

CIVIL AVIATION (GENERAL) REGULATIONS, 2017

Arrangement of Regulations

Regulation

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**CIVIL AVIATION ACT, 2016
(NO. 22 OF 2016)**

CIVIL AVIATION (GENERAL) REGULATIONS, 2017

The Minister, in exercise of the powers conferred by section 19 of the Civil Aviation Act, 2016 makes the following regulations —

PART I – PRELIMINARY

1. Citation.

These Regulations may be cited as the Civil Aviation (General) Regulations, 2017.

2. Interpretation.

(1) In these Regulations —

“**the Act**” means the Civil Aviation Act, 2016 (*No. 22 of 2016*);

“**aerodrome operating minima**” in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual range for take-off, and the decision height or minimum descent height, runway visual range and visual reference for landing, which are the minimum for the operation of that aircraft at that aerodrome;

“**Aeronautical Information Publication**” or “**AIP**” means an official publication containing aeronautical information;

“**airman**” means any person certificated to perform a service relating to an aircraft, maintenance or flight operation;

“**airman certificate**” means a certificate issued to an airman under these Regulations;

“**Air Operator Certificate**” or “**AOC**” means a certificate issued by the Director-General or the competent authority of another State authorizing the holder to conduct passenger or cargo operations for remuneration, hire or valuable consideration;

“**AOC holder**” means the person or entity to which a AOC has been issued;

“**approach to landing**” means that portion of the flight of the aircraft, when approaching to land, in which it is descending below a height of 1000 ft above the relevant specified decision height or minimum descent height;

- “appropriate aeronautical radio station”** means in relation to an aircraft, an aeronautical radio station serving the area in which the aircraft is for the time being;
- “appropriate air traffic control unit”** means in relation to an aircraft, the air traffic control unit serving the area in which the aircraft is for the time being;
- “authorized person”** means any person authorized by the Director-General either generally or in relation to a particular case or class of cases, and references to a person authorized by the Director-General include reference to the holder for the time being of any office designated by the Director-General;
- “ceiling”** in relation to an aerodrome means the vertical distance from the elevation of the aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one-half of the sky so visible;
- “certificate of airworthiness”** includes any validation thereof and any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;
- “Class A airspace”, “Class B airspace”, “Class C airspace”, “Class D airspace” and “Class E airspace”** means airspace respectively notified as such, in accordance with the appropriate International Civil Aviation Organization definition;
- “competent authority”** means in relation to The Bahamas, the Authority and in relation to any other country, the authority responsible under the law of that country for promoting the safety of civil aviation;
- “Contracting State”** means any State, including The Bahamas, which is party to the Convention;
- “controlled airspace”** means airspace which has been notified as Class A, Class B, Class C, Class D or Class E airspace;
- “crew member”** means any person required to perform duties on an aircraft in flight;
- “flight”** and **“to fly”** in relation to an aircraft means the time from which an aircraft lifts off the surface until an aircraft again lands on the surface;
- “flight crew”** in relation to an aircraft means those members of the crew of the aircraft who respectively undertake to act as pilot and flight engineer of the aircraft;
- “flight simulator”** means apparatus by means of which flight conditions in an aircraft are simulated on the ground;

- “general aviation operation”** means any aircraft flight operation other than for the purpose or business of commercial air transport or aerial work;
- “instrument of approval”** means any permit or other document that grants approval or authorisation;
- “licence”** includes any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;
- “logbook”** in the case of an aircraft logbook, engine logbook or variable pitch propeller logbook, or personal flying logbook, includes a record kept either in a book, or by any other means approved by the Director-General in the particular case;
- “maximum total weight authorized”** in relation to an aircraft means the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances in accordance with the certificate of airworthiness in force in respect of the aircraft;
- “military aircraft”** means the naval, military or air force aircraft of any country and any aircraft in respect of which there is in force a certificate issued by the Director-General that the aircraft is to be treated for the purposes of these Regulations as a military aircraft;
- “night”** means the time between half an hour after sunset until half an hour before sunrise, sunset and sunrise being determined at surface level;
- “NOTAMs”** or **“notices to airmen”** means a written notification issued to pilots before a flight, advising the pilots of circumstances relating to state of flying;
- “operator”** means a person who is responsible for the aircraft for a particular flight;
- “parascending parachute”** means a parachute which is towed by cable in such a manner as to cause it to ascend;
- “passenger”** means a person other than a member of the crew;
- “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;
- “pressurised aircraft”** means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;
- “record”** includes, in addition to a record in writing —
- (a) any disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable, with or without

