



EXTRAORDINARY

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CIVIL AVIATION (CIVIL PENALTIES) REGULATIONS, 2017

Arrangement of Regulations

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**CIVIL AVIATION ACT
(NO. 22 OF 2016)
CIVIL AVIATION (CIVIL PENALTIES)
REGULATIONS, 2017**

The Minister, in exercise of the powers conferred by sections 31 and 69 of the Civil Aviation Act, makes the following Regulations —

1. Citation.

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

2. Interpretation.

In these Regulations —

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

“**notice of objection**” has the meaning assigned in regulation 4;

“**penalty notice**” has the meaning assigned in regulation 3.

3. Notification of penalty decision.

- (1) The Authority shall, where the Authority decides to require a person to pay a penalty pursuant to section 31 or section 69 of the Act, give the person a penalty notice.
- (2) A penalty notice shall —
 - (a) be in writing;
 - (b) state the Authority’s reasons for deciding to require the person to pay a penalty;
 - (c) state the amount of the penalty;
 - (d) specify the date on which the notice is given;
 - (e) specify the date on which the penalty must be paid, such date for payment must be at least 21 days from the date that the notice is given;
 - (f) specify how the penalty must be paid;
 - (g) include an explanation of the steps that the person may take if the person objects to the penalty (including specifying the manner and

form in which any notice of objection must be given to the Authority); and

- (h) include an explanation of the steps the Authority may take to recover any unpaid penalty.

4. Objection to penalty notice.

- (1) The recipient of a penalty notice may object to the penalty notice by giving a notice of objection to the Authority.
- (2) A notice of objection shall —
 - (a) be in writing;
 - (b) give reasons for the objection;
 - (c) be given to the Authority in the manner and form specified in the penalty notice; and
 - (d) be given before the end of the period of 21 days beginning with the date specified in the penalty notice as the date on which it is given.
- (3) The Authority shall, where the Authority receives a notice of objection, consider the notice and may —
 - (a) cancel the penalty;
 - (b) reduce the penalty;
 - (c) increase the penalty; or
 - (d) determine not to alter the penalty.
- (4) The Authority shall, after reaching a decision as to how to proceed under paragraph (3), notify the recipient of the decision in writing.
- (5) A notification under paragraph (4) must be given before the end of the period of 60 days beginning with the date specified in the penalty notice as the date on which it is given, or such longer period as the Authority may agree with the recipient.
- (6) A notification under paragraph (4), other than one notifying the recipient that the Authority has decided to cancel the penalty, shall —
 - (a) state the amount of the penalty following the Authority's consideration of the notice of objection;
 - (b) state the Authority's reasons for the decision under paragraph (3);
 - (c) specify the date, at least 28 days after the date on which the notification is given, before which the penalty must be paid;
 - (d) specify how the penalty must be paid;
 - (e) include an explanation of the recipient's rights of appeal; and
 - (f) include an explanation of the steps the Authority may take to recover any unpaid penalty.

5. Appeals.

- (1) A person may appeal to the court against a decision to require the person to pay a penalty under these Regulations.
- (2) An appeal may be brought only if the appellant has given a notice of objection and the Authority has made a decision under regulation 4(3), paragraphs (b), (c) or (d).
- (3) An appeal must be brought within the period of 28 days beginning with the date on which the person has been notified of the Authority's decision on the notice of objection under regulation 4(4).
- (4) The court may on an appeal —
 - (a) allow the appeal and cancel the penalty;
 - (b) allow the appeal and reduce the penalty; or
 - (c) dismiss the appeal.
- (5) An appeal —
 - (a) shall be a re-hearing of the Authority's decision to impose a penalty; and
 - (b) may be determined having regard to matters of which the Authority was unaware.
- (6) Paragraph (5)(a) has effect notwithstanding any provision of rules of court.

6. Enforcement of penalty decision.

- (1) These Regulations apply where a sum is payable to the Authority as a penalty under sections 31 and 69 of the Act and under these Regulations.
- (2) The penalty is recoverable as if it were payable under an order of the court.

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