legislative Drafting Consultant
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## **ITEM 1: CALL TO ORDER**

- 1.1 The Chairperson called the Meeting to order at 4.21 p.m.
- 1.2 He stated that the purpose of the Meeting was to consider and formally adopt the Report of the Special Select Committee on the Civil Aviation Bill — Bill No.1 of 2017 that would be submitted to the National Assembly on the 8th August, 2018.
- 1.2 **Excuses:**
  - 1.2.1 The Chairperson informed the Committee that the following Members had asked to be excused from the Meeting:
    - Hon. Annette N. Ferguson, M.P.,
    - Hon. Dawn Hastings-Williams, M.P., and
    - Mr. Joseph L.F. Hamilton, M.P.

## **ITEM 2: CIRCULATION OF DOCUMENTS**

- 2.1 **The following documents had been circulated prior to the Meeting:**
  - Notice of the 18th Meeting dated 26th July, 2018;
  - Minutes of the 17th Meeting held on 23<sup>rd</sup> July, 2018; and
  - Draft report of the Special Select Committee on the Civil Aviation Bill — Bill No.1 of 2017.
- 2.2 **The following documents were circulated at the meeting:**
  - Excerpt from the Matrix of Amendments to the Bill , and
  - Draft report of the Special Select Committee on the Civil Aviation Bill — Bill No.1 of 2017.

ITEM 3: CORRESPONDENCE

- 3.1 Incoming
- 3.2 Outgoing

ITEM 4: CORRECTION AND CONFIRMATION OF THE MINUTES OF THE 17TH MEETING HELD ON 23RD JULY, 2018.

- 4.1 The Minutes were confirmed, without corrections, on a motion moved and seconded by the Mr. Michael Carrington, M.P., and the Hon. Carl B. Greenidge, M.P., respectively.

ITEM 5: MATTERS ARISING

- 5.1 There were no matters arising from the Minutes of the meeting.

ITEM 6: TO CONSIDER DRAFT REPORT OF THE SPECIAL SELECT COMMITTEE ON THE CIVIL AVIATION BILL — BILL NO. 1/2017.

- 6.1 The Committee commenced consideration of the above report paragraph by paragraph.

6.1.1 No amendments were made to the report.

6.1.2 The Committee, thereafter, adopted the report and agreed that it should be presented at the Sitting of the National Assembly scheduled for Wednesday, August 8, 2018.

ITEM 7: ANY OTHER BUSINESS

- 4.1 Closing Remarks

4.1.1 The Chairperson thanked Members, the Chief Parliamentary Counsel and the Staff of the Committees Division for the cooperation and support during the tenure of the Committee.

Adjournment

At 4.31 p.m. the meeting was adjourned.

*Unconfirmed*

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# **APPENDIX II**







<p>(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</p> <p>(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;</p>	<p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p>
<p>"aerodrome" means any area of land or water used or intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft and includes an airport;</p>	<p><b>"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;</b></p>
<p>"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;</p>	<p><b>Accepted as printed</b></p>

<p>"airman" means —</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) any individual in charge of the inspection, maintenance, over-hauling or repair of aircraft, aircraft engines, propellers or appliances;</li> <li>(c) any individual who serves in the capacity of flight operations officer; or</li> <li>(d) any individual who serves in the capacity of air traffic controller;</li> </ul>	<p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p>
<p>"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;</p>	<p><b>Accepted as printed</b></p>
<p>"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;</p>	<p><b>Accepted as printed</b></p>

<p>"air navigation" means the practice of controlling, guiding and operating aircraft from airport of departure to pre-determined airport of destination, including alternate airports;</p>	Accepted as printed
<p>"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;</p>	Accepted as printed
<p>"air navigation services" means services provided to air traffic during all phases of operations to ensure their safe and efficient movement, and includes -</p> <p>(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;</p>	Accepted as printed

(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;

**Accepted as printed**

(c) flight information services;

**Accepted as printed**

(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;

**Accepted as printed**

(e) communications, navigation and surveillance services;

**Accepted as printed**

(f) meteorological services for air navigation;

**Substitution of the following for paragraph (f):**

**(f) dissemination of meteorological information for air navigation;**

(g) search and rescue alerting coordination services; and

**Accepted as printed**

(h) aeronautical information services for the provision of aeronautical information and data necessary for the safety, regularity and efficiency of air navigation;

**Accepted as printed**

<p>"Air Navigation Services Unit" means the Air Navigation Services Unit of the Authority established under section 57;</p>	Accepted as printed
<p>"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;</p>	Accepted as printed
<p>"Air Operator Certificate" means a certificate authorising an operator to carry out specified commercial air transport operations;</p>	Accepted as printed
<p>"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;</p>	<p>"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;</p>
<p>"air transport service" means a service for the carriage by air of passengers or cargo;</p>	Accepted as printed

<p>"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;</p>	<p>Accepted as printed</p>
<p>"Authority" means the Guyana Civil Aviation Authority established under the under section 4;</p>	<p>"Authority" means the Guyana Civil Aviation Authority established under section 4;</p>
<p>"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;</p>	<p>Delete the comma immediately after the words "means any".</p>
<p>"aviation security" means a combination of measures and human and material resources intended to safeguard international civil aviation against acts of unlawful interference;</p>	<p>Accepted as printed</p>
<p>"Board" means the Board of the Guyana Civil Aviation Authority established under section 8;</p>	<p>Accepted as printed</p>

<p>"cargo" means any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage;</p>	Accepted as printed
<p>"Chairperson" means the Chairperson of the Board and includes a temporary Chairperson of the Board;</p>	Accepted as printed
<p>"Chicago Convention" means the Convention on International Civil Aviation concluded at Chicago, U.S.A. on 7th December 1914 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;</p>	Accepted as printed
<p>"commander" in relation to an aircraft, means the member of the crew designated for the time being as commander of that aircraft by the operator of the aircraft, or, failing such a person being designated, the person who for the time being is the pilot in command of the aircraft;</p>	Deletion of the definition "commander"
<p>"Contracting State" means a country which is a party to the Chicago Convention;</p>	Accepted as printed

<p>"Commercial air transport operation" means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;</p>	<p>Accepted as printed</p>
<p>"corporate plan" means a plan prepared in accordance with section 12;</p>	<p>Accepted as printed</p>
	<p>Insertion of a new definition as follows:</p> <p>"crew member" includes a person assigned by an operator to duty on an aircraft during a flight duty period;</p>
<p>"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 -</p> <p>(a) are listed in, or classified in accordance with, the ICAO's Technical Instructions for the Safe Transport of Dangerous Goods by Air;</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(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.</p>	<p>(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</p> <p>Insertion of a new paragraph (c) as follows:</p> <p>(c) may be listed as Dangerous Goods by the Authority;</p>



"Director-General" means the Director-General of Civil Aviation appointed under section 14;	Accepted as printed
"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;	Accepted as printed
"Guyana Aircraft" means all aircraft registered in Guyana.	Accepted as printed
"loss or damage" includes in relation to persons, loss of life and injury to person;	Accepted as printed
"Member" means a member of the Board;	Accepted as printed
"Minister" means the Minister responsible for civil aviation;	Accepted as printed
"navigation of aircraft" means a function which includes the piloting of aircraft;	Accepted as printed

<p>"operator" means -</p> <p>(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</p> <p>(b) who or which is deemed to be engaged in the operation of aircraft within the meaning of this Act;</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>"pilot-in-command", in relation to an aircraft, means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;</p>	<p>Substitute the following for the definition:</p> <p>"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;</p>
<p>"propeller" includes all parts and accessories of a propeller;</p>	<p>Accepted as printed</p>

<p>"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 —</p> <p>(a) lights and signals to be shown by aircraft;</p> <p>(b) general, visual and instrument flight rules;</p> <p>(c) aerodrome traffic rules; and</p> <p>(d) aerodrome signals and markings;</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>"Security Committee" means the National Civil Aviation Security Committee established under section 63;</p>	<p>Accepted as printed</p>
<p>"Tokyo Convention" means the Convention on Offences and Certain Other Acts Committed on Board Aircraft signed in Tokyo on 14 September 1963.</p>	<p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>

Application of Act to military aircraft	Accepted as printed
3. Except as provided under section 141, this Act does not apply to military aircraft.	Accepted as printed Insertion of a new clause 3A as follows:  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 CIVIL AVIATION AUTHORITY	PART II ESTABLISHMENT OF THE GUYANA CIVIL AVIATION AUTHORITY
Establishment of the Civil Aviation Authority.	Establishment of the Guyana Civil Aviation Authority.
4. (1) There is established a body corporate to be known as the Civil Aviation Authority which shall exercise such powers and discharge such functions as are conferred on it under this Act.	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.
(2) The Authority shall consist of a Board as established under section 8.	Delete subclause (2)

Functions of the Authority.	Functions of the Authority.
<p>5. (1) The functions of the Authority are -                      (a) to regulate, in accordance with this Act civil aviation operations in Guyana;</p>	<p>5. The functions of the Authority are -                      (a) to regulate, in accordance with this Act, civil aviation operations in Guyana;</p>
<p>(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;</p>	<p>Accepted as printed</p>
<p>(c) to participate in the negotiation of air service agreements with other countries;</p>	<p>Accepted as printed</p>

(d) to foster cooperation and promote growth and development **among** civil aviation stakeholders in Guyana and abroad which are consistent with national safety, security and development policies;

(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;

<p>advice government (e) to co-operate with, or to provide and assistance to any agency when requested by the Minister providing that the discharge of the functions of the Authority will not be compromised;</p>	<p>Accepted as printed</p>
<p>(f) to enter into technical or operational arrangements with civil aviation authorities of other countries;</p>	<p>Accepted as printed</p>
<p>(g) to ensure the establishment of a State safety programme to improve aviation safety oversight and practices;</p>	<p>Accepted as printed</p>
<p>(h) to enforce regulations develop, implement aviation security and policies to safeguard civil aviation against acts of unlawful interference;</p>	<p>(h) to develop, implement and enforce aviation security regulations, programmes and policies to safeguard civil aviation against acts of unlawful interference;</p>
<p>form (i) to provide regulatory oversight, as the State of Operator, over foreign air operators that are engaged in commercial air operation in the of charters, leases, and interchange arrangements in keeping with Article 83 <i>bis</i> of the Chicago Convention;</p>	<p>Accepted as printed</p>

<p>(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;</p>	<p>Accepted as printed</p>
<p>(k) to prescribe, and review fees and charges for any facility provided or service rendered by the Authority</p>	<p>Accepted as printed</p>
<p>(1) to evaluate the economic feasibility of air transport undertakings and to regulate the granting of air service licences and permits;</p>	<p>(1) to evaluate the economic and environmental feasibility of air transport undertakings and to regulate the granting of air service licences and permits;</p>
<p>(m) to provide economic regulation of aerodromes, airports and air navigation service providers;</p>	<p>(m) to provide economic regulation of aerodromes, airports, air transport undertakings and air navigation service providers;</p>
<p>(n) to administer international relations and Government affairs with regards to civil aviation and to regulate air traffic rights, both domestic and foreign;</p>	<p>Accepted as printed</p>
<p>(o) to ensure the provision of air navigation services in Guyana;</p>	<p>Accepted as printed</p>



<p>(p) 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;</p>	<p>(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;</p>
<p>(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;</p>	<p>Accepted as printed</p>
<p>(r) to provide to the Minister information and advice on matters relating to civil aviation as the Minister may from time to time require;</p>	<p>Accepted as printed</p>
<p>(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, international agencies or organisations;</p>	<p>(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;</p>

<p>(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;</p>	<p>Accepted as printed</p>
<p>(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.</p>	<p>(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;</p>
	<p>Insertion of new paragraphs (v) and (w) as follows:</p> <p>(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</p> <p>(w) to discharge any determined by the Minister.</p>
<p>Discharge of functions and exercise of powers</p>	<p>Accepted as printed</p>

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.

Establishment of schools.

7. (1) The Authority may establish a training school or schools 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 schools 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 school or schools.

Accepted as printed

Accepted as printed

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.

<p style="text-align: center;">PART III THE BOARD OF THE AUTHORITY</p>	Accepted as printed
<p style="text-align: center;">The Board</p>	Accepted as printed
<p>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 <i>ex officio</i> members.</p> <p>(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.</p> <p>(3) The Board shall appoint a suitably qualified person to perform the functions of the Secretary of the Authority and such other functions as may be assigned by the Board.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>(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.</p>
<p style="text-align: center;">Minister's directions to Board</p>	Accepted as printed
<p>9. (1) The Minister shall be responsible for the development of policies and regulations on civil aviation and may in writing, give to the Board any general or special policy directions in relation to this Act, with which the Board shall comply.</p> <p>(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).</p>	<p>Substitute the following for Clause 9(1):</p> <p>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.</p> <p>Accepted as printed</p>

<p>(3) Directions given under subsection (1) shall not be inconsistent with the functions of the Authority or any other provisions of this Act.</p>	<p><b>Accepted as printed</b></p>
<p><b>Functions of Board.</b></p>	<p><b>Accepted as printed</b></p>
<p><b>10.</b> For the purpose of ensuring good corporate governance and proper management and control of the affairs of the Authority, the Board shall —</p> <p>(a) formulate policies and strategies to enable the Authority to exercise powers;</p> <p>(b) ensure <b>that</b> the Authority complies with and gives effect to the approved performance standards;</p> <p>(c) ensure adequate that the Authority systems of internal controls, <b>both</b> operational and financial, and that it follows sound financial policies and procedures;</p> <p>(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</p>	<p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p>

<p>(e) diligently exercise its powers and discharge its functions conferred and imposed upon it under this Act.</p>	<p>Accepted as printed</p>
<p>Delegation.</p>	<p>Accepted as printed</p>
<p>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.</p> <p>(2) The Minister shall not delegate under subsection (1) —</p> <p>(a) the power to appoint any person;</p> <p>(b) the power to make regulations; and</p> <p>(c) the power to delegate powers and functions.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(3) The Board may appoint one or more committees of the Board and delegate to a committee, any other body, the Director-General or any competent person any of the powers or functions of the Board.</p> <p>(4) The Board shall not delegate under subsection (3) -</p> <p>(a) a power delegated to it by the Minister without the approval of the Minister; or</p> <p>(b) a power in relation to business and financial planning and expenditure of the Authority.</p>	<p>(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.</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