the aid of some other instrument, of being reproduced from a disc, tape, sound-track or other device;

(b) any film, tape or other device in which visual images are embodied so as to be capable, with or without the aid of some other instrument, of being reproduced from a film, tape or other device; and

(c) any photograph,

and any reference to a copy of a record includes —

(i) in the case of a record under paragraph (a), a transcript of the sounds or signals embodied in the record;

(ii) in the case of a record under paragraph (b), a still reproduction of the images embodied in the record; and

(iii) in the case of a record under paragraphs (a) and (b), a transcript and a still reproduction;

“replacement” in relation to any part of an aircraft or its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it; but does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded;

“to land” in relation to aircraft includes alighting on the water;

“second in command” in relation to an aircraft means a pilot who in performing his duties as such is subject to the direction of another pilot carried in the aircraft;

“valuable consideration” means the exchange of services, goods, equipment or money.

- (2) Notwithstanding paragraph (1), further relevant definitions are contained in the *Schedules*.
- (3) An aircraft shall be deemed to be in flight from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power, until the moment when it next comes to rest after landing; and the expressions 'a flight,' 'to fly' and 'flight time' shall be construed accordingly.
- (4) Every person employed or engaged in an aircraft in flight in relation to the operation of the aircraft shall be deemed to be a member of the crew of the aircraft.
- (5) References in these Regulations to the operator of an aircraft are, for the purposes of the application of any provision of these Regulations in relation to any particular aircraft, references to the person who at the

relevant time has the management of that aircraft, and related expressions shall be construed accordingly.

- (6) A power to issue directions under these Regulations shall include the power to make different provisions with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances and with respect to different parts of The Bahamas and to make such incidental and supplementary provisions as are necessary or expedient for carrying out the purposes of these Regulations.
- (7) Any power conferred by these Regulations to issue, make, serve or grant any instrument shall be construed as including a power exercisable, in the like manner and subject to the like conditions, if any, to vary, revoke, cancel or otherwise terminate the instrument.
- (8) For the purpose of these Regulations, the term “instrument” refers to —
 - (a) a document issued by the Minister or the Authority and includes any regulations, direction, instruction, rule or other requirement, any notice and any certificate, licence, approval, permission, exemption, authorizations, logbook record or other document; and
 - (b) aircraft components used by the flight crew for the purpose of flight and navigation.

3. Application.

For the purposes of the Civil Aviation Act, 2016 and these Regulations, the *Schedules* hereto shall have effect with respect to the standards, practices, and procedures adopted and applied in The Bahamas pursuant to the Convention.

PART II – ENFORCEMENT

4. Enforcement.

- (1) A person who, without reasonable excuse, fails to comply with any directive given to that person under these Regulations or directions made thereunder shall be deemed for the purposes of these Regulations to have contravened that provision.
- (2) The Director-General shall publish the Authority’s Enforcement Policies and Procedures.

5. Director-General’s decision.

The Director-General may, if he thinks fit, provisionally make a decision to take action to enforce the Regulations that have been contravened, including but not limited to —

- (a) re-examination for original certification basis or competence;

- (b) assessing a monetary penalty for contravention of the requirements of a Regulation or *Schedule*;
- (c) suspending or varying a document;
- (d) revoking, suspending or varying a permit; and
- (e) preventing an aircraft from flying.

