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CIVIL AVIATION ACT, 2021

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No. 1 of 2021

CIVIL AVIATION ACT, 2021

AN ACT TO REPEAL AND REPLACE THE CIVIL AVIATION ACT, 2016, TO MODERNIZE THE REGULATON OF CIVIL AVIATION IN THE BAHAMAS IN ACCORDANCE WITH THE CHICAGO CONVENTION AND FOR CONNECTED PURPOSES

[Date of Assent - 16th February, 2021]

Enacted by the Parliament of The Bahamas

PART I - PRELIMINARY

1. Short title.

This Act may be cited as the Civil Aviation Act, 2021.

2. Interpretation.

In this Act, unless the context otherwise requires –

“**Act**” means the Civil Aviation Act, 2021;

“**aerial work**” means an aircraft operation in which an aircraft is used for specialised services including agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement;

“**aerodrome**” means a defined area on land or water, including any buildings, installations and equipment, intended to be used wholly or in part for the arrival, departure and surface movement of aircraft;

“**aircraft**” means a machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth’s surface;

“**Aircraft Accident Investigation Authority Act**” means the Aircraft Accident Investigation Authority Act, 2019 (*No. 44 of 2019*);

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

“airman” means an individual —

- (a) engaged as a crew member;
- (b) in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, rotors or appliances;
- (c) serving in the capacity of an air traffic controller;
- (d) serving in the capacity of flight operations officer;

“air navigation facility” means any facility used in, available for use in, 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 the landing and take-off of aircraft;

“air navigation services” means —

- (a) communication services, whether ground to air or ground to ground, and navigational services including radio, surveillance equipment and visual aids to navigation, provided for the safety of aircraft;
- (b) air traffic services provided for the safety of aircraft;
- (c) meteorological services provided for the safety of aircraft and for the regularity of flight;
- (d) aeronautical information services;

“air operator” means a person, organisation or enterprise engaged in or offering to engage in any aircraft operation;

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

“air piracy” means any actual or attempted seizure or exercise of control, by force of violence or by any other form of intimidation, with wrongful intent, of an aircraft within the jurisdiction of The Bahamas;

“Air Transport Licence” means an economic licence issued to the holder of an Air Operator Certificate on the basis of the company's commercial fitness to conduct an aviation undertaking;

“airport” means an aerodrome at which there are facilities for customs, immigration and public health;

- “Airport Authority”** means the authority established under the Airport Authority Act (*Ch. 287*);
- “Annex”** means an Annex to the Chicago Convention;
- “appliance”** means any instrument, equipment, apparatus, part, appurtenance, or accessory, 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 and includes a parachute, communication equipment and any other mechanism installed in or attached to an aircraft during a flight, and which is not a part of an aircraft, aircraft engine, or propeller;
- “Authority”** means the Civil Aviation Authority continued under section 3 of the Civil Aviation Authority Bahamas Act;
- “aviation document”** means a licence, permit, certificate or other document issued under section 20 in respect of any of the classes of persons or services or things specified therein;
- “cargo”** means any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage;
- “Chicago Convention”** means the Convention on International Civil Aviation drawn up in Chicago on 7 December 1944;
- “civil aircraft”** means any aircraft other than a State or military aircraft;
- “civil aviation”** means the operation of any civil aircraft for the purpose of general aviation, aerial work or commercial air transport operations;
- “Civil Aviation Authority Bahamas Act”** means the Civil Aviation Authority Bahamas Act, 2021;
- “commercial air transport operation”** means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;
- “Contracting State”** means any State which is a Party to the Chicago Convention;
- “crew member”** means a person assigned by an air operator to duty on an aircraft during a flight duty period;
- “Director General”** means the Director General appointed under section 14(1) of the Civil Aviation Authority Bahamas Act;
- “domestic animal”** means any of the various animals that have been tamed and made fit for a human environment;
- “flight”** means any time from the moment when all the aircraft external doors are closed following embarkation of passengers, until the moment when any of such doors are opened for disembarkation;
- “foreign air operator”** means any operator, not being a Bahamian air operator, which undertakes, whether directly or indirectly or by

lease or any other arrangement, to engage in commercial air transport operations within the borders or airspace of The Bahamas, whether on a scheduled or charter basis;

“general aviation operation” means an aircraft operation of a civil aircraft for other than a commercial air transport operation or aerial work operation;