Corporate Plan.	Accepted as printed
<p>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.</p>	Accepted as printed
<p>(2) The Plan shall include, but not limited to, details of the following —</p>	Accepted as printed
<p>(a) the Authority's operational environment;</p>	Accepted as printed
<p>(b) the strategies of the Authority;</p>	Accepted as printed
<p>(c) performance measures of the Authority;</p>	Accepted as printed
<p>(d) review of performance against previous Plans;</p>	Accepted as printed
<p>(e) analysis of risk factors likely to affect aviation safety and security in the aviation industry; and</p>	Accepted as printed
<p>(f) human resource strategies and industrial relations strategies.</p>	Accepted as printed

<p>(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).</p> <p>(4) The first Plan shall take effect not later than six months after the commencement of this Act.</p> <p>(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.</p> <p>(6) The Board shall keep the Minister informed about—</p> <p>(a) significant changes to the Plan; and</p> <p>(b) matters that arise that could significantly affect the objectives of the Plan.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>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.</p> <p>(2) The Minister's response may include a direction to the Board to vary the Plan.</p> <p>(3) A direction under subsection (2) shall be in writing, setting out the reasons.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>



<p>(4) In directing a variation of the Plan, the Minister shall be guided by the established objectives and policies of the Government.</p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p style="text-align: center;">PART IV THE DIRECTOR GENERAL OF THE AUTHORITY</p>	<p style="text-align: center;">PART IV THE DIRECTOR-GENERAL OF CIVIL AVIATION</p>
<p style="text-align: center;">Appointment of the Director-General.</p>	<p>Accepted as printed</p>
<p>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.</p> <p>(2) The Director-General shall be responsible for the day-to-day management and operation of the Authority.</p> <p>(3) In the exercise of the powers and discharge of the functions of the Authority, unless otherwise specified in this Act, the Director-</p>	<p>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 .</p> <p>Accepted as printed</p> <p>For subsection 3 substitute the following:</p> <p>(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 —</p>

<p>General is accountable directly to the Board in respect of issues relating to —</p> <p>(a) civil aviation safety and security oversight;</p> <p>(b) the implementation of the governance policies as directed by the Board;</p> <p>(c) the implementation of the decisions of the Board;</p> <p>(d) the accounting of moneys received and payments made by the Authority;</p> <p>(e) the administration and management of the Authority; and</p> <p>(f) the discharge of the functions of the Authority.</p>	<p>(a) to the Minister in respect of issues relating to civil aviation safety and security oversight;</p> <p>(b) to the Board in respect of issues relating to —</p> <p>(i) the implementation of the governance policies as directed by the Board;</p> <p>(ii) the implementation of the decisions of the Board;</p> <p>(iii) the accounting for moneys received and payments made by the Authority; and</p> <p>(iv) the administration and management of the Authority.</p>
<p>Powers and functions of Director-General.</p>	<p>Accepted as printed</p>
<p>15. (1) In addition to the other powers and functions of the Director-General under other provisions of this Act, the Director-General shall—</p>	<p>Accepted as printed</p>

<p>(a) exercise control over entry into the civil aviation system through -</p> <p>(i) the granting of aviation documents, including the validation of foreign aviation documents;</p> <p>(ii) the requirement certificates issued by designated medical examiners of the Authority; or</p> <p>(iii) the granting to foreign certificates issued in a foreign country;</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p><b>Accepted as printed</b></p> <p>Accepted as printed</p>
<p>(b) take such actions as may be appropriate in the public interest -</p> <p>(i) to enforce this Act, including the carrying out of inspections and monitoring; and</p>	<p><b>Accepted as printed</b></p> <p>Accepted as printed</p>

<p>(ii) enforcement legislation directly aviation security written</p> <p>to assist in the of other that are related to safety and where approval or instruction for proposed action has been given by the Minister;</p>	<p><b>Accepted as printed</b></p>
<p>(c) monitor civil</p> <p>adherence, within the aviation system, to any regulatory requirements relating to —</p> <p>(i) safety including and security, personal security;</p> <p>(ii) access and mobility;</p> <p>(iii) public health;</p> <p>(iv) environmental sustainability;</p> <p>(v) any other matter;</p>	<p><b>Accepted as printed</b></p> <p>(i) safety and security, including <b>personnel</b> security;</p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p>
<p>(d) ensure regular reviews of the civil aviation system to promote the improvement and development of its safety and security.</p>	<p><b>Accepted as printed</b></p>

<p>(2) Where the Director-General believes on reasonable grounds -</p> <p style="padding-left: 40px;">(a) that an unsafe condition exists in any aircraft or aeronautical product; and</p> <p style="padding-left: 40px;">(b) that a condition is likely to exist or develop in any other aircraft or aeronautical products of the same design,</p> <p>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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>(b) that an unsafe condition is likely to exist or develop in any other aircraft or aeronautical products of the same design,</p> <p>Accepted as printed</p>
<p>(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 <i>Gazette</i> under subsection (4), if the Director- General -</p> <p style="padding-left: 40px;">(a) considers that urgent action is required; and</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>

<p>(b) notifies the affected parties before the directive comes into force.</p>	<p>Accepted as printed</p>
<p>(4) The Director-General may issue aviation directive 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 -</p> <p>(a) consistent with the objectives of applicable regulatory requirements, procedures or documents; and</p> <p>(b) necessary and expedient to better achieve the objects of this Act.</p>	<p>(4) The Director-General may issue an 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</p> <p>(a) consistent with the objectives of applicable regulatory requirements, procedures or documents;</p> <p>(b) necessary and expedient to better achieve the objects of this Act; or</p> <p>Insertion of a new paragraph (c) as follows:</p> <p>(c) necessary for the implementation of immediate security measures and requirements.</p>
<p>(5) In exercising any powers or discharging any functions in relation to -</p> <p>(a) the <del>giving</del> <sup>suspension</sup> <del>revocation of</del> <sup>of</sup> <del>documents</del></p> <p>(b) the issue,</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

<p>foreign</p> <p>(c) the issue of a validation permit for a foreign licence;</p> <p>(d) the granting of recognition of a medical assessment or certificate used in a foreign country;</p> <p>(e) the granting of exemptions; or</p> <p>other (f) the enforcement of this Act or any law relating to aviation safety and security,</p> <p>the Director-General shall act independently and shall not be subject to any influence or directive from any person or authority.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>Administrative powers and functions of Director-General</p>	<p>Accepted as printed</p>
<p>16. In addition to the powers and functions contained in other provisions of this Part, the Director-General, subject to the directions of the Board, has the following administrative powers and functions —</p> <p>(a) to appoint and dismiss the staff of the Authority;</p>	<p>In addition to the powers and functions contained in other provisions of this Part, the Director-General, has the following administrative powers and functions —</p> <p>Accepted as printed</p>

<p>(b) to organise, control and maintain staff discipline;</p> <p>(d) to form and develop an efficient and effective system of administration;</p> <p>(f) to establish and maintain a register of inspectors, authorised officers and authorised persons;</p> <p>(g) to effectively deploy and utilise staff to achieve maximum operational results;</p> <p>(i) to sign contracts with the approval of the Board; and</p> <p>§ 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.</p>	<p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p>(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; <b>and</b></p> <p><b>(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.</b></p>
<p><b>Designation of inspectors and authorised officers and authorised persons</b></p>	<p><b>Accepted as printed</b></p>



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

- (a) persons in the service of the Authority as inspectors or authorised officers;
- (b) persons who are not in the service of the Authority as authorised persons.

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- (a) technically trained and qualified employees of the Authority as inspectors or authorised officers;
- (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 authorised officer, inspector and authorised person, a document which shall state the full name and contain a photograph of the authorised officer, inspector or authorised person and contain a statement indicating that -

- (a) the authorised officer, inspector or authorised person has been designated under subsection (1); and
- (c) the authorised officer, inspector Or authorised person is empowered -

Substitution of the following for subclause (2):

(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 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.

- (i) to exercise the powers and Delete paragraph (i) discharge functions entrusted to the inspector, authorized officer or authorised person directly; or
- (ii) to exercise the powers and discharge the Delete paragraph (ii) functions of the Director-General entrusted to the inspector, authorized officer or person under delegation.

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

Substitution of a new subclause (4) as follows:

- (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.

<b>CIVIL AVIATION BILL - BILL NO.1 / 2017</b>	<b>AMENDMENTS TO THE BILL</b>
<b>Delegation of powers and functions by the Director-General.</b>	<b>Delegation.</b>
<p>18. (1) The Director General may in writing delegate to any person listed in subsection (3) —</p> <ul style="list-style-type: none"> <li>(a) any power or function conferred or imposed on the Director General under this Act;</li> <li>(b) any power or function delegated to the Director General under this Act.</li> </ul>	<p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <ul style="list-style-type: none"> <li>(b) any power or function delegated to the Director General <b>by the Minister under subsection (5).</b></li> </ul>
<p>under subsection (1) —</p> <ul style="list-style-type: none"> <li>(a) any power delegated to the Director-General by the Board without the written approval of the Board;</li> <li>(b) the power to make emergency regulations;</li> <li>(c) the power to suspend or revoke an aviation document; or</li> <li>(d) the power to appoint or discharge employees of the Authority.</li> </ul>	<p>(2) The Director-General shall not delegate</p> <p><b>Accepted as printed</b></p> <ul style="list-style-type: none"> <li>(a) any power delegated to the Director-General by the <b>Minister</b> without the written approval of the <b>Minister</b>;</li> </ul> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p>

<p>(3) A delegation under this section may be made to —</p> <p>(a) any employee or specified employee of the Authority or competent person;</p>	<p>A delegation under this section may be made to any person designated as an inspector or authorised officer under section 17.</p> <p>Delete paragraph (a)</p>
<p>(b) employees of a specified class of the Authority or competent persons of a specified class; or</p> <p>(c) a holder a specified office or holders of a specified class of offices.</p>	<p>Delete paragraph (b)</p> <p>Delete paragraph (c)</p>

<p>(4) An employee of the Authority or a competent person purporting to act pursuant to any delegation under this section -</p> <p>(a) is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation;</p> <p>(c) shall, when reasonably requested to do so, produce proof of the authority to so act.</p>	<p>(4) An <b>inspector or authorised officer</b> purporting to act pursuant to any delegation under this section -</p> <p>(a) is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation; <b>and</b></p> <p><b>Accepted as printed</b></p> <p><b>Insertion of new subclauses (5) and (6) as follows:</b></p> <p><b>(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.</b></p> <p><b>(6) The Minister shall not delegate under subsection (5) -</b></p> <p><b>(a) the power to appoint any person;</b></p> <p><b>(b) the power to make regulations; and</b></p> <p><b>(c) the power to delegate powers and functions</b></p>
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<p style="text-align: center;">PART V FINANCE OF THE AUTHORITY</p>	Accepted as printed
Funds and resources of the Authority	Accepted as printed
19. (1) The funds and resources of the Authority shall consist of —	Accepted as printed
<p>(a) such sums as may be provided by or under an appropriation law;</p> <p>(b) such fees as may be charged by the Authority for services rendered;</p> <p>(c) such sums as may be allocated from time to time to the Authority by the Government by way of loans;</p> <p>(d) moneys earned or arising from any property or investments of the Authority;</p> <p>(e) fees, levies, charges and administrative fines paid to the Authority in terms of this Act;</p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

<p>(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.</p>	Accepted as printed
<p>(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.</p>	Accepted as printed



<p>(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 sub-paragraph (2).</p>	<p>(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).</p>
<p>Application of funds</p>	<p>Accepted as printed</p>
<p>20. The money in the funds of the Authority shall be applied in defraying the following expenditure —</p> <p>(a) the acquisition of property by the Authority in the course of discharging its functions and exercising its powers;</p> <p>(b) the remuneration and allowances of the Members of the Board;</p> <p>(c) the remuneration, allowances, advances, loans, pensions and employees;</p> <p>(d) contributions to the pension fund plan;</p> <p>(e) capital and operating expenses, including maintenance and Authority; and</p> <p>(f) any other expenditures authorised by the Authority in the discharge of its functions.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>(b) the remuneration and allowances of the Members of the Board and the Director-General;</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

Borrowing powers of Authority	Accepted as printed
21. The Authority may borrow sums required by it for meeting any of its obligations or performing any of its functions.	Accepted as printed
Guarantee of loans	Accepted as printed
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.	Accepted as printed
Investment by Authority	Accepted as printed
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.	Accepted as printed
Accounts and audits	Accepted as printed
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.	Accepted as printed
(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.	Accepted as printed

Bad debts	Accepted as printed
25. The Authority may, with the approval of the Minister, write off bad debts.	Accepted as printed
Annual reports.	Annual report.
<p>27. (1) The Authority shall, not later than six months after the end of each calendar year, submit to the Minister a report containing —</p> <p>(a) an account of its functioning throughout the preceding calendar year in such detail as the Minister may direct;</p> <p>(c) a statement of the accounts of the Authority audited in accordance with section 24.</p> <p>(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 Authority during the period to which the report relates shall be laid before the National Assembly no later than nine months after the end of each calendar year.</p>	<p>26. The Board shall, not later than six months after the end of each calendar year, submit to the Minister a report containing —</p> <p>(a) an account of the functioning of the Authority throughout the preceding calendar year in such detail as the Minister may direct;</p> <p>Accepted as printed</p> <p>Delete subclause (2)</p>

Tax exemptions.	Copy of annual report.
<p>27. The Authority is exempt from all taxes, exemptions including value added tax, corporation tax and customs and excise duties.</p>	<p>Substitution of the following for Clause 27:</p> <p>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.</p>
<p>Financial year</p>	<p>Accepted as printed</p>
<p>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.</p>	<p>Accepted as printed</p>
<p>PART VI ESTABLISHMENT OF AERODROMES AND CONTROL OF LAND</p>	<p>Accepted as printed</p>
<p>Minister to establish aerodromes.</p>	<p>Accepted as printed</p>

29. (1) The Minister may —

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- (a) establish aerodromes; and maintain aerodromes; Accepted as printed
- (b) provide and maintain, in connection with aerodromes, roads, approaches, apparatus, equipment and buildings and other accommodation; Accepted as printed

- (c) alter, abolish, remove or add to any aerodromes, road, approach, apparatus, equipment, building, accommodation or facilities; Accepted as printed
- (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; Accepted as printed
- (e) determine the conditions of use of any aerodromes and whether any such aerodromes shall be open to public use; Accepted as printed
- (f) determine the conditions of use of any facilities or equipment provided for the purpose of promoting the safety of air navigation. Accepted as printed

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

	<p>Insertion of a new subclause (3) as follows:</p> <p>(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 <i>Gazette</i> a notice of any aerodrome established or road provided.</p>
<p>Restriction on use of aerodromes and areas in vicinity of airport</p>	<p>Accepted as printed</p>
<p>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 thinks 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.</p>	<p>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 <u>the territorial air space of Guyana.</u></p>
<p>(2) In the case of an order for the imposition of prohibitions or restrictions on the use of air space, the Minister shall-</p> <p>(a) before making the order, publish 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;</p>	<p>Accepted as printed</p> <p>(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 <u>affected by it;</u></p>

(b) immediately when the order is made, publish in one or more news-papers 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 thereby.