6. Revocation, suspension and variation of documents.

- (1) The Director-General may —
 - (a) if he thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorizations or other document issued, granted or having effect under these Regulations, pending inquiry into or consideration of the case;
 - (b) on sufficient ground being shown to his satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorizations or other document.
- (2) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied shall surrender it to the Director-General within a reasonable time after being required to do so by the Director-General.
- (3) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued, or which has effect under these Regulations shall, in the absence of provision to the contrary in the document, render the document invalid during the continuance of the breach.
- (4) Notwithstanding paragraph (1), a flight manual, performance schedule or other document incorporated by reference in the certificate of airworthiness may be varied on sufficient grounds being shown to the satisfaction of the Director-General, whether or not after due inquiry.

7. Revocation, suspension and variation of instruments of approval.

- (1) Subject to the provisions of this regulation, the Director-General may revoke, suspend or vary an instrument of approval.
- (2) Save as provided by paragraph (3), the Director-General may exercise his powers under paragraph (1) only after notifying the holder of his intention to do so and after due consideration of the case.
- (3) If, by reason of the urgency of the matter, it appears to the Director-General to be necessary for the Director-General to do so, he may provisionally suspend or vary an instrument of approval to which this

regulation applies without complying with the requirements of paragraph (2), but the Director-General shall in any such case comply with those requirements as soon thereafter as is reasonably practicable and shall then, in the light of his due consideration of the case, either —

- (a) revoke the provisional suspension or variation of the instrument of approval; or
 - (b) substitute a definitive revocation, suspension or variation which, if a definitive suspension, may be for the same or a different period as the provisional suspension (if any) or, if a definitive variation, may be in the same or different terms as the provisional variation (if any).
- (4) The powers vested in the Director-General under paragraph (1) or (3) may be exercised by him whenever, in his judgment and whether or not by reason of anything done or omitted to be done by the holder or otherwise connected with the holder, it is necessary that the holder should not enjoy, or should no longer enjoy, the rights conferred on him by an instrument of approval to which this regulation applies or should enjoy them subject to such limitations or qualifications as the Director-General may determine. In particular, and without prejudice to the generality of the foregoing, the Director-General may exercise his said powers if it appears to him that —
- (a) the person to whom the instrument of approval was granted has committed a breach of any condition to which it is subject;
 - (b) any agreement between the Government of The Bahamas and the Government of any other country in pursuance of which or in reliance on which the instrument of approval was granted is no longer in force or that that other Government has committed a breach thereof;
 - (c) the person to whom the instrument of approval was granted, or such other Government as aforesaid (that is to say, a Government which is a party to such an agreement as aforesaid with the Government of The Bahamas), or the aeronautical authorities of the country concerned, have acted in a manner which is inconsistent with or prejudicial to the operation in good faith, and according to its object and purpose, of any agreement as aforesaid, or have engaged in unfair, discriminatory or restrictive practices to the prejudice of the holder in his operation of air services to or from points in the country concerned; or
 - (d) the person to whom the instrument of approval was granted, having been granted it as a person designated by the Government of a country other than The Bahamas for the purposes of any such agreement as aforesaid, is no longer so designated or that that person has so conducted himself, or that such circumstances have

arisen in relation to that person, as to make it necessary to disregard or qualify the consequences of the person being so designated.

- (5) The holder or any person having the possession or custody of any instrument of approval which has been revoked, suspended or varied under this regulation shall surrender it to the Director-General within a reasonable time of being required by that person to do so.
- (6) The breach of any condition subject to which any instrument of approval to which this regulation applies has been granted shall render the instrument of approval invalid during the continuance of the breach.
- (7) The instruments of approval to which this regulation applies are permissions granted by the Director-General under these Regulations, and any approvals or authorizations of, or consents to, any matter which the Director-General has granted, or is deemed to have granted.
- (8) References in this regulation to the holder are references to the person to whom any instrument of approval to which this regulation applies has been granted or is deemed to have been granted.