“Minister” means the Minister responsible for civil aviation;

“operating regulations” means operating regulations made pursuant to section 17 of the Civil Aviation Authority Bahamas Act;

“owner” means, where an aircraft is registered, the registered owner;

“person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative of these entities;

“safety-sensitive personnel” means a person who performs a safety-sensitive function such as flight crew member, cabin crew member, flight instructor, aircraft dispatcher, aircraft maintenance, ground security, aviation screening or air traffic duties;

“State” means a Contracting State of the International Civil Aviation Organisation (ICAO);

“spare parts” means any parts, appurtenances, and accessories of aircraft, aircraft engines, propellers, rotors and of appliances, maintained for installation or use in an aircraft, aircraft engine, propeller, rotor or appliance, but which at the time are not installed therein or attached thereto;

3. Application of Act.

This Act shall, except where expressly exempted, apply to every —

- (a) foreign registered aircraft whilst in or over the territory of The Bahamas;
- (b) aircraft registered in The Bahamas, whether within or outside the territory of The Bahamas;
- (c) air operator, flight crew member, maintenance organisation, aerodrome operator, aeronautical product, air navigation service, or other aviation related service provider in The Bahamas; and
- (d) holder of an aviation document issued under this Act.

PART II – ADMINISTRATION OF CIVIL AVIATION IN THE BAHAMAS

ADMINISTRATION OF ACT

4. Responsibilities of Minister.

The Minister shall be responsible for ensuring that the Act and the obligations of the State under the Chicago Convention and under any other agreement relating to civil aviation are carried out.

5. Responsibilities of the Civil Aviation Authority Bahamas.

- (1) The Civil Aviation Authority Bahamas shall be the body with responsibility for carrying out the functions of this Act and any convention to which The Bahamas is a party on matters relating to civil aviation.
- (2) Every person appointed under the Civil Aviation Authority Bahamas Act or this Act with responsibility for carrying out the functions of this Act, shall perform such functions and exercise any discretion expressly or impliedly vested in him in a manner which gives effect to this Act.

CHICAGO CONVENTION ON INTERNATIONAL CIVIL AVIATION

6. Obligations of The Bahamas under the Chicago Convention.

- (1) The Authority shall have responsibility to ensure that the principles and arrangements of the Chicago Convention are adhered to in order that —
 - (a) international civil aviation may be developed in a safe and orderly manner; and
 - (b) international air transport services may be established on the basis of equality of opportunity, and operated soundly and economically.
- (2) To enable the Authority to perform its obligations under subsection (1), the Authority may from time to time —
 - (a) establish and implement operating regulations that are uniform to the greatest possible extent, with those standards established under the Chicago Convention and any Annexes thereto;
 - (b) conduct safety and security oversight activities.

7. Application of international conventions, etc. in absence of provisions in any law.

In the absence of relevant provisions in any law relating to civil aviation, the provisions of the Chicago Convention and other international civil aviation treaties and conventions to which the State acceded to or shall accede to in the future shall be applicable.

DOMESTIC BASED CIVIL AVIATION

8. Domestic based civil aviation.

The Authority shall apply the principles and arrangements adhered to under the Chicago Convention in accordance with section 6(1), to flights flown between points within the domestic boundaries of the territory of The Bahamas.

PART III – REGULATION OF CIVIL AVIATION IN THE BAHAMAS

CIVIL AIRCRAFT REGISTRATION

9. The Bahamas Civil Aircraft Register.

There shall be for the purposes of this Act a register showing each aircraft registered by The Bahamas and the information recorded in the certificate of registration.

10. Unlawful to operate civil aircraft unless registered.

It shall be unlawful for any person to operate a civil aircraft in The Bahamas unless the aircraft is —

- (a) registered in The Bahamas; or
- (b) registered under the laws of any other Contracting State.

11. Requirements for an aircraft registration.

- (1) An aircraft may be registered by the Authority provided that the aircraft is not registered in any other country and is owned by —
 - (a) a citizen of The Bahamas;
 - (b) a citizen of another State, who is the holder of a valid permanent residence certificate granted under the Immigration Act (*Ch. 191*);

- (c) a company registered under the Companies Act (*Ch. 308*) lawfully incorporated in and carrying out business under the laws of The Bahamas; or
 - (d) the Government.
- (2) Notwithstanding subsection (1), the Director General may, authorise the registration of an aircraft which is privately owned by a person or corporation of another State.