(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.

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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-

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<p>(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</p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(2) The Minister shall, before making an order referred to in subsection (1)-</p> <p>(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</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>

(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 Accepted as printed 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 Accepted as printed 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 Accepted as printed 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.

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(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.

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<p>(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-</p> <p>(a) notice of the doing of that work is given without delay to the Manager of the aerodrome; and</p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(7) Any compulsory acquisition of land under this Act shall be in accordance with the Acquisition of Land for Public Purposes Act.</p>	<p>Accepted as printed</p>
<p>Sanitary control of aerodromes</p>	<p>Accepted as printed</p>
<p>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 —</p> <p>(a) prevent danger to public health from any aircraft that arrives at an aerodrome; and</p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

Minister to control land in the interest of aviation.	Accepted as printed
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.	Accepted as printed
(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-	Accepted as printed
(a) requiring the total or partial demolition of any building or structure within the area subject to control under this section;	Accepted as printed
(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;	Accepted as printed
(c) extinguishing any private right of ways over land within the area;	Accepted as printed
(d) restricting the installation of cables, mains pipes, wires or other apparatus upon, across, under or over any land within the area;	Accepted as printed
(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;	Accepted as printed

<p>any (f) requiring, before the expiration of period determined by directions, the removal of any apparatus from any land within the area; and</p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>
<p>(4) An order made under this section is subject to negative resolution of the National Assembly.</p>	<p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>

Power to stop or divert roads.	Accepted as printed
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.	Accepted as printed
<p>(2) An order under subsection (1) may contain —</p> <p>(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</p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
(3) An order made under this section is subject to affirmative resolution of the National Assembly.	Accepted as printed



CIVIL AVIATION BILL - BILL NO.1 / 2017	AMENDMENTS TO THE BILL
<p>(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.</p>	Accepted as printed
<p style="text-align: center;">PART VII CIVIL AVIATION SYSTEM</p>	Accepted as printed
<p style="text-align: center;">General requirements for participants in Civil Aviation System.</p>	Accepted as printed
<p>35. (1) A person who -</p> <ul style="list-style-type: none"> <li>(a) performs any function or activity;</li> <li>(b) occupies any position or office;</li> <li>(c) provides any service or product; or</li> <li>(d) does any other thing,</li> </ul> <p>for which an aviation document is required (the participant) shall hold the appropriate aviation documents and all the necessary qualifications and other required documents.</p> <p>(2) A participant shall -</p> <ul style="list-style-type: none"> <li>(a) comply with this Act and the conditions attached to the relevant aviation documents; and</li> <li>(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.</li> </ul>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

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

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- (a) establish and follow a management system that ensures compliance with the relevant prescribed safety standards and the conditions attached to the Accepted as printed 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; Accepted as printed and
- (c) provide sufficient resources to ensure compliance with the relevant prescribed safety standards and the conditions Accepted as printed attached to the document.

Requirement for an aviation document	Accepted as printed
<p>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 —</p> <ul style="list-style-type: none"> <li>(a) a Guyana aircraft;</li> <li>(b) aircraft pilots;</li> <li>(c) flight crew members;</li> <li>(d) air traffic service personnel;</li> <li>(e) aviation security service personnel;</li> <li>(f) aircraft maintenance personnel;</li> <li>(g) air services;</li> <li>(h) air traffic services;</li> <li>(i) aerodromes and aerodrome operators;</li> <li>(j) navigation installation providers;</li> <li>(k) aviation training organisations;</li> <li>(l) aircraft design, manufacture, and maintenance organisations;</li> <li>(m) aeronautical procedures;</li> <li>(n) aviation security services;</li> <li>(o) aviation meteorological services;</li> <li>(p) aviation communications services;</li> <li>(q) any persons, services, or things within any of the classes specified in paragraphs (a) to (p);</li> </ul>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>(e) aviation security personnel;</p> <p>-- Accepted as printed</p>

<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</p> <p>(s) any person who is an aviation examiner or medical examiner.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>

Application for and grant of aviation document	Accepted as printed
<p>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.</p>	Accepted as printed
<p>(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 -</p> <p>(a) all things in respect of which the document is sought meet the relevant prescribed requirements; and</p> <p>(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 -</p> <p>(i) either holds the relevant prescribed qualifications and experience or holds such foreign qualifications as are acceptable to the Director-General under subsection (3);</p> <p>(ii) is a fit and proper person in accordance with section 44 to have such control or hold the document;</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

<p>(iii) meets all other prescribed requirements; and</p> <p>(c) it is not contrary to the interests of aviation safety for the document to be granted or renewed.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>
<p>(5) 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).</p>	<p>Accepted as printed</p>
<p>(7) 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 to the High Court under section 73.</p>	<p>(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.</p>



<p>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, workshop, or facility, document to any place, office, hangar, ramp, applicant or the holder of an aviation equipment, document, workshop, or facility, document to any place in <b>which aviation</b> including facilities for training, workshops, the <b>operations are conducted</b>, office, hangar, provision of air navigation services, ramp, equipment, document, workshop, or maintenance, fuel storage or cargo handling, at facility, including facilities for training, any time to conduct any surveillance, workshops, the provision of air navigation inspection, audit or test in order to determine services, maintenance, fuel storage or cargo that operations are conducted in accordance handling, at any time to conduct any with prescribed safety, security and other surveillance, inspection, audit or test in recommended standards.</p> <p>(2) For the purposes of subsection (1) "document" shall include manuals, certificates, approvals, authorisations, procedure, technical files, personnel files, personnel licences.</p> <p>(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 -</p> <p>(a) arms and ammunition;</p>	<p>(1) For the purpose of the grant or renewing of an aviation document, the General or any person authorised Director-General shall be granted access by an document to any place in <b>which aviation</b> including facilities for training, workshops, the <b>operations are conducted</b>, office, hangar, ramp, equipment, document, workshop, or maintenance, fuel storage or cargo handling, at facility, including facilities for training, any time to conduct any surveillance, workshops, the provision of air navigation inspection, audit or test in order to determine that <b>aviation</b> operations are conducted in accordance with prescribed safety, security and other recommended standards.</p> <p>(2) For the purposes of subsection (1) "document" shall include programmes, manuals, certificates, approvals, authorisations, procedure, technical files, personnel files <b>or</b> personnel licences.</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
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CIVIL AVIATION BILL - BILL NO.1 / 2017	AMENDMENTS TO THE BILL
<p>(b) explosives and explosive devices;</p> <p>(c) ammunitions and weapons of war.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>Suspension of aviation documents and imposition of conditions.</p>	<p>Accepted as printed</p>
<p>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 -</p> <p>(a) that the holder has failed to comply with any conditions of the aviation document;</p> <p>(b) that the holder contravenes or fails to comply with section 81; or</p> <p>(c) that the privileges or duties for which the document has been granted are being utilised or carried out in a careless or</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

<p>(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.</p>	Accepted as printed
<p>Revocation of aviation documents and imposition of conditions.</p>	Accepted as printed
<p>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 —</p> <p>(a) revoke the whole or any part of an aviation document; or</p> <p>(b) impose permanent conditions on an aviation document.</p> <p>(2) A person whose aviation document is revoked or made subject to permanent conditions shall —</p> <p>(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</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

<p>(b) if the whole document is revoked, immediately surrender the document to the Director-General.</p> <p>(3) A person in respect of whom a decision is taken under this section may appeal against the decision to the High Court under section 73.</p>	<p>Accepted as printed</p> <p>(3) A person in respect of whom a decision is taken under this section may appeal against the decision in accordance with section 73.</p>
<p>Criteria for suspension or revocation of or imposition of conditions on aviation</p>	<p>Accepted as printed</p>
<p>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.</p>	<p>Accepted as printed.</p>
<p>(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 —</p>	<p>Accepted as printed</p>

<p>(a) the history of compliance of such person with transport safety regulatory requirements;</p> <p>(b) any conviction for any transport safety offence, whether or not -</p> <p style="padding-left: 40px;">(i) the conviction was in a Guyana court; or</p> <p style="padding-left: 40px;">(ii) the offence was committed before the commencement of this Act; or</p> <p>(c) any evidence that the person has committed a transport safety offence or has failed to comply with any regulation made under this Act.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>
<p>(4) The Director-General may -</p> <p style="padding-left: 40px;">(a) seek and receive any information as the Director-General thinks fit; Or</p> <p style="padding-left: 40px;">(b) consider information obtained from any source.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>

<p>(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) —</p> <p style="padding-left: 40px;">(a) in the case of revocation of an aviation document, as soon as practicable; or</p> <p style="padding-left: 40px;">(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,</p> <p>disclose the information to the person and give the person a reasonable opportunity to refute or comment on the information.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
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<p>(6) Nothing in subsection (5) requires the Director-General to disclose —</p> <p>(a) any information, the disclosure of which would endanger the safety of any person; or</p> <p>(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.</p>	<p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p>
<p>Amendment or revocation of aviation documents by request.</p>	<p>Accepted as printed</p>
<p>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.</p>	<p><b>Accepted as printed</b></p>
<p>(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 —</p> <p>(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;</p>	<p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p>

<p>(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</p> <p>(c) amend any aviation document to correct any clerical error or obvious mistake on the face of the document.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(<sup>3</sup>) Before taking any action under subsection (2), the Director-General shall -</p> <p>(a) notify the holder in writing of the proposed action; and</p> <p>(b) give the holder a reasonable opportunity to comment or make submissions on the proposed action.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

<p>(4) The power to amend an aviation document under this section, includes -</p> <p>(a) the power to revoke the document and issue a new document in its place; and</p> <p>(b) the power to impose reasonable conditions.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>
<p>Criteria for fit and proper person test.</p>	<p>Accepted as printed</p>
<p>44. (1) For the purpose of determining whether or not a person is a fit and proper person for any purpose under this Act, 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 -</p>	<p>44. (1) For the purpose of determining whether or not a person is a fit and proper person <b>to hold an aviation document</b>, 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 -</p>



<p>(a) the compliance history of the person with transport safety regulatory requirements;</p>	<p>Accepted as printed</p>
<p>(b) the related experience, if any, of the person within the transport industry;</p>	<p>Accepted as printed</p>
<p>(c) the knowledge of the person in the applicable civil aviation system regulatory requirements;</p>	<p>Accepted as printed</p>
<p>(e) any history of any physical or mental health problem, disability or incapacity or of any serious behavioural problem of the person;</p>	<p>(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;</p>
<p>(g) any conviction of the person for any transport safety offence, whether or not —</p>	<p>Accepted as printed</p>
<p>(i) the conviction was in a court in Guyana; or</p>	<p>Accepted as printed</p>
<p>(ii) the offence was committed before the commencement of this Act;</p>	<p>Accepted as printed</p>

<p>(f) any evidence that the person has committed a transport safety offence or has failed to comply with any transport safety regulation.</p>	<p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>
<p>(3) For the purpose of determining whether or not a person is a fit and proper person for any purpose under this Act, the Director-General may -</p> <p>(a) seek and receive such information, including medical reports, as the Director-General thinks fit;</p> <p>(b) consider information obtained from any source.</p>	<p>(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 -</p> <p>(a) with the consent of the person, seek and receive such information, including medical reports, as the Director-General thinks fit;</p> <p>(b) consider information obtained from any credible source.</p>
<p>(4) Subsection (1) applies to a juristic person with the following modifications -</p>	<p>(4) Subsection (1) applies to a body corporate with the following modifications -</p>

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

<p>(a) disclose the grounds for the proposed determination to the holder or applicant; and</p> <p>(b) give the holder or applicant a reasonable opportunity to make submissions on the proposed decision before proceeding to make a final determination.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(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 —</p> <p>(a) inform the holder or applicant of the decision; and</p> <p>(b) notify the holder or applicant of a right of appeal against the decision to the High Court under section 73.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>(b) notify the holder or applicant of a right of appeal against the decision in accordance with section 73.</p>
<p>Validation</p>	<p>Accepted as printed</p>
<p>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 —</p>	<p>Accepted as printed</p>

<p>(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;</p> <p>(b) for actions applicable to Air Operators, the Director-General shall exercise discretion and require supporting documents;</p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>PART VIII</p>	

AIR TRANSPORT UNDERTAKINGS	
<b>Licensing of air transport undertaking</b>	Accepted as printed
<p><b>46.</b> (1) A person shall not use an aircraft in Guyana 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 for such flying 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.</p> <p>(c)</p>	<p><b>Substitution of the following for Clause 46:</b></p> <p><b>46 (1) A person shall not use an aircraft in Guyana -</b></p> <p><b>(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></p> <p><b>for any flying undertaken for the purpose of any trade or business,</b></p> <p><b>except under the authority of and in accordance with a licence, permit, or other authorisation issued to him for that purpose by the Authority.</b></p>
<p>(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.</p>	Accepted as printed

(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.