8. Contraventions.

- (1) If any provision of these Regulations or any directions thereunder are contravened in relation to an aircraft, the operator of that aircraft and the pilot in command thereof shall (without prejudice to the liability of any other person under these Regulations for that contravention) be deemed, for the purposes of the following provisions of this regulation, to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent that contravention.
- (2) If it is proven that an act or omission of any person which would otherwise have been a contravention of these Regulations was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.
- (3) Where a person is charged with contravening any regulation or associated Schedule by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of commercial air transport or aerial work, the flight shall be treated (without prejudice to the liability of any other person under these Regulations) as not having been for that purpose if he proves that he neither knew nor suspected that the flight was for that purpose.
- (4) A person who contravenes these Regulations commits an offence and is liable to a fine of \$10,000 or to imprisonment for a term not exceeding two years.

9. Appeals.

- (1) An appeal shall lie to the Supreme Court from any decision of the Director-General that a person is not fit to hold a licence to act as an aircraft maintenance technician, member of a flight crew of an aircraft, or as the management of an approved maintenance or training organization, or the management of an air operator, and if the court is satisfied on the evidence submitted to the Director-General, that the Director-General was wrong in so deciding, the court may reverse the Director-General's decision and the Director-General shall give effect to the court's determination.
- (2) Notwithstanding subsection (1), an appeal shall not lie from a decision of the Director-General that a person is not qualified to hold the licence by reason of a deficiency in the person knowledge, experience, competence, skill, physical or mental fitness.
- (3) For the purposes of any provision relating to the time within which an appeal may be brought, the Director-General's decision shall be deemed to have been taken on the date on which the Director-General furnished a statement of his reasons for the decision to the applicant for the licence, or as the case may be, the holder or former holder of it.

PART III – SAFETY AND SECURITY OVERSIGHT

10. Safety and Security Oversight Organizations.

The Director-General shall establish, within the Authority, safety and security oversight divisions and inspectorates comprised of technically qualified inspectors to conduct the necessary technical evaluations, inspections and investigations.

11. Delegation of powers.

- (1) The Director-General shall have the delegated authority to issue a licence, certificate, approval or other written document in support of the functions assigned to the Director-General and to perform such acts and conduct such investigations on behalf of the Authority.
- (2) Pursuant to section 13 of the Act, the Director-General may by Aviation Information Circulars, Airworthiness Notices, Aeronautical Information Publications, Notices to Airmen, Notices of Non-Compliance, and other documents develop, issue and revise instructions, directions, rules and procedures or prescribe requirements to give effect to the Convention, the Civil Aviation Act and these Regulations, relating to the operation, use, possession, maintenance or operations of aircraft flying in or over The Bahamas or of aircraft registered in The Bahamas or of aircraft operated

by the holder of an Air Operator Certificate issued under these Regulations.

12. Authorising credential.

The inspectors assigned to the Authority shall have the status of authorised persons under these Regulations and shall be issued a unique credential for the performance of their functions.

13. Possession of credential.

No person shall possess or use the inspector credentials unless that person —

- (a) is employed by the Government of The Bahamas to perform the oversight functions of the Authority; and
- (b) is using the credential in the performance of a specific oversight function of the Authority.

14. Authorized persons' powers and duties.

- (1) An authorized person, shall have the right to carry out audits or surveillance or to require any person to produce documents or any other article for the purpose of detecting any contravention of these Regulations.
- (2) Any person who, having been required in terms of paragraph (1) to produce any document or other article, without lawful cause makes a statement that is false in any material particular, or fails to produce any document or other article which is in his possession or control or to which he has access, commits an offence.
- (3) An authorized person shall have the right to enter and inspect any aerodrome, hanger or other place (at which an aircraft is located or stored), aircraft or any organization performing tasks and services related to aviation safety and to inspect any aircraft, aircraft equipment, components, materials, facilities, personnel or crew members for the purpose of ensuring that the provisions of the Act and these Regulations have been, or are being complied with.
- (4) Where it appears to any authorized person that an aircraft is intended or likely to be flown in such circumstances that the flight would involve an offence against these Regulations or be a cause of danger to persons in the aircraft or to persons or property on the ground, he may take such action by way of detention of the aircraft or such other action necessary for the purpose of inspecting the aircraft or causing the circumstances of the flight to be investigated.
- (5) Where an aircraft has been detained pursuant to paragraph (4), such aircraft shall not be operated until the Director-General, being satisfied

that these Regulations are being complied with, approves or until such modifications or repairs have been effected as the Director-General considers necessary to render the aircraft fit for flight.