12. Registration not to be considered as evidence of ownership.

An aviation document issued under this Act shall not be considered evidence as to ownership in any proceeding under the laws of The Bahamas in which ownership of the aircraft by a particular person is or may be in issue.

13. Registration of aircraft may be suspended, etc. in public interest.

A registration granted in respect of an aircraft may be suspended or revoked by the Authority in the public interest.

AIR OPERATORS ENGAGING IN COMMERCIAL AIR TRANSPORT

14. Air operators engaging in commercial air transport.

- (1) No air operator shall engage in commercial air transport unless that air operator holds an air transport licence authorising such transportation.
- (2) Failure by any air operator to possess a licence referred to under subsection (1), shall result in the automatic suspension of the commercial air transport operation to which this licence applies.

15. Requirements for an air transport licence.

The Authority may issue an air transport licence to an air operator where the Authority is satisfied that the air operator —

- (a) is in a position to meet at any time its actual and potential financial obligations established under realistic assumptions, for a period specified by the Authority from the start of operations; and
- (b) has the ability to adequately, safely and securely perform the transportation activity covered by its application and meet the requirements of this Act and any operating regulations issued thereunder.

16. Foreign air operators engaging in commercial air transport.

- (1) No foreign air operator shall engage in commercial air transport to or within The Bahamas unless that operator is in possession of a valid air transport licence in accordance with section 15.
- (2) Subsection (1) shall not apply to an aircraft —
 - (a) that lands, or flies across The Bahamas, without embarking or disembarking passengers, cargo or mail;
 - (b) operating in accordance with an agreement made between The Bahamas and another Contracting State, which specifically exempt the foreign air operator from subsection (1); or
 - (c) exempted by the Director General in writing.

17. Non-compliance by foreign air operators.

- (1) Where the Authority identifies a case of non-compliance with the laws of The Bahamas, or serious safety concern by a foreign air operator, the Authority shall notify the air operator, and if the case warrants it —
 - (a) notify the State of the Operator and State of Registry; and
 - (b) engage in consultations with the State of the Operator or the State of Registry, concerning the safety standards maintained by the air operator.
- (2) The Director General may modify, by imposing a condition upon, suspend or revoke, a licence under section 16(1) for failure to comply with any provision of this Act, or operating regulations or other such orders made by the Authority from time to time.

18. Recognition of certificates, etc. issued by Contracting States.

The Authority shall —

- (a) recognise as valid, a certificate of airworthiness, certificate of competency or a licence issued or rendered valid by a Contracting State in which the aircraft is registered, provided that the requirements under which such certificates or licences were issued or rendered valid are equal to the applicable standards specified in an Annex;
- (b) establish a programme with procedures for the surveillance of operations in the territory of The Bahamas by a foreign air operator and for taking appropriate action when necessary to preserve safety.

19. Insurance requirements of air operators.

- (1) Every air operator flying within the territory of The Bahamas, shall have adequate insurance for their aviation-specific liability in respect of passengers, baggage, cargo and third parties.
- (2) The insured risks shall include —
 - (a) acts of war, terrorism, hijacking or acts of sabotage;
 - (b) unlawful seizure of aircraft and civil commotion;
 - (c) damage to the hull.

GENERAL REQUIREMENTS FOR ENGAGING IN CIVIL AVIATION

20. Requirements for an aviation document.

- (1) For the purposes of this Act, an aviation document is required by or in respect of any of the following classes of persons or services or things —
 - (a) aircraft registration in accordance with section 10;
 - (b) an airman;
 - (c) air operator conducting general aviation, aerial work or commercial air transport operations;
 - (d) air traffic, aircraft maintenance, aviation security, meteorological or communications services or personnel;
 - (e) an aerodrome or aerodrome operator;
 - (f) aviation navigation services;
 - (g) aviation security services;
 - (h) a navigation installation provider;
 - (i) an aviation training organisation;
 - (j) aircraft design, manufacture and maintenance organisations;
 - (k) aeronautical procedures;
 - (l) aviation examiners or aviation medical examiners;
 - (m) any other class of person, product or service or thing that is deemed necessary by the Authority, in the interest of civil aviation safety and security.
- (2) Any person who is desirous