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<p>(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.</p>	<p>Accepted as printed</p>
<p>(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 —</p> <p>(a) the existence of other air transport services in the area through which the proposed services are to be operated;</p> <p>(b) the existing or potential demand for any services proposed;</p> <p>(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;</p>	<p><b>Accepted</b> as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>



<p>(d) the period for which air transport services have been operated by the applicant or other operators;</p> <p>(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;</p> <p>(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;</p> <p>(g) the type of aircraft to be used;</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
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<p>(h) any unfair advantage of applicant over the operator by reason of the terms and conditions of employment; and</p> <p>(i) any objections or representations duly made in accordance with any applicable Regulations.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>Variation, suspension and revocation of licences, permits, etc.</p>	<p>Accepted as printed</p>
<p>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.</p>	<p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>
<p>(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-</p>	<p>Accepted as printed</p>

<p>(a) the holder of the licence, permit or other authorisation is no longer a fit and proper person in accordance with m section 44; or</p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>

General duties in relation to licensing function of the Authority.	Accepted as printed
<p>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 -</p> <p>(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</p> <p>(b) the need to secure the most Guyana.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(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.</p>	Accepted as printed

<p>(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.</p>	Accepted as printed
<p style="text-align: center;">PART IX AIRCRAFT</p>	
<p style="text-align: center;">Establishment of Aircraft Registry.</p>	Accepted as printed
<p>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).</p>	Accepted as printed
<p>(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).</p>	Accepted as printed
<p style="text-align: center;">Registration of aircraft.</p>	Accepted as printed
<p>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 -</p> <p style="padding-left: 40px;">(a) the Director-General;</p> <p style="padding-left: 40px;">(b) the appropriate aeronautical authorities of a contracting State of ICAO; or</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

<p>(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.</p>	<p>Accepted as printed</p>
<p>(2) A civil aircraft does not have to be registered in or remain registered in Guyana if it is registered in any other country.</p> <p>(4) The Director-General may decline to register a civil aircraft if it does not meet the requirements prescribed under this Act.</p> <p>(6) Any person in respect of whom a decision is taken under this section may appeal against the decision to the High Court under section 73.</p>	<p>Substitution the following for subclause (2):</p> <p>(2) A civil aircraft shall not be registered in Guyana while it is registered in another country.</p> <p>Accepted as printed</p> <p>(4) Any person in respect of whom a decision is taken under this section may appeal against the decision in accordance with section 73.</p>
<p>Right of access</p>	<p>Accepted as printed</p>
<p>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.</p>	<p>Accepted as printed</p>

(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;

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<p>(d) require production, inspection and copies of documents and records as required;</p> <p>(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;</p> <p>(f) prevent an aircraft from flying and to detain it;</p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>



Restrictions on operation of civil aircraft.	Accepted as printed
<p>52. (1) The Authority shall direct the operator or airman of a civil aircraft that the aircraft shall not be operated in situations where the —</p> <p>(a) aircraft is not airworthy;</p> <p>(b) airman is not qualified or is physically or mentally incapable for the flight; or</p> <p>(c) operation may cause imminent danger to persons on the ground.</p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>Liability for trespass, nuisance and surface damage.</p>	<p>Accepted as printed</p>
<p>53. (1) No action lies in respect of trespass or nuisance in respect of —</p> <p>(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</p> <p>(b) the ordinary incidence of the flight of aircraft referred to in paragraph (a) so long as there is compliance with this Act.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

<p>(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.</p>	Accepted as printed
<p>(3) Notwithstanding subsection (2), where -</p> <p>(a) damages are recoverable under that subsection; and</p> <p>(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,</p> <p>the owner is entitled to be indemnified by that other person in respect of such damage.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>Nuisance caused by aircraft at aerodrome.</p>	Accepted as printed
<p>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.</p>	Accepted as printed

Liability where aircraft is let or hired	Accepted as printed
<p>55. 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 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.</p>	<p><b>Accepted as printed</b></p>

<p>Airport and air navigation facilities to be made available.</p>	<p><b>Accepted as printed</b></p>
<p>56. 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 hi other Contracting States on the same terms and conditions as for use by aircraft registered in Guyana.</p>	<p><b>56 (1)</b> 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.</p>
	<p><b>Insertion of a new subclause (2) as follows:</b></p> <p><b>(2) Any charges that may be imposed for the use of an airport and air navigation facilities by an aircraft registered in any other Contracting State shall not be higher —</b></p> <p><b>(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></p> <p><b>(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.</b></p>

<p style="text-align: center;">PART X AIR NAVIGATION SERVICES</p>	Accepted as printed
Establishment of Air Navigation Services Unit.	Accepted as printed
<p>57. (1) There is established a unit of the Authority known as the Air Navigation Services Unit, which shall be responsible for the delivery of air navigation services in Guyana.</p>	<p>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.</p>
<p>(2) The Board shall appoint a suitable person as head of Air Navigation Services Unit for such term and on such conditions of service as determined by the Board.</p>	<p>(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.</p>
<p>(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</p>	Accepted as printed

<p>(4) The head of the Unit shall report to —</p> <p>(a) the Board on the provision of air navigation services; and</p> <p>(b) the Director-General on matters relating to regulatory compliance.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(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 —</p> <p>(a) develop, implement and maintain separate bank accounts, records, and reports;</p> <p>(b) establish rules of procedures for the regulation and provision of services;</p> <p>(c) establish efficient and effective lines of management and operational authority to enable the application of policies and procedures;</p> <p>(d) ensure control, and set-up funding mechanisms;</p> <p>(e) appoint an auditor for the annual auditing of the finances of the Air Navigation Commission.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

(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.

Substitution of the following for paragraph (f):

(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.

Accepted as printed

Insertion of a new subclause (7) as follows:

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

Charges for air navigation services.	Accepted as printed
<p>58.(1) The Authority with the approval of 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.</p> <p>(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.</p>	<p>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.</p> <p>Accepted as printed</p>
<p>Installation causing interference with navigational aids.</p>	<p>Accepted as printed</p>
<p>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.</p>	<p>Accepted as printed</p>



(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.

Accepted as printed

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

Accepted as printed

(4) If as a result of such an inspection or otherwise, the Director-General may, if he otherwise considers it necessary to do so for the safety of the aircraft, cause a notice to be served on the owner directing the owner to provide a report to the Minister and cause a 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.

(4) If as a result of an inspection or otherwise under subsection (1), the Director considers it necessary to do so for aircraft referred to in subsection (1), he shall immediately to be served on the owner directing the 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).

Accepted as printed

<p>(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.</p>	Accepted as printed
<p>(7) In this section—</p> <p>"installation" includes any electrical equipment or any metallic structure; and</p> <p>"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.</p>	Accepted as printed  Accepted as printed  Accepted as printed
Protected installation.	Accepted as printed
<p>60. (1) For the purposes of this section, the Air Navigation installations described in the Second Schedule shall be deemed to be protected installations.</p>	Accepted as printed
<p>(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.</p>	Accepted as printed

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(3) No person shall tamper with, or interfere with any equipment, appliances, or machinery in a protected installation area.	Accepted as printed
(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.	Accepted as printed
(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.	Accepted as printed
	Insert new subclause (6):  (6) The Minister may by order amend the Second Schedule.
<b>PART XI</b> <b>CIVIL AVIATION SAFETY AND SECURITY</b>	
National civil aviation security policy.	Accepted as printed
61. Subject to this Act, the Authority shall develop and review the national civil aviation security policy of Guyana.	Accepted as printed
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.	Accepted as printed
National Civil Aviation Security Committee.	Accepted as printed

**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.

**Accepted** as printed

(2) The Minister shall determine the number and composition of the Committee.	Accepted as printed
Functions of the Authority under this Part.	Accepted as printed
64. The functions of the Authority under this Part are to -	Accepted as printed
(a) review the NCASP to ensure that it continues to meet the obligations of Guyana and is consistent with Government policy;	Accepted as printed
(b) define and allocate accordance with Government policy for implementation of the NCASP between agencies, airline operators and other concerned parties;	Accepted as printed
(c) develop technical criteria to be met by those persons responsible for implementing security measures under the NCASP;	Accepted as printed
(d) constantly analyse the level of threat to civil aviation based upon	

<p>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;</p>	<p><b>Accepted as printed</b></p>
<p>(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 the compilation of the NCASP are conducted;</p>	<p><b>Accepted as printed</b></p>
<p>(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;</p>	<p><b>Accepted as printed</b></p>

<p>(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</p>	<p>Accepted as printed</p>
<p>(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;</p>	<p>Accepted as printed</p>
<p>(i) develop national standards relating to the specifications of security equipment, systems and airport design;</p>	<p>Accepted as printed</p>
<p>(j) coordinate security measures and procedures with appropriate organisations, agencies and relevant departments;</p>	<p>Accepted as printed</p>
<p>(k) develop strategies to secure effective oversight, monitoring, and compliance with aviation security standards;</p>	<p>Accepted as printed</p>

(1) 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;

Accepted as printed



<p>(m) develop effective strategies to secure compliance with facilitation standards in accordance with Annex 9 of the Chicago Convention;</p>	<p><b>Accepted as printed</b></p>
<p>(n) develop the National Quality Program and ensure the implementation of the Quality Management System and Security Management System that are contained in the NCASP; and</p>	<p><b>Substitution of the following for paragraph (n):</b></p> <p><b>(n) develop and implement a National Civil Aviation Security Quality Program, a Quality Management System and a Security Management System Programme;</b></p>
<p>(o) develop aviation security training and standards.</p>	<p><b>(o) develop and implement a National Civil Aviation Security Training Programme;</b></p> <p><b>Insertion of new paragraphs (p) and (q) as follows:</b></p> <p><b>(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</b></p> <p><b>(q) take any other measure to ensure aviation safety and security.</b></p>

Security programme information confidential.	Accepted as printed
65. All information concerning any programme, personnel, equipment, system, agreement or special procedure regarding any matter concerning any security plan -	Accepted as printed
(a) is confidential; and	Accepted as printed
(b) shall not be made known, except officially by a person authorised to do so to a person authorised to receive	Accepted as printed
Civil Aviation Security Programme binding.	Accepted as printed
66. The National Civil Aviation Security Programme is binding -	Accepted as printed
(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	Accepted as printed
(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.	Accepted as printed

Safety and security inspections and monitoring.	Safety and security inspections, monitoring, etc.
<p>67. (1) The Director-General may in writing require any person who -</p> <ul style="list-style-type: none"> <li>(a) holds an aviation document; or</li> <li>(b) operates, maintains, or services, or does any other act in respect of any aircraft, aeronautical product, aviation related service, air traffic service, or aeronautical procedure,</li> </ul> <p>to undergo or carry out such inspections and such monitoring as the Director-General considers necessary in the interests of civil aviation safety and security.</p>	<p>Substitution of the following for subclauses (1), (2) and (3):</p> <p>67. (1) The Director-General may in writing, require -</p> <ul style="list-style-type: none"> <li>(a) security service providers, aerodrome operators, air navigation service providers, air operators, maintenance organizations, handling agents, or any similar person operating at an aerodrome; or</li> <li>(b) any other holder of an aviation document,</li> </ul> <p>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.</p>
<p>(2) The Director-General may, in respect of any person described in subsection (1) (a) Or (b), carry out inspections and monitoring as the Director-General considers necessary in the interests of civil aviation safety and security</p>	<p>(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.</p>

(3) For purposes of any inspection or monitoring carried out in respect of any person under subsection (2), the Director-General may in writing require from that person any information as the Director-General considers relevant to the inspection or the monitoring.

(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.

Insertion of new subclauses (4) and (5) as follows:

(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.

<p>Powers and functions of pilot-in-command.</p>	<p>Accepted as printed</p>
<p>68. (1) A pilot-in-command of an aircraft —</p> <p>(a) <u>shall</u> ensure the safe operation of the aircraft in flight, the safety and wellbeing of all passengers and crew, and the safety of cargo carried;</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(b) <del>has</del> <del>authority to</del> <del>and</del> <del>the aircraft in command</del> for the maintenance of discipline in respect of all persons on board; and</p> <p>(c) subject to subsections (2) to (7), <u>shall</u> comply with all relevant requirements of this Act.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>

(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 —

Accepted as printed

(a) the emergency involves a danger to life or property;

Accepted as printed

(b) the extent of any act contrary to the prescribed requirement goes only as far as is necessary to deal with the emergency;

Accepted as printed

(c) there is no other reasonable means of alleviating, avoiding, or assisting with the emergency; and

Accepted as printed

(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.

Accepted as printed

<p>(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.</p>	<p>Accepted as printed</p>
<p>(5) For the purposes of subsection (4), any act contrary to any prescribed requirement is permitted only if —</p> <p style="text-align: center;">Accepted as printed</p> <p>(a) the emergency involves a danger to life or property;</p> <p>(b) the extent of the act contrary to the prescribed requirement goes only as far as is necessary to deal with the emergency;</p> <p>(c) there is no other reasonable means of alleviating, avoiding, or assisting with the emergency; and</p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>



<p>(6) Nothing in subsection (4) permits —</p> <p>(a) the operation of an aircraft that is not registered in Guyana or elsewhere;</p> <p>(b) the breach of any prescribed requirement as to the airworthiness of an aircraft; or</p> <p>(c) the operation of an aircraft by a person who is not lawfully</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
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<p>(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 -</p> <p>(a) immediately, after the emergency has abated, notify the relevant air traffic control service of the action; and</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>
<p>Detention of aircraft, imposition of prohibitions and conditions and seizure of products and goods.</p>	<p>Accepted as printed</p>
<p>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 -</p> <p>(a) detain the aircraft or any aircraft of that class in order to prevent their operation or use;</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>

<p>(b) seize a particular aeronautical product or any aeronautical products of that class where necessary in order to prevent their operation or use;</p> <p>(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</p> <p>(d) prohibit or impose conditions on the operation of the aerodrome.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>

<p>(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.</p>	<p><b>Accepted as printed</b></p>
<p>(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 —</p> <p>(a) preventing the carriage by air of such dangerous goods;</p> <p>(b) use as evidence in any prosecution under this Act or any other law; or</p> <p>(c) the safe disposal of such</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(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).</p>	<p>Accepted as printed</p>
<p>(6) A person in respect of whom a decision is taken under this section may appeal against the decision to the High Court under section 73.</p>	<p>(6) A person in respect of whom a decision is taken under this section may appeal against the decision in accordance with section 73.</p>

Commercial air transport security.	Accepted as printed
<p>70. The Minister shall make regulations —</p> <p>(a) requiring that all passengers and all property intended to be carried in the aircraft cabin in commercial air transport be screened by weapon detecting 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;</p> <p>(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.</p> <p>(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</p>	<p>70.The Minister shall make regulations —</p> <p>(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;</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

PART XII ACCIDENT INVESTIGATION	PART XII ACCIDENT AND INCIDENT INVESTIGATION
Accident prevention	Investigation of aviation accident and incident.
<p>71. The Director-General shall take any corrective action which on the basis of the findings of any accident investigations authorised by the Minister, that in the judgment of the Director- General, will tend to prevent similar accidents in the future.</p>	<p>Substitute the following for Clause 71:</p> <p>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.</p> <p>(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.</p> <p>(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.</p>
PART XIII COMPLAINTS AND INVESTIGATIONS	
Complaints and investigations by Director-General.	Accepted as printed
<p>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.</p>	Accepted as printed

<p>(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.</p>	Accepted as printed
<p>(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.</p>	Accepted as printed
<p>(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 —</p> <p>(a) any question arising under any of the provisions of this Act; and</p> <p>(b) the enforcement of any of the provisions of this Act,</p> <p>and the Director-General shall proceed with such investigation in the same manner as if it were made by complaint.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

<p>(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.</p>	<p>Accepted as printed</p>
<p style="text-align: center;"><b>PART XIV RIGHTS OF APPEAL</b></p>	<p>Accepted as printed</p>
<p style="text-align: center;"><b>Rights to appeal to High Court.</b></p>	<p><b>Rights of appeal.</b></p>
<p><b>73.</b> (1) A person may appeal to the High Court against a specified decision as defined under subsection (5) made by the Director-General and -</p> <p>(a) the person -</p> <p style="padding-left: 40px;">(i) is a person in respect of whom the decision was made; and</p> <p style="padding-left: 40px;">(ii) is <del>dissatisfied with</del> the decision; or</p> <p>(b) the person is the owner, operator or person for the time being in charge of an aircraft or aeronautical product that is the subject of the decision.</p> <p>(2) The High Court may confirm, reverse, or modify the decision appealed against.</p>	<p><b>Substitute the following for Clause 73:</b></p> <p><b>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.</b></p> <p><b>(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 -</b></p> <p style="padding-left: 40px;"><b>(a) the grant, issue, revocation, or suspension of an aviation document;</b></p> <p style="padding-left: 40px;"><b>(b) the imposition of conditions on an aviation document;</b></p> <p style="padding-left: 40px;"><b>(c) the decline to register an aircraft under section 50; or</b></p> <p style="padding-left: 40px;"><b>(d) the exercise of powers under section 67 or 69.</b></p>



(3) A decision of the Director-General appealed against under this section continues in force pending the determination of the appeal, and no person is excused from complying with any provision of this Act on the ground of a pending appeal.