- (6) For the purpose of exercising his responsibilities under these Regulations, any authorized person shall be issued with and carry at all times identification referred to in regulation 12.
- (7) No person shall intentionally obstruct or impede any authorized person acting in the exercise of his powers or the performance of his duties under these Regulations.

15. Access and inspection.

- (1) The Director-General may cause such evaluations, inspections, investigations, tests, experiments, or flight trials to be conducted as the Director-General deems necessary.
- (2) A person authorized in writing by the Director-General to conduct the inspections, investigations and observations may, at any reasonable time, inspect any aircraft, personnel, facilities, and records in operations.
- (3) The Director-General or any person authorized shall, have the right of access at all reasonable times —
 - (a) to any aircraft, including an aircraft that is not registered in The Bahamas, for the purpose of inspecting the airworthiness of that aircraft and the validity of the certificates, licences, approvals and other documents relating to the operation of the aircraft;
 - (b) to any aerodrome for the purpose of inspecting the aerodrome or any aircraft on the aerodrome or any document which it has power, to demand, or for the purpose of detaining the aircraft;
 - (b) to any place, whether public or private, where an aircraft is located for the purpose of inspecting the aircraft or any document which it or such person has power, to demand or for the purpose of detaining the aircraft;
 - (d) to any aircraft, for the purpose of checking, whilst in flight, the performance of the aircraft or any of its equipment and the efficiency of flight crew members in the performance of their duties,

provided that the safety of commercial operations of the aircraft shall not be unduly prejudiced by the exercise of the right of access in terms of this regulation.

16. Power to inspect and copy.

- (1) An authorized person shall have the power to inspect and copy any certificate, licence, logbook, document or record which he has the power

pursuant to these Regulations and any directions issued thereunder to require to be produced to him.

- (2) No person may obstruct, impede or otherwise interfere with the copying of the documents in paragraph (1) by an authorised person.

17. Production of documents and records.

- (1) Each person involved or participating in an aviation activity shall, within a reasonable time after being requested to do so by an authorized person, cause to be produced to that person the certificates and documents which he is required to have, carry, complete or preserve during the course of his activities. This will include airmen and medical certificates, operational and maintenance manuals and records as required by these Regulations applicable to that activity.
- (2) The holder of a licence granted or rendered valid under these Regulations shall, within a reasonable time after being requested to do so by an authorized person, cause to be produced to that person his licence, including any certificate of validation.

18. Power to prevent aircraft flying.

- (1) If it appears to the Director-General or an authorized person that any aircraft is intended or likely to be flown —
 - (a) in such circumstances that the flight would be a cause of danger to any person or property whether or not in the aircraft and in contravention of any provision of these Regulations or any directions issued thereunder; or
 - (b) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of these Regulations or of any directions issued under these Regulations,

the Director-General or that authorized person may direct the operator or the pilot in command of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Director-General or by an authorized person, and the Director-General or that authorized person may take such steps as are necessary to detain the aircraft.

- (2) For the purposes of paragraph (1), the Director-General or any authorized person may enter upon and inspect any aircraft.
- (3) If it appears to the Director-General or an authorized person that any aircraft is intended or likely to be flown in such circumstances that any provision under these Regulations or provision relating to the licensing of air transport in The Bahamas would be contravened in relation to the

flight the Director-General or that authorized person may direct the operator or the pilot in command of the aircraft that he is not to permit the aircraft to make a particular flight or any other flight of such description as may be specified in the direction until the direction has been revoked by the Director-General or any authorized person, may take such steps as are necessary to detain the aircraft.

- (4) For the purposes of paragraph (3), the Director-General or any authorized person may enter upon any aerodrome and may enter upon and inspect any aircraft.