(4) Even though an appeal under this section may have been determined in favour of the appellant, the Director-General may, subject to any right of appeal —

- (a) refuse to grant;
- (b) revoke, suspend, disqualify; or
- (c) in accordance with this Act, otherwise deal with —
  - (i) any aviation document;
  - (ii) any person to whom the appeal is related;
  - (ii) any aviation document granted or restored in compliance with the decision of the High Court on appeal,

on any sufficient grounds supported by facts or evidence discovered after the hearing of the appeal.

(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.

<p>(5) In this section, a "specified decision" is a decision -</p> <p>(a) concerning the grant, issue, revocation, or suspension of an aviation document;</p> <p>(b) to impose conditions on an aviation document;</p> <p>(c) to exercise powers under</p> <p>50.</p>	
<p style="text-align: center;">PART XV INTERNATIONAL AND REGIONAL OBLIGATIONS</p>	<p>Accepted as printed</p>
<p>Minister to enter into international and regional agreements.</p>	<p>Accepted as printed</p>



<p>74. (1) The Minister shall encourage international and regional co-operation in relation to the regulation and administration of aviation safety and security.</p> <p>(2) The Minister may enter into agreements for cooperative endeavours in aviation safety and security with other Contracting States to the Convention on International Civil Aviation.</p> <p>(3) In coordination with the Minister with the responsibility of foreign affairs, the Minister may delegate to the Authority to negotiate, agree to, and manage any such cooperative agreement.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>(3) In coordination with the Minister responsible for foreign affairs, the Minister may delegate to the Authority the power to negotiate, agree to, and manage any such cooperative agreement.</p>
<p>Application of the Convention on the Unification of Certain Rules for International Carriage by Air.</p>	<p>Accepted as printed</p>
<p>75. 1) The Minister may make Regulations for giving effect to the Convention on the Unification of Certain Rules for International Carriage by Air.</p> <p>(2) Regulations made under this section may, in particular, provide —</p> <p>(a) for the protection of the interests of consumers in international carriage by air and for equitable compensation based on the principle of restitution;</p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

## Application of CASSOS Agreement

Accepted as printed

76. (1) In this section —

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 Third Schedule;

"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.

Accepted as printed

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(2) The provisions of the Agreement in relation to any obligations or privileges in respect of Guyana shall have the force of law in	Accepted as printed
(3) All sums required to be paid pursuant to Article XV of the Agreement shall be charged to the Consolidated Fund of Guyana and approved by Parliament.	Delete sub clause (3)
(4) 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.	(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.
(5) Where any amendment to the Agreement is made, the Minister may by order give effect to the Amendment.	(4) Where any amendment to the Agreement is made, the Minister may by order give effect to the Amendment.
(6) Every order made under this section shall be subject to affirmative resolution.	(5) Every order made under this section shall be subject to affirmative resolution.
PART XVI GENERAL OFFENCES	Accepted as printed
Applying for an aviation document while disqualified.	Accepted as printed
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.	Accepted as printed  (a) commits an offence; and  Accepted as printed

Applying for an aviation document while disqualified	Accepted as printed
<p>(2) A person who commits an offence under subsection (1) is liable on summary conviction —</p> <p>(a) in the case of an individual, to a fine of one million dollars and to imprisonment for two years;</p> <p>Or</p> <p>(b) in the case of a body corporate, to a fine of three million dollars,</p> <p>and the court may order the person to be disqualified from holding or obtaining an aviation document for a further twelve months.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
False or misleading aircraft marking.	Accepted as printed
<p>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.</p>	Accepted as printed

Prohibitions of advertisement.	Accepted as printed
<p>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.</p> <p>(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 <u>shall</u> be liable on summary conviction —</p> <p>(a) in the case of a first conviction of an offence under this section, to a fine of one million dollars;</p> <p>(b) on subsequent convictions, to a fine of two million dollars and to imprisonment for six months.</p>	<p>Accepted as amended</p> <p><b>Accepted</b> as printed</p> <p><b>Accepted</b> as printed</p> <p><b>Accepted</b> as printed</p>
Reporting and record keeping violations.	<b>Accepted</b> as printed
<p><b>80.</b> 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 —</p> <p>(a) submit a report to the Director-General as required;</p> <p>(b) maintain accounts, records, files, or any other document pertaining to the activities of its respective civil aviation activities,</p> <p>commits an offence and is liable on summary conviction to a fine of two million dollars and to imprisonment for one year.</p>	<p><b>Accepted</b> as printed</p> <p>(a) submit a report to the Director-General as required; <b>or</b></p> <p>Accepted as printed</p> <p>Accepted as printed</p>



CIVIL AVIATION BILL - BILL NO.1 / 2017	AMENDMENTS TO THE BILL
Conveying of false information.	Accepted as printed
<p>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—</p> <p style="padding-left: 40px;">(a) in the case of an individual to a fine of two million dollars and to imprisonment for two years; or</p> <p style="padding-left: 40px;">(b) in the case of a body corporate to a fine of three million dollars.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

Flight over foreign country or territory without authority or for improper.	Accepted as printed
82. (1) This section applies to —	Accepted as amended
(a) any aircraft that is registered or required to be registered in Guyana under this Act;	Accepted as printed
(b) any other aircraft by a person who is a permanent resident of Guyana or whose principal place of business is in Guyana.	Accepted as printed
(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 —	Accepted as printed
(a) to the security of;	Accepted as printed
(b) to public order or public health of; or	Accepted as printed
(c) to the safety of air navigation in relation to, the country or territory commits an offence.	Accepted as printed
(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 —	Accepted as printed
(a) the security of;	Accepted as printed

<p>(b) public order or public health of;</p> <p>(c) the safety of air navigation in relation to,</p> <p>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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(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 —</p> <p>(a) the flight is not duly authorised; or</p> <p>(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 —</p> <p>(i) the security of;</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

<p>(ii) the public order or public health of; or</p> <p>(iii) the safety of air navigation in relation to,</p> <p>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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>
<p>(6) the requirement in subsection (4) is, without prejudice to any other requirement, to comply with directions given by an aeronautical authority.</p>	<p>Accepted as printed</p>

<p>(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.</p>	<p><b>Accepted as printed</b></p>
<p>(9) A person who commits an offence under subsection (2) or (4) is liable on summary conviction —</p> <p>(a) in the case of an individual, to a fine of two million dollars and <b>to</b> imprisonment for three years; or</p> <p>(b) in the case of a body corporate, <b>to</b> a fine of four million dollars.</p>	<p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p>
<p><b>Trespassing on aerodromes.</b></p>	<p><b>Accepted as printed</b></p>
<p><b>83. (1)</b> 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 six months.</p>	<p><b>83. (1)</b> 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 <b>for</b> six months.</p>

<p>(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.</p>	Accepted as printed
<p>Refusal to testify or produce documents.</p>	Accepted as printed
<p>84. A person who refuses, for purposes of inspection or investigation under this Act, to -</p> <p>(a) attend and testify;</p> <p>(b) answer any lawful inquiry; or</p> <p>(c) produce documents or materials,</p> <p>commits an offence and is liable on summary conviction to a fine of one million dollars.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>Removal of property or parts of aircraft involved in accident.</p>	Accepted as printed
<p>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.</p>	Accepted as printed

Interference with air navigation.	Accepted as printed
86. A person who intentionally and wilfully -	Accepted as printed
(a) interferes or attempts to interfere with air navigation within the Guyana;	Accepted as printed
(b) exhibits or attempts to exhibit within Guyana -	Accepted as printed
(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	Accepted as printed
(ii) a false light or signal in connection with an airport or other air navigation facility; or	Accepted as printed
(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,	Accepted as printed
commits an offence and is liable on summary conviction to a fine of three million dollars and to imprisonment for two years.	Accepted as printed

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<p>Obstruction of persons duly authorised by Director-General.</p> <p>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 or the discharge of any functions imposed on that other person under this Act commits an offence and is liable on summary conviction -</p> <p>(a) in the case of an individual, to a fine of three million dollars and to imprisonment for two years; or</p> <p>(b) in the case of a body corporate, to a fine not exceeding five million dollars</p> <p>(2) Subsection (1) applies only where the person obstructed or impeded produces proof of the authority.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>Contravention of emergency regulation, prohibition or condition</p>	<p>Accepted as printed</p>
<p>88. A person who, without reasonable excuse, fails to comply with any emergency regulation made under section 144 or any prohibition or condition under section 69 commits an offence and is liable on summary conviction -</p> <p>(a) in the case of an individual, to a fine of one million dollars and to imprisonment for two years; or</p> <p>in the case of a body corporate, to a fine of three million.</p>	<p>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 -</p> <p>(a) in the case of an individual, to a fine of three million dollars and to imprisonment for two years; or</p> <p>in the case of a body corporate, to a fine of five million.</p>



<p style="text-align: center;">PART XVII SAFETY OFFENCES</p>	<p>Accepted as printed</p>
<p style="text-align: center;">Prohibitions</p>	<p>Accepted as printed</p>
<p>89. (1) A person commits an offence if the person —</p> <p style="padding-left: 40px;">(a) operates any civil aircraft, for which there is not in effect an airworthiness certificate or in violation of the terms of such certificate;</p> <p style="padding-left: 40px;">(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 Certificate, or in violation of this Act;</p> <p style="padding-left: 40px;">(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;</p>	<p>Accepted as printed</p> <p style="padding-left: 40px;">Accepted as printed</p> <p style="padding-left: 40px;">Accepted as printed</p> <p style="padding-left: 40px;">Accepted as printed</p>

<p>(d) operates as an air without an Air Operator Certificate or in violation of the terms of such certificate;</p> <p>(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</p> <p>(f) operates an aerodrome without a valid licence issued by the Authority.</p> <p>(2) Any person who commits an offence under subsection (1) is liable on summary conviction to a fine of three million dollars.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>(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.</p>
<p>Endangerment caused by holder of aviation document.</p>	<p>Accepted as printed</p>
<p>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—</p>	<p>Accepted as printed</p>

<p>(a) in the case of an individual, to a fine of three million dollars and to imprisonment for two years; or</p> <p>(b) in the case of a body corporate, to a fine of five million dollars.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>Operating aircraft in negligent manner.</p>	<p>Accepted as printed</p>
<p>91. A person who operates an aircraft in a negligent manner commits an offence and is liable on summary conviction —</p> <p>(a) in the case of an individual, to a fine of two million dollars and to imprisonment for two years; or</p> <p>(b) in the case of a body corporate, to a fine of five million dollars.</p>	<p>Accepted as printed</p> <p>(b) in the case of an individual, to a fine of three million dollars and to imprisonment for two years; or</p> <p>Accepted as printed</p>
<p>Failure to license aircraft.</p>	<p>Failure to obtain authorisation to operate an aircraft.</p>

92. 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 commits an offence and is liable on summary conviction to a fine of one million dollars and in the case of a continuing offence to a fine of one hundred thousand dollars for each day or part of a day during which the offence is continued.

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.

<p>Failure to comply with monitoring requirements</p>	<p>Failure to comply with inspection, monitoring, etc. requirements.</p>
<p>93. A person who, without reasonable excuse, fails to comply with any requirement of the Director-General under section 67(1) or (3) commits an offence and is liable on summary conviction —</p> <p>(a) in the case of an individual, to a fine of one million dollars and to imprisonment for two years and, if the offence is a continuing one, to a further fine of one hundred thousand dollars for every day during which the offence is continued;</p> <p>Or</p> <p>(b) in the case of a body corporate, to a fine of three million dollars and, if the offence is a continuing one, to a further fine of two hundred thousand dollars for every day or part of a day during which the offence is continued.</p>	<p>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 —</p> <p>(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</p> <p>(b) 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.</p>
<p>Acting without required medical certificate.</p>	<p>Accepted as printed</p>

<p>94. A person who exercises the privileges of any aviation document or operates an aircraft solo, and the person —</p> <p>(a) does not hold an appropriate valid medical certificate or a medical certificate granted recognition by the Director-General under this Act;</p> <p>(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</p> <p>(c) fails to comply with any conditions, restrictions, or endorsements imposed on a medical assessment or commits an offence and is liable on summary conviction to a fine of one million dollars and to imprisonment for two years.</p>	<p>94. A person who exercises the privileges of any aviation document or operates an aircraft, and the person —</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>commits an offence and is liable on summary conviction to a fine of three million dollars and to imprisonment for two years.</p>
<p>Making of fraudulent or false statements to obtain medical certificate.</p>	<p>Accepted as printed</p>
<p>95. A person commits an offence who makes or causes to be made —</p> <p>(a) a fraudulent, misleading, or false statement for the purpose of obtaining a medical certificate;</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>

(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;

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(c) a reproduction or alteration for fraudulent purposes of any medical assessment or certificate issued under this Act; or

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(d) a fraudulent, misleading, or false statement during an investigation conducted under this Act to determine whether a licence holder —

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(i) is able safely the privileges to which a medical certificate relates; or

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(ii) has obtained his or her medical certificate fraudulently,

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and is liable on summary conviction to a fine of one million dollars and to imprisonment for two

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.	Accepted as printed
<p>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 one year.</p>	<p>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.</p>



CIVIL AVIATION BILL - BILL NO.1 / 2017	AMENDMENTS TO THE BILL
<p>Disqualification of holder of aviation document and imposition of conditions on holding of document for certain offences.</p>	<p>Accepted as printed</p>
<p>97. 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 -</p> <p>(a) disqualify the person from holding or obtaining an aviation document or a particular aviation document; or</p> <p>(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.</p>	<p>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 -</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(2) Nothing in subsection (1) affects or prevents the Director-General from exercising the Director-General's powers under section 41.</p>	<p>Accepted as printed</p>
<p>Effect of disqualification.</p>	<p>Accepted as printed</p>