PART IV – REPORTS, ETC.

19. Accident prevention and mandatory occurrence reporting.

- (1) A person referred to under paragraph (2) shall make a report to the Director-General —
- (a) which is required by these Regulations; or
 - (b) upon his request for such information as specified in a notice in writing served upon the person, being information which is in this person's possession or control and which relates to a reportable occurrence which has been reported by him or by another person to the Director-General in accordance with this regulation.
- (2) The persons referred to under paragraph (1) include —
- (a) the operator and the pilot-in-command of an aircraft which has a certificate of airworthiness issued by the Director-General;
 - (b) the operator and the pilot-in-command of an aircraft operated under an air operator's certificate issued by the Director-General;
 - (c) a person who carries on in The Bahamas the business of manufacturing, repairing, or overhauling an aircraft referred to in subparagraphs (a) and (b), or any equipment or part thereof;
 - (d) a person who carries on the business of maintaining or modifying an aircraft, that has a certificate of airworthiness issued by the Director-General, or any equipment or part thereof;
 - (e) a person who carries on the business of maintaining or modifying an aircraft, operated under an air operator's certificate issued by the Director-General, or any equipment or part thereof;
 - (f) a person who signs an airworthiness report or certificate of release to service in respect of such aircraft, equipment or part;
 - (g) a person who performs a function which requires an air traffic controllers licence or flight information service authorisation;

- (h) an aerodrome certificate or licence holder, operator or manager of a certificated or licensed aerodrome;
 - (i) a person who performs a function connected with the installation, modification, maintenance, repair, overhaul, flight checking or inspection of air navigation facilities which are used by a person who provides an air traffic control service under an approval issued by the Director-General;
 - (j) a person who performs a service concerning the ground-handling of an aircraft, including fueling, servicing, load sheet preparation and towing.
- (3) The reports shall be made within such time, by such means, and shall contain such information as specified under these Regulations and it shall be presented in such form as the Director-General may require.
 - (4) Subject to paragraph (1)(a), nothing in this regulation shall require a person to report any occurrence which he has reason to believe has been or will be reported by another person to the Director-General in accordance with this regulation.
 - (5) A person shall not make any report under this regulation if he knows or has reason to believe that the report is false in any particular.
 - (6) In this regulation, “reportable occurrence” means —
 - (a) any incident relating to such an aircraft or any defect in or malfunctioning of such an aircraft or any part or equipment of such an aircraft, being an incident, malfunction or defect endangering, or which, if not corrected, would endanger, the aircraft, its occupants, or any other person; and
 - (b) any defect in or malfunctioning of any facility on the ground used or intended to be used for purposes of or in connection with the operation of such an aircraft, being a defect or malfunctioning endangering, or which, if not corrected, would endanger, such an aircraft or its occupants.

20. Documents to be carried.

- (1) An aircraft shall not fly in or over The Bahamas unless it carries the documents which it is required to carry under the law of the country in which it is registered.
- (2) An aircraft registered in The Bahamas shall, when in flight, carry documents in accordance with *Schedule 10* provided that, if the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than The Bahamas, the documents may be kept at that aerodrome instead of being carried in the aircraft.

21. Preservation of documents.

- (1) A person required by these Regulations and the applicable *Schedules* to preserve any document or record shall continue to preserve that document or record for a period of five years, and in the event of his death the duty to preserve the document or record shall fall upon his designated representative.
- (2) A person assigned under these Regulations and the applicable *Schedules* to preserve any document or record shall continue to preserve that document or record until such time as the responsibility may be transferred to another assigned person.

PART V – MISCELLANEOUS

22. Prohibitions.

- (1) A person shall not, with intent to deceive —
 - (a) use any certificate, licence, approval, permission, exemption or other document issued or required under these Regulations which has been forged, altered, revoked or suspended, or to which the person is not entitled;
 - (b) lend any certificate, licence, approval, permission, exemption or other document issued or having effect or required by or under these Regulations to, or allow it to be used by, any other person; or
 - (c) make any false representation for the purpose of procuring for that person or any other person the grant, issue, renewal or variation of any such certificate, licence, approval, permission or exemption or other document, and in this paragraph a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy thereof.
- (2) No person shall intentionally damage, alter or render illegible any logbook or other record required under these Regulations to be maintained or any entry made therein, or —
 - (a) knowingly make, or procure or assist in the making of, any false entry in or material omission from any such logbook or record; or
 - (b) destroy any such logbook or record during the period for which it is required under these Regulations to be preserved.
- (3) All entries made in writing in any logbook or record referred to in paragraph (2) shall be made in ink or indelible pencil.
- (4) No person shall purport to issue any certificate for the purposes of these Regulations or any directions made thereunder unless he is authorized to do so under these Regulations.

- (5) No person shall issue any such certificate unless the person is satisfied that all statements in the certificate are correct.

23. Interception of aircraft.

- (1) In accordance with Article 3 to the Convention, measures for the interception of an aircraft shall have regard to the following principles —
- (a) interception of aircraft shall be undertaken only as a last resort;
 - (b) if interception is undertaken, the interception shall be limited to determining the identity of the aircraft, unless it is necessary to return the aircraft to its planned track, direct it beyond the boundaries of The Bahamas national airspace, guide it away from a prohibited, restricted or danger area or to instruct it to effect a landing at a designated aerodrome;
 - (c) practice interception of civil aircraft shall not be undertaken;
 - (d) navigational guidance and related information shall be given to an intercepted aircraft by radio-telephony, whenever radio contact can be established;
 - (e) in a case where an intercepted aircraft is required to land in The Bahamas, the designated aerodrome for the landing shall be suitable for the safe landing of the aircraft type concerned.
- (2) The Director-General shall ensure that the procedures relating to interception of civil aircraft are published in the Aeronautical Information Publication.

24. Extra-territorial effect.

Except where the context otherwise requires, these Regulations—

- (a) insofar as they apply (whether by express reference or otherwise) to aircraft registered in The Bahamas, apply to such aircraft wherever they may be; and insofar as they apply to other aircraft apply to such other aircraft when they are within The Bahamas;
- (b) insofar as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by persons in, or by any of the crew of any aircraft registered in The Bahamas, apply to such persons and crew wherever they may be; and
- (c) insofar as they prohibit, require or regulate the doing of anything in relation to any aircraft registered in The Bahamas by other persons apply to them wherever they may be.

25. Application to a Bahamas controlled aircraft not registered in The Bahamas.

- (1) The Director-General may direct that such of the provisions of these Regulations as may be specified in any such Direction shall have effect as if reference in those provisions to aircraft registered in The Bahamas shall include references to the aircraft specified in the Direction.
- (2) A Direction under paragraph (1) may only specify an aircraft that is not registered in The Bahamas but which is for the time being under the management of a person who is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in The Bahamas.

26. Approval of persons to provide reports.

In relation to any of the Director-General's functions under any of the provisions of these Regulations, the Director-General may approve a person as qualified to provide reports and may accept such reports.

27. Exemptions from these Regulations.

Pursuant to section 19(2)(p) of the Act, the Director-General may exempt from any of the provisions of these Regulations, or may grant an alleviation from any of the requirements and standards published under the provisions of section 13 of the Act, any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as the Director-General thinks fit and shall publish details of such exemptions.

28. Savings.

- (1) Any licence, provisional licence or permit granted and any requirement, agreement or recommendation made and any other things done under the provisions of the Regulations revoked under section 28, having effect immediately before the commencement of these Regulations shall continue to have effect and shall be deemed for all purposes to have been granted, made or done under the provisions of these Regulations.
- (2) All pending applications for licences or representations or objections thereto made under the provisions of the Regulations revoked under section 28, shall be deemed to be made under the provisions of these Regulations.

29. Revocation of Sub. Leg. Vol. IV, Ch. 284 - 5.

The Civil Aviation (Air Navigation) Regulations and the Civil Aviation (Safety) Regulations are revoked.