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

- (a) is deemed to be suspended while the disqualification continues in Accepted as printed force;
- (b) is of no effect during the period of Accepted as printed 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, Accepted as printed continues to be of no effect until the holder -

- (a) undergoes and passes such tests; Accepted as printed and

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<p>(b) fulfills such requirements, as the Director-General may specify.</p>	<p>Accepted as printed as the Director-General may specify for applicants under sections 37 and 38.</p>
<p>Commencement of period of disqualification.</p>	<p>Accepted as printed</p>
<p>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.</p>	<p>Accepted as printed</p>
<p>Retention and custody of document.</p>	<p>Accepted as printed</p>
<p>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.</p> <p>(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.</p>	<p>Accepted as printed  Accepted as printed</p>

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<p>(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.</p>	Accepted as printed
<p>Removal of disqualification.</p>	Accepted as printed
<p>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.</p> <p>(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 —</p> <p>(a) remove the disqualification as from such date as may be specified in the order; or</p> <p>(b) <del>refuse the application</del></p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

Particulars of disqualification order to be sent to the Director-General.	Accepted as printed
<p>102. Where a court makes an order —</p> <p>(a) disqualifying a person from holding or obtaining art aviation document;</p> <p>(b) imposing restrictions or conditions on any aviation document held by or issued to any person; or</p> <p>(c) removing any disqualification under section 101,</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
Additional penalty for offences involving commercial gain.	Accepted as printed
<p>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.</p> <p>(2) For the purpose of subsection (1), the value of any gain is assessed by the court.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>

	Offence to operate an aircraft under the influence of alcohol, etc.
<p><b>104.</b> The offences in this Part are serious offences within the meaning of the Tokyo Convention</p>	<p><b>104.</b> (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.</p> <p>(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.</p>

<p align="center"><b>PART XVIII SECURITY OFFENCES</b></p>	<p><b>Accepted as printed</b></p>
<p align="center">Offences related to the safety and security of <b>airports.</b></p>	<p><b>Accepted as printed</b></p>
<p><b>105.</b> 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 <b>international</b> airport <b>or any other</b> airport —</p> <p>(a) to commit an act of violence that causes or is likely to cause serious injury or death at the airport;</p> <p>(b) to destroy or seriously damage the facilities of the airport;</p> <p>(c) to destroy or seriously damage an aircraft that is not in service and is located at the airport; or</p> <p>(d) to disrupt the services of the airport,</p> <p>commits an offence and is liable on conviction on indictment to imprisonment for life.</p>	<p>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 —</p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p>

Offences under section 105 are extraditable.	<b>Accepted</b> as printed
106. The offences under section 105 are deemed to be extraditable offences within the meaning of section 5 of the Fugitive Offenders Act.	<b>Accepted</b> as printed
Acts contrary to public safety and order at airport.	<b>Accepted</b> as printed
<b>107. (1)</b> A person who negligently or unnecessarily acts in a manner that endangers any member of the public at an airport commits an offence.	<b>Accepted</b> as printed
<p>(2) A person commits an offence who, while in an airport, and in a manner contrary to public order or safety at the airport -</p> <p style="margin-left: 40px;">(a) uses any threatening, offensive or insulting words or gestures;</p> <p style="margin-left: 40px;">(b) behaves in a threatening, <b>offensive or insulting</b> manner;</p> <p style="margin-left: 40px;">(c) <del>without justification</del> makes an alarming statement or uses alarming words or behaves in an alarming manner contrary to good order at the airport;</p> <p style="margin-left: 40px;">(d) behaves in a manner that interferes with the performance of functions by aircrew, airline officials or airport workers; or</p> <p style="margin-left: 40px;">(e) behaves in a manner that interferes with or is likely to interfere with the performance of functions by police officers or</p>	<p><b>Accepted</b> as printed</p> <p style="margin-left: 40px;">(a) uses any or threatening words gestures;</p> <p style="margin-left: 40px;">(b) behaves in a threatening manner;</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>



<p>(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.</p>	Accepted as printed
<p>Impersonation or obstruction of authorised persons.</p>	Accepted as printed
<p>108. A person commits an offence who, not being an authorised person -</p> <p>(a) 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; or</p> <p>(b) wilfully obstructs, or incites or encourages any other person to obstruct an authorised person in the execution of the authorised person's functions,</p> <p>and is liable on summary conviction to a fine of one million dollars and to imprisonment for one year.</p>	<p>For clause 108 substitute the following</p> <p>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-</p> <p>(a) carries out or attempts to carry out any function of an authorised person; or</p> <p>(b) accesses or attempts to access an airport restricted area or board an aircraft.</p> <p>(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.</p> <p>(3) A person who commits an offence under this section is liable on summary conviction to a fine of one million dollars and</p>
<p>Communicating false information affecting safety.</p>	Accepted as printed

109. (1) A person commits an offence who by any means provides to another person information relating to the safety of —

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

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

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

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Accepted as printed

<p>knowing the information to be false or providing it in a manner reckless as to whether it is false.</p> <p>(2) A person who commits an offence under subsection (1) is liable on summary conviction —</p> <p>(a) in the case of an individual, to a fine of one million dollars and to imprisonment for two years; or</p> <p>(b) in the case of a body corporate, to a fine of three million dollars.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>(a) in the case of an individual, to a fine of three million dollars and to imprisonment for two years; or</p> <p>(b) in the case of a body corporate, to a fine of five million dollars.</p>
<p>Taking of firearms, ammunitions and other explosives onto aircraft or into security restricted area.</p>	<p>Accepted as printed</p>
<p>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 —</p> <p>(a) any firearm;</p> <p>(b) any other dangerous or offensive weapon or instrument of any kind whatsoever;</p> <p>(c) any ammunition;</p> <p>(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;</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

- (e) any imitation of an item or Accepted as printed  
substance specified in paragraphs  
(a) to (d);
- (f) any blunt, pointed or bladed item Delete paragraph (f) and renumber (g) as (f).  
capable of being used to cause  
injury;
- (g) 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;
- (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;
- (h) any property or object capable, or appearing  
capable, of discharging a projectile or  
causing injury, Renumber as (g)  
including any items that —
- (i) are listed in, or classified  
in accordance with, the Accepted as printed  
*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 Accepted as printed  
subparagraph (i),  
nevertheless have  
features or properties  
that in the opinion of  
the Director-General  
might reasonably  
qualify them for listing  
or classification as

<p><i>Manual for Safeguarding International Civil Aviation Against Acts of Unlawful Interference</i> or other document issued by ICAO after the commencement of this Act in replacement or substitution of the <i>Security Manual for Safeguarding International Civil Aviation Against Acts of Unlawful Interference</i>; or</p> <p>(iii) any other item as may be prescribed,</p> <p>and is liable on summary conviction to a fine of one million five hundred thousand dollars and to imprisonment for five years.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(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 —</p> <p>(a) any firearm;</p> <p>(b) any other dangerous or offensive weapon or instrument of any kind whatsoever;</p> <p>(c) any ammunition;</p> <p>(d) any explosive substance or device, or any other injurious substance;</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

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|---|---|
| <p>(e) device of any kind whatsoever which could be used to endanger the safety of the aircraft or of persons on board the aircraft;</p>  | <p>(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;</p>  |
| <p>(f) any imitation of an item or substance specified in paragraphs (a) to (d);</p>  | <p>Accepted as printed</p>  |
| <p>(g) any blunt, pointed or bladed item capable of being used to cause injury;</p>   | <p>Delete paragraph (g) and renumber paragraph (h) as (g).</p>  |
| <p>(h) 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;</p>                 | <p>(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;</p> |
| <p>(j) any property or object capable, or appearing capable, of discharging a projectile or causing injury, including any items that -</p>  | <p>Renumber as paragraph (h)</p>  |
| <p>(i) are listed in, or classified in accordance with, the ICAO's <i>Security Manual for Safeguarding International Civil Aviation Against Acts of Unlawful Interference</i>; or</p> | <p>Accepted as printed</p>  |
| <p>(ii) while not so listed or classified as specified in subparagraph (i), nevertheless have</p>   | <p>Accepted as printed</p>  |

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

(j) 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.

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Renumber as paragraph (i)

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<p>(3) For the purposes of this section, "firearm" means any gun, rifle, or pistol and includes -</p> <p>(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</p> <p>(b) any such gun, rifle, or pistol which is for the time being dismantled.</p>	<p>(3) For the purposes of this section, "firearm" means any gun, rifle or pistol, or any part <b>of it, and</b> includes -</p> <p><b>Accepted as printed</b></p> <p>Accepted as printed</p>
<p>(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 -</p> <p>(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</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>



<p>(b) takes any of the items in subsection (1)(a), (b), (c), (d), (e) or (f) on board any aircraft or into any security restricted area for the purposes of the person's functions as an in-flight security officer.</p>	<p>(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.</p>
<p>Hijacking.</p>	<p>Accepted as printed</p>
<p>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 —</p> <p style="padding-left: 40px;">(a) seizes or exercises control; or</p> <p style="padding-left: 40px;">(b) attempts to seize or exercise control,</p> <p>of the aircraft and is liable on conviction on indictment to life imprisonment.</p>	<p style="text-align: center;">Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>of the aircraft and is liable on conviction on indictment to a fine of five million dollars and to imprisonment for life.</p>
<p>Offences in connection with hijacking.</p>	<p>Accepted as printed</p>
<p>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.</p>	<p style="text-align: center;">Accepted as printed</p>

(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 —

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(a) to commit or facilitate the commission of the offence of hijacking;

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(b) to avoid the detection of that person or of any other person in the commission of the offence of hijacking; or

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(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.

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<p>(3) A person who commits an offence under this section is liable on conviction on indictment to life imprisonment.</p>	<p>(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.</p>
<p>Other offences related to aircraft.</p>	<p>Accepted as printed</p>
<p>113. A person commits an offence who, whether in or outside Guyana —</p> <p>(a) on board an aircraft in flight, commits an act of violence which is likely to endanger the safety of the aircraft;</p> <p>(b) destroys an aircraft in service;</p> <p>(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;</p> <p>(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</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

<p>(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;</p> <p>(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</p> <p>(g) uses, or causes to be used, an aircraft in flight with intent to cause -</p> <ul style="list-style-type: none"> <li>(i) death or serious bodily injuries to any person;</li> <li>(ii) serious damage to any aircraft in-flight or on the ground or to any other property of any kind wherever situated; or</li> <li>(iii) serious damage or destruction to the environment,</li> </ul> <p>and is liable on conviction on indictment to imprisonment for life.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>and is liable on conviction on indictment to a fine of five million dollars and to imprisonment for life.</p>
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<p>Offence of hijacking and offences under section 113 are extraditable.</p>	<p>Accepted as printed</p>
<p>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.</p>	<p>Accepted as printed</p>
<p>Application of sections 111 and 112.</p>	<p>Accepted as printed</p>
<p>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 —</p> <p>(a) in the territory of the country in which the aircraft is registered; or</p> <p>(b) in the case of an aircraft that is subject to joint or international registration, in the territory of one of the countries having an interest in the aircraft, unless —</p> <p>(i) the alleged offender is a Guyana citizen or a person ordinarily resident in Guyana;</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>(b) in the territory of a State other than the State of registry of the aircraft, unless —</p> <p>Accepted as printed</p>

<p>(ii) the act or omission occurred in Guyana;</p> <p>(iii) the alleged offender is present in Guyana; or</p> <p>(iv) the aircraft is leased without crew to the lessee</p> <p style="padding-left: 40px;">(A) whose principal place of business is in Guyana; or</p> <p style="padding-left: 40px;">(B) in any other case, who is a Guyana citizen or a person ordinarily resident in Guyana.</p> <p>(2) Nothing in section 111, 112 or 113 applies to aircraft used in military, customs, or police service, unless —</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as <b>printed</b></p> <p>Accepted as printed</p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p>
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(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.

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

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(a) the time when the competent authorities of the country in which the forced landing takes place; or

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(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.

Accepted as printed

(4) The offences in this Part are deemed to be serious offences within the meaning of the Tokyo Convention.

Delete subclause (4)

Liability for unruly passenger offence despite extra-territoriality.

Accepted as printed

**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.

Accepted as printed



Liability for other offences despite extra-territoriality.	Accepted as printed
<p>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.</p> <p>(2) For the purposes of subsection (1), a reference to a "public place", includes an aircraft.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
Acts endangering aircraft or persons in aircraft.	Accepted as printed
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 one million dollars and to imprisonment for five years.	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 thr e e million dollars and to imprisonment for five years.
Disruptive conduct towards crew members.	Accepted as printed
<p>120. (1) A person commits an offence who, while in an aircraft —</p> <p>(a) uses any threatening, offensive, or insulting words towards a crew member;</p> <p>(b) behaves in a threatening, offensive, insulting, or disorderly manner towards a crew member;</p> <p>(c) behaves in a manner that interferes with the discharge by a crew member of the crew member's functions; or</p>	<p>120. (1) A person commits an offence who, while in an aircraft —</p> <p>Delete paragraph (a)</p> <p>Delete paragraph (b)</p> <p>Renumber paragraph (c) as (a)</p>

<p>(d) intentionally interferes with the discharge by a crew member of the crew member's functions.</p> <p>(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.</p>	<p>Renumber paragraph (d) as (b)</p> <p><b>Accepted as printed</b></p>
<p>Interference with aircraft.</p>	<p><b>Accepted as printed</b></p>
<p>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 one million dollars and to imprisonment for two years.</p>	<p><b>121.</b> 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.</p>
<p>Intoxicated persons on aircraft.</p>	<p><b>Misconduct on an aircraft.</b></p>
<p><b>123. (1)</b> A person, except a person under medical care, who -</p> <p>(a) is intoxicated and boards an aircraft; or</p> <p>(c) becomes intoxicated on an aircraft,</p> <p>commits an offence and is liable on summary conviction to a fine of one million dollars and to imprisonment for two years.</p>	<p>122. (1) A <b>person, except a person under medical care, who conducts himself or herself in such a manner as to —</b></p> <p><b>(a) present a hazard or potential hazard to the aircraft or to persons on the aircraft; or</b></p> <p><b>(c) offend against the good order and discipline required on an aircraft,</b></p> <p><b>Accepted as printed</b></p>

<p>(2) For the purposes of this section, a person is intoxicated if the pilot-in-command, or senior flight attendant authorised by the pilot-in-command for this purpose, has reasonable grounds to believe that the person is under the influence of an intoxicating liquor, or substance to such an extent as to -</p> <p>(a) be incapable of properly conducting himself or herself;</p> <p>(b) present a hazard or potential hazard to the aircraft or to persons on the aircraft; or</p> <p>(c) offend against the good order and discipline required on an aircraft.</p>	<p>Substitute for subclause (2) the following:</p> <p>(2) For the purposes of this section, "person under medical care" means a person who -</p> <p>(a) is under the supervision of an attendant; and</p> <p>(b) has become incapable of proper behavior as a result of taking prescription medication in accordance with a medical authorisation.</p>
<p>(3) For the purposes of this section, "person under medical care" means a person who -</p> <p>(a) is under the supervision of an attendant; and</p> <p>(b) has become intoxicated as a result of taking prescription medication in accordance with a medical authorisation.</p>	<p>Delete subclause (3)</p>

CIVIL AVIATION BILL - BILL NO.1 / 2017	AMENDMENTS TO THE BILL
Non-compliance with commands given by pilot-in-command.	Accepted as printed
<p>123. A person commits an offence who fails to comply with any commands -</p> <p>(a) directly given to the person by the pilot-in command; or</p> <p>(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,</p> <p>and is liable on summary conviction to a fine of one million dollars.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>and is liable on summary conviction to a fine of one million dollars and to imprisonment for three months.</p>
Offensive behaviour or words	Accepted as printed
<p>124. A person commits an offence who, on any aircraft -</p> <p>(a) behaves in a threatening, offensive, insulting, or disorderly manner; or</p> <p>(b) uses threatening, offensive, or insulting words,</p> <p>and is liable on summary conviction to a fine of</p>	<p>Substitute the following for Clause 124:</p> <p>124. A person commits an offence who, on any aircraft behaves in a threatening mariner or uses threatening words and is liable on summary conviction to a fine of one million dollars.</p>
Portable electronic devices not to be operated.	Accepted as printed
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.	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.

<p>Non-compliance with seating and seatbelt instructions</p>	<p>Accepted as printed</p>
<p>126. A person who fails to comply with an instruction given by a crew member, passenger information signs, or placards to -</p> <p style="padding-left: 40px;">(a) occupy a seat or berth; and</p> <p style="padding-left: 40px;">(b) fasten and keep fastened about the person any installed safety belt or safety harness,</p> <p>commits an offence and is liable to a fine of one million dollars.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>commits an offence and is liable to a fine of one million dollars and to imprisonment for three months.</p>
<p>No smoking on board aircraft carrying passengers.</p>	<p>Accepted as printed</p>
<p>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.</p> <p style="padding-left: 40px;">(2) In this section "smoke" means to smoke, hold, or otherwise have control over an ignited tobacco product, weed or plant, fake cigarette or other illegal or prohibited substance.</p>	<p>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.</p> <p style="padding-left: 40px;">(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.</p>

CIVIL AVIATION BILL - BILL NO.1 / 2017	AMENDMENTS TO THE BILL
Dangerous goods on aircraft.	Accepted as printed
<p>128. A person who carries or causes to be carried on an aircraft any dangerous goods commits an offence and is liable on summary conviction —</p> <p>(a) in the case of an individual, to a fine of two million dollars and to imprisonment for five years; or</p> <p>(b) in the case of a body corporate, to a fine of three million dollars.</p>	<p>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 with this Act commits an offence and is liable on summary conviction —</p> <p>Accepted as printed</p> <p>(b) in the case of a body corporate, to a fine of five million dollars.</p>
<p>PART XX GENERAL</p>	
Jurisdiction of the Guyana Courts	Accepted as printed
<p>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 —</p> <p>(a) any civil aircraft registered in Guyana;</p> <p>(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;</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

<p>(c) any civil aircraft on or over the territory of Guyana;</p> <p>(d) any other civil aircraft in flight outside Guyana if —</p> <p>(i) the next landing of the aircraft is Guyana; and</p> <p>(ii) the commander 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 commander or the operator to any other State.</p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>(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.</p> <p>Accepted as printed</p>
<p>Compounding of Offences.</p>	<p>Compounding of offences.</p>

130. (1) The Authority may, with the approval of the Director of Public Prosecutions, give to any person who has committed 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.

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.



<p>(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.</p>	<p><b>Accepted as printed</b></p>
<p>(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.</p>	<p><b>Accepted as printed</b></p>
<p>(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.</p>	<p><b>Accepted as printed</b></p>
<p>(5) A notice under subsection (1) shall-</p> <p>(a) specify the alleged offence;</p> <p>(b) give such particulars of the offence as are necessary for giving reasonable information of the allegation;</p> <p>(c) state-</p> <p>(i) the period during which proceedings will not be taken in accordance with subsection (3);</p> <p>(ii) the amount of the fixed penalty, the authorised officer to whom and the address at which the fixed penalty shall be paid.</p>	<p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p>

<p>(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.</p>	Accepted as printed
<p>(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.</p>	Accepted as printed
<p>(8) The Director-General may appoint authorised officers for the purposes of this section.</p>	Accepted as printed
<p>General penalty.</p>	Accepted as printed
<p>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 one million dollars and to imprisonment for one year.</p>	<p>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 <u>imprisonment for one year.</u></p>
<p>Limitation of time as to Summary Proceedings.</p>	Accepted as printed
<p>133. (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—</p>	Accepted as printed
<p>(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</p>	Accepted as printed
<p>(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—</p>	Accepted as printed

<p>(i) a conviction, within two months; and</p> <p>(ii) an order, within two months after they both first happen to arrive or to be at one time, in Guyana.</p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>Service of Documents</p>	<p>Accepted as printed</p>
<p>133. (1) Any air operator registered in Guyana and any foreign air operator in Guyana 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.</p>	<p>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.</p>

<p>(2) Service of all notices and process and of orders, decisions and requirements from the Director-General may be made upon any air operator or foreign 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 <b>or foreign air operator.</b></p> <p>(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.</p>	<p>(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.</p> <p><b>Accepted as printed</b></p>
<p>Evidence and proof.</p>	<p><b>Accepted as printed</b></p>
<p><b>134. (1)</b> In any proceedings for an offence against this Act, the following provisions apply —</p> <p>(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;</p> <p>(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;</p>	<p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p>

(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;

Accepted as printed

(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;

Accepted as printed

(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;

Accepted as printed

(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.

Accepted as printed

<p>(2) Without limiting any other method of proof, the production in any proceedings of a copy of —</p> <p>(a) a regulation purporting to have been made by the Minister under this Act; or</p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>Evidence of air traffic services provider.</p>	<p>Accepted as printed</p>
<p>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 —</p> <p>(a) any Court; and</p> <p>(b) any judicial examination or proceedings, as <i>prima facie</i> evidence that the air traffic services described in such document were provided on the date and for the aircraft referred to in the document.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

(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.

Accepted as printed

(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.

Accepted as printed

Obligation to identify pilot-in-command.

Accepted as printed

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 -

Accepted as printed

(a) inform the operator of the aircraft or the holder of the certificate of registration for the aircraft of the alleged offence; and

Accepted as printed

(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.

Accepted as printed

<p>(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.</p>	<p>(3)</p> <p>Accepted as printed</p>
<p>(4) 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.</p>	<p>Accepted as printed</p>
<p>Insurance.</p>	<p>Accepted as printed</p>
<p>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, <u>shall</u> maintain adequate insurance covering its liability under this Act and also its liability towards compensation for damages that may be sustained by third parties for an amount to be specified in regulations made by the Authority.</p>	<p>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.</p>
<p>(2) Absence of such insurance shall be sufficient reason for refusal, suspension or revocation of the pennission to operate the air transport service or services in question.</p>	<p>Accepted as printed</p>



<p>(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.</p>	Accepted as printed
<p>(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 subsections (1) and (3), commits an offence and is liable on summary conviction to a fine of three million dollars.</p>	<p>(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 subsections (1) and (3), commits an offence and is liable on summary conviction to a fine of five million dollars.</p>
<p>Wrecks and salvage.</p>	Accepted as printed
<p>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.</p>	Accepted as printed
<p>(2) Where salvage service 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 service as he would have been entitled to if the aircraft had been a vessel.</p>	<p>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.</p>

<p>(3) This section has effect notwithstanding that -</p> <p>(a) the craft concerned is a foreign aircraft; and</p> <p>(b) the services in question are rendered elsewhere than in the territorial waters of Guyana.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>Exemption of aircraft from seizure on patent claims.</p>	<p>Accepted as printed</p>
<p>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 -</p> <p>(a) the construction or mechanism, part, accessory or operation of the aircraft; or</p> <p>(b) any spare part or spare equipment imported into or stored in Guyana for the purpose of installation in that aircraft,</p> <p>is an infringement of a patent, design or model.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(2) Subsection (1) does not apply in relation to any spare part or equipment that is sold or distributed in or exported from Guyana.</p>	<p>Accepted as printed</p>
<p>(3) This section applies to -</p> <p>(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</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>

(b) such other aircraft as the Minister, by order, specifies.	Accepted as printed
<b>PART XXI</b> <b>AIR NAVIGATION REGULATIONS</b>	<b>CIVIL AVIATION REGULATIONS</b>
Power to give effect to Chicago Convention and regulate air navigation.	Accepted as printed
140. (1) The Minister may make Regulations, in respect of civil aviation, for —	Accepted as printed
(a) carrying out and giving effect to the provisions of the Chicago Convention and Protocols impacting civil aviation which are ratified by Guyana;	Accepted as printed
(b) licensing and supervision of personnel and for the certification and supervision of aviation training organizations in accordance with the applicable Standards and Recommended Practices of Annex 1 of the Chicago Convention;	(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;
(d) rules of the air in accordance with the applicable Standards and Recommended Practices of Annex 2 of the Chicago Convention;	Accepted as printed

<p>(d) meteorology and for the certification and supervision of aviation meteorological services providers in accordance with the applicable Standards and Recommended Practices of Annex 3 of the Chicago Convention;</p>	<p>(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</p>
<p>(e) aeronautical charts and for the certification and supervision of aviation aeronautical charts services providers in accordance with the applicable Standards and Recommended Practices of Annex 4 of the Chicago Convention;</p>	<p>(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;</p>
<p>(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;</p>	<p>Accepted as printed</p>
<p>(g) international commercial air transport operations -</p> <ul style="list-style-type: none"> <li>(i) aeroplanes and helicopters;</li> <li>(ii) international general aviation operations — aeroplanes and helicopters;</li> <li>(iii) the certification and supervision of aircraft operators;</li> </ul>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>(iii) the certification and of surveillance aircraft operators;</p>

CIVIL AVIATION BILL - BILL NO.1 / 2017	AMENDMENTS TO THE BILL
<p>(iv) the conditions under which passengers, goods and cargo may be carried by air; and</p> <p>(v) the certification and supervision of approved maintenance organizations,</p> <p>in accordance with the applicable Standards and Recommended Practices of Annex 6 of the Chicago Convention;</p>	<p>Accepted as printed</p> <p>(v) the certification and surveillance of approved maintenance organizations,</p> <p>Accepted as printed</p>
<p>(h) the registration of civil aircraft in Guyana in accordance with the applicable Standards and Recommended Practices of Annex 7 of the Chicago Convention;</p>	<p>Accepted as printed</p>
<p>aircraft international</p> <p>(i) certifying the airworthiness of civil aircraft and for adopting international standards for aeronautical products in accordance with the applicable Standards and Recommended Practices of Annex 8 of the Chicago Convention;</p>	<p>Accepted as printed</p>
<p>(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;</p>	<p>Accepted as printed</p>

<p>(k) aeronautical telecommunication and standards for adopting international standards for aeronautical telecommunication products in accordance with the applicable Standards and Recommended Practices of Annex 10 of the Chicago Convention;</p>	<p>Accepted as printed</p>
<p>and (1) air traffic control, the certification and supervision 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;</p>	<p>(1) 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;</p>
<p>(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;</p>	<p>Accepted as printed</p>
<p>incident (n) conducting aircraft accident and investigations in accordance with the applicable Standards and Recommended Practices of Annex 13 of the Chicago Convention;</p>	<p>Accepted as printed</p>

<p>(o) licensing and supervision of aerodromes and heliports in accordance with the applicable Standards and Recommended Practices of Annex 14 of the Chicago Convention;</p>	<p>(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>
<p>and (p) aeronautical information services the certification and supervision of aeronautical information services providers in accordance with the applicable Standards and Recommended Practices of Annex 15 of the Chicago Convention;</p>	<p>(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;</p>
<p>(q) aircraft noise and aircraft engine emissions in accordance with the applicable Standards and Recommended Practices of Annex 16 of the Chicago Convention;</p>	<p>Accepted as printed</p>
<p>(r) aviation security, the certification and supervision of aviation security services providers in accordance with the applicable Standards and Recommended Practices of Annex 17 of the Chicago Convention ;</p>	<p>(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;</p>

CIVIL AVIATION BILL - BILL NO.1 / 2017	AMENDMENTS TO THE BILL
<p>(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 supervision 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;</p>	<p>(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;</p>
<p>(t) certification and supervision of Safety Management Systems for aviation organizations in accordance with the applicable Standards and Recommended Practices of Annex 19 of the Chicago Convention;</p>	<p>(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;</p>
<p>(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;</p>	<p>Accepted as printed</p>
<p>(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;</p>	<p>Accepted as printed</p>



<p>(w) all aircraft of MTOW less than 750kgs engaged in recreational and sporting operations in the airspace above the territory of Guyana;</p>	<p>Accepted as printed</p>
<p>(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;</p>	<p>Accepted as printed</p>
<p>(y) ensuring that foreign operators operating in Guyana comply with the safety and security requirements of regulations made under the Act;</p> <p>(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</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(aa) granting exemptions and deviations from Regulations made under the Act; and</p>	<p>Accepted as printed</p>

(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.

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<p>(2) Without limiting the power conferred by subsection (1)(h) -</p> <p>(a) in the interests of safety or security within the civil aviation system;</p> <p>(b) in the interests of national security; or</p> <p>(c) for any other reason in the public interest,</p> <p>the Minister may make regulations providing for the classification, designation, special uses, prohibitions and the restriction, of airspace and things affecting navigable airspace.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(3) Regulations made under this section shall provide for -</p> <p>(a) examinations and tests to be undergone, and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any aviation document;</p> <p>(b) the imposition of penalties for offences against the regulations, including -</p> <p>(i) in the case of any particular offence, fines not exceeding three million dollars and imprisonment not exceeding two years; and</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

<p>(ii) the suspension or revocation of certificates, licences, and authorisations; and</p> <p>(iii) the interception of aircraft, as may be prescribed as respects aircraft flying over areas of Guyana over which <del>flying is prohibited by the</del></p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(4) Regulations made under subsections (1) and (2)(b) shall be subject to negative resolution of Parliament.</p>	<p>(4) Regulations made under subsections (1) and (2)(b) shall be subject to negative resolution of the National Assembly.</p>
<p>(5) In this section a reference to "goods" shall include a reference to mail or animals.</p>	<p>Accepted as printed</p>
	<p>Insertion of a new sub clause (6) as follows:</p> <p>(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.</p>
<p>Application of regulations to military aircraft.</p>	<p>Accepted as printed</p>
<p>141. (1) The Authority may apply regulations made under section 143(1) which relate to the Rules of the Air to military aircraft.</p> <p>(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</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>

<p>(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 143 that the aircraft is to be treated as a military aircraft, and a certificate that any aircraft is or is not a military aircraft for the purpose of this Act shall be conclusive evidence of the fact certified.</p>	<p>(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.</p>
<p>Standards.</p>	<p>Accepted as printed</p>
<p>142. The Authority may prescribe standards in respect of Regulations made under this Act and revise as necessary minimum safety standards for the operation of air navigation facilities in Guyana.</p>	<p>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.</p>
<p>Emergency rules and regulations.</p>	<p>Accepted as printed</p>
<p>144. (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 -</p> <p>(a) any risk of death of or a serious injury to any person; or</p> <p>(c) any risk of damage to any property.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(2) The emergency regulations under subsection (1) are made when -</p> <p>(a) there is no regulation in place dealing with the particular situation; and</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>

<p>(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.</p>	<p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>
	<p>Insertion of a new subclause (4) as follows:</p> <p>(4) The Director-General shall notify the Minister as soon as practicable of any emergency regulations made under this section.</p>
<p>Procedures for making emergency rules and regulations.</p>	<p>Accepted as printed</p>
<p>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.</p>	<p>Accepted as printed</p>
<p>(2) Where for reasons of safety or security it is impracticable or inappropriate to notify an emergency regulation in the <i>Gazette</i>, 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.</p>	<p>Accepted as printed</p>

(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.

Accepted as printed

<p>(4) The Board 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 <i>Gazette</i>, 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 <i>Gazette</i>.</p>	<p>(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 <i>Gazette</i>, 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 <i>Gazette</i>.</p>
<p>(6) Before extending an emergency regulation under subsection (4), the Board shall consult with such persons, representative groups within the aviation industry or elsewhere, Government entities, and others as the Board thinks appropriate.</p>	<p>(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.</p>
<p>(6) So far as any emergency regulation is inconsistent or repugnant to any regulation made under this Act, the emergency regulation prevails.</p>	<p>Accepted as printed</p>
<p>Incorporation of regulations by reference.</p>	<p>Accepted as printed</p>
<p>145. (1) The Minister, after consultation with the Board or Director-General may incorporate by reference into a regulation made by the Minister, or into emergency regulation made by the Director-General, any -</p> <p>(a) standards, requirements, recommended practices of international aviation organisations;</p> <p>(b) standards, requirements, regulations prescribed by any other Contracting State of ICAO;</p>	<p>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-</p> <p>Accepted as printed</p> <p>Accepted as printed</p>



<p>(c) standards, requirements, or regulations of any aviation sport or aviation recreational organisation; or</p> <p>(d) any other written material or document that, in the opinion of the Minister or Director-General, is too large or impractical to be</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(2) A material incorporated in a regulation by reference under subsection (1) —</p> <p>(a) is deemed for all purposes to form part of the regulation or emergency regulation; and</p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>(3) The Minister or Director-General, by notice in the <i>Gazette</i>, shall specify the date on which any amendment to material incorporated by reference under subsection (1) takes effect.</p>	<p>(3) The Minister, by notice in the <i>Gazette</i>, shall specify the date on which any amendment to material incorporated by reference under subsection (1) takes effect.</p>

<p>(4) The Authority shall make all the materials incorporated by reference under subsection (1) or (2) available for inspection by the</p>	<p>Accepted as printed</p>
<p>(5) Where any material specified subsection (1) is incorporated by reference into a regulation or emergency regulation pursuant to this section the regulation or emergency regulation shall—</p> <p>that</p> <p>(a) include a statement to the effect the material has been incorporated pursuant to this section;</p> <p>(b) clearly identify the material so incorporated; and advise that the incorporated material is available for inspection in accordance with subsection (4).</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
<p>Regulation in time of war.</p>	<p>Accepted as printed</p>

<p>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 -</p> <p>(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</p> <p>(c) provide for-</p> <p>(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 in it; and</p> <p>(ii) the regulating or prohibiting of the use, erection, maintenance or establishment of any airport or flying school.</p>	<p>Accepted as printed</p> <p>(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</p> <p>Accepted as printed</p> <p>(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</p> <p>(ii) the regulating or prohibiting of the use, construction, maintenance or establishment of any airport or flying school.</p>
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<p>(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.</p>	Accepted as printed
<p>PART XXII MISCELLANEOUS</p>	
<p>Subsidiary legislation.</p>	Accepted as printed
<p>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.</p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p>
<p>Transitional provisions.</p>	Accepted as printed
<p>148. (1) The Board, in respect of all pending -</p> <p>(a) matters engaging the attention of the Authority;</p> <p>(b) complaints before the Authority;</p> <p>(c) appeals by or against the Authority;</p> <p>(d) proceedings in the High Court or the Court of Appeal in which the Authority is a party,</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>

<p>on the day immediately preceding the coming into operation of this Act, shall have and 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.</p>	Accepted as printed
<p>(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.</p>	Accepted as printed
<p>(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 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.</p>	Accepted as printed

<p>(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.</p>	Accepted as printed
<p>(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.</p>	Accepted as printed
<p>Repeal and savings.</p>	Accepted as printed
<p>149. (1) The Civil Aviation Act is repealed.</p> <p>(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 <u>shall</u> accordingly be subject to amendment by subsidiary legislation made under this Act.</p>	Accepted as printed

FIRST SCHEDULE sections (2)  APPOINTMENTS AND CONDUCT OF PROCEEDINGS OF THE BOARD AND RELATED MATTERS	
Appointments, qualifications, conflict of interest, of Members of the Board.	Accepted as printed
<p>1. (1) The Chairperson and the other Members of the Board shall be appointed by the Minister.</p> <p>(2) On the commencement of this Act, the Chairman and the other appointed members of the 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 this paragraph.</p> <p>(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, financial management, economic or human resource management.</p> <p>(4) The Director-General and the Permanent Secretary are <i>ex officio</i> members without the right to vote.</p>	<p>Accepted as printed</p> <p>(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).</p> <p>(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.</p> <p>Accepted as printed</p>

Conflict of interest.	Accepted as printed
<p>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.</p> <p>(2) If the Chairperson or any other Member acquires an interest in an air transport undertaking after his appointment, the Member shall, within two weeks of such acquisition inform the Minister in writing.</p>	<p>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.</p> <p>(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.</p> <p>Insertion of a new subparagraph (3) as follows:</p> <p>(4) A Chairperson or member who fails to comply with subparagraph (2) shall be required to resign from his post on the Board.</p>
Tenure of office.	Accepted as printed
<p>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.</p>	Accepted as printed
<p>Appointment not invalidated by reason of defect or procedural irregularity.</p>	Accepted as printed
<p>5. 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.</p>	Accepted as printed



<p><b>Performance of functions not invalidated by vacancy or defect in appointment.</b></p>	<p><b>Accepted as printed</b></p>
<p>5. The performance of the functions of the Board, is not invalidated by reason only that -</p> <p>(a) there is a vacancy in the office of the Chairperson or Director-General or in any other membership of the Board; or</p> <p>(b) the number of persons appointed under paragraph (1), falls below four for no longer than two months.</p>	<p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p>(b) the number of persons appointed under paragraph 1, falls below four for no longer than two months.</p>
<p><b>Resignation.</b></p>	<p><b>Accepted as printed</b></p>
<p><b>6. (1)</b> 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.</p> <p>(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.</p> <p>(3) Member who is absent without leave for three consecutive meetings of the Board or from three meetings in any period of twelve months shall cease to be a Member.</p>	<p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p> <p><b>Accepted as printed</b></p>

Revocation and termination of appointment.	Accepted as printed
<p>7.(1) The Minister may at any time revoke the appointment of the Chairperson or any Member.</p> <p>(2) On the recommendation of the Board, the Minister may revoke the appointment of a Member where the Member -</p> <p>(a) becomes of unsound mind or incapable of carrying out the duties of a Member;</p> <p>(b) becomes bankrupt or compounds with creditors;</p> <p>(c) is convicted of any offence which brings the Authority into disrepute;</p> <p>(d) is guilty of misconduct in relation to the duties of that Member; or</p> <p>(e) fails to discharge any of the functions imposed on that Member under this Act.</p>	<p>7. (1) The Minister may at any time revoke the appointment of the Chairperson or any other Member.</p> <p>(2) Without limiting the general powers of the Minister under subparagraph (1), the Minister may revoke the appointment of the Chairperson or any other Member where the Chairperson or Member -</p> <p>(a) becomes of unsound mind or incapable of carrying out the duties of the Chairperson or Member;</p> <p>(b) becomes bankrupt or compounds with creditors;</p> <p>(c) is convicted of any offence which brings the Authority into disrepute;</p> <p>(d) is guilty of misconduct in relation to the duties of Chairperson or the Member;</p> <p>(e) fails to discharge any of the functions imposed on the Chairperson or that Member under this Act;</p> <p>(f) is engaged in misuse of sensitive information for his own personal gain or benefit, which may <u>compromise the integrity of the</u></p>

	<p>Authority; or</p> <p>(g) is involved in any activity which may compromise the integrity of the Authority.</p>
Appointment and termination of office of Members to be published in the <i>Gazette</i> .	Accepted as printed
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 <i>Gazette</i> .	Accepted as printed
Remuneration and allowances of the Board.	Accepted as printed
9. The Board shall pay to its Members such remuneration and allowances as the Minister may determine.	Accepted as printed
Proceedings of the Board.	Accepted as printed
10. (1) Subject to the provisions of Schedule, the Board may regulate its own proceedings.	Accepted as printed
(2) The Board may, by resolution determine rules for conduct of proceedings of meetings.	Accepted as printed
Meeting of the Board.	Accepted as printed
11. The Minister may, at any time, convene a meeting of the Board by written notice to the Chairperson.	Accepted as printed

Quorum.	Accepted as printed
12. The quorum for a meeting of the Board shall be five appointed Members.	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.	Accepted as printed
13. The Chairperson may excuse a Member from attending a meeting of the Board.	Accepted as printed
Chairperson to preside at meetings of the Board.	Accepted as printed
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.	Accepted as printed  Accepted as printed
Decision of the Board.	Accepted as printed
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.	Accepted as printed
Special meeting of the Board.	Accepted as printed
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	Accepted as printed

Chairperson by any two Members.	
Meetings of the Board.	Accepted as printed
<p>17. 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.</p>	<p>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.</p> <p>(2) The Director-General shall inform the Minister when the Board fails to meet for not less than two consecutive meetings.</p>
Declaration of interest.	Accepted as printed
<p>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 -</p> <p>(a) in the case of the contract, take part in any deliberation or decision of the Board with respect to the contract; and</p> <p>(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.</p>	<p>Accepted as printed</p> <p>Accepted as printed</p> <p>Accepted as printed</p>
(2) A notice given by a Member at a	

<p>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 sub-paragraph (1), be sufficient disclosure of the Member's interest in relation to any contract so made.</p>	<p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>
<p>(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.</p>	<p>Accepted as printed</p>
<p>(5) In sub-paragraph (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.</p>	<p>Accepted as printed</p>
	<p>Insertion of a new paragraph 19 and marginal notes as follows:</p> <p>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</p>

	<p>authorised to act in that behalf and the Secretary to the Board.</p> <p>(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 authorized to act in that behalf or the Secretary to the Board.</p>
SECOND SCHEDULE PROTECTED INSTALLATIONS	section 60 (1)
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.	Accepted as printed
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.	Accepted as printed
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.	Accepted as printed
4. New CVOR site: 06° 28' 07"N, 58° 15' 64"W. Conventional Very High Frequency Omni Directional Radio Range installation situated on	

<p>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.</p>	<p>Accepted as printed</p>
<p>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.</p>	<p>Accepted as printed</p>
<p>6. Control Tower Complex: 06° 30' 04274"N, 58° 15' 19.026"W. Situated at the Cheddi Jagan International Airport, Timehri, East Bank Demerara, Guyana.</p>	<p>Accepted as printed</p>
	<p>Insert the following paragraphs 7, 8, 9 and 10:</p> <p>7. PORT KAITUMA -SYPK REGION ONE</p> <p style="text-align: center;">NORTHWEST DISTRICT.</p> <p>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.</p> <p>8. KAMARANG -SYKM REGION SEVEN WEST</p> <p>GCAA OLD NDB ANT: COORDINATES: N05 5148.6 W060 36 49.5 ELEVATION: 1700 FT MSL AT BASE</p> <p>9. KAIETEUR - SYKA REGION EIGHT</p> <p style="text-align: center;">SOUTHWEST</p> <p>GCAA OLD NDB ANT COORDINATES: N05 10 17.5 W059 29 34.3</p>



	<p>ELEVATION: 1519 FT AT BASE</p> <p>10. ANNAI - SYAN REGION NINE SOUTH</p> <p>RADIO STATION 97.1FM — GCAA old NDB site.</p> <p>COORDINATES: NO3 58 29.9 W059 06 09.9</p> <p>ELEVATION: 328 FT AT BASE</p>
	<p>THIRD SCHEDULE section 73(1)</p> <p>CONSTITUTION AND PROCEDURE OF THE TRIBUNAL</p>
	<p>Appointment of members and tenure of office.</p> <p>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.</p> <p>(2) The Tribunal shall consist of not less than three nor more than five members including a Chairperson.</p> <p>(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.</p> <p>(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</p>

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 powers 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.

(6) Sections 10, 11, 12, 14 and 17 of the Commissions of Inquiry Act, Cap. 19:03, shall *mutatis inutandis* 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.

THIRD SCHEDULE section 79(1)

THE CARIBBEAN AVIATION SAFETY AND SECURITY OVERSIGHT SYSTEM AGREEMENT

[Text of the Agreement]

FOURTH SCHEDULE section 76(1)

Accepted as printed \_\_\_\_\_

Accepted as printed

*Committees Division  
Parliament Office  
Public Buildings  
Brickdam  
Georgetown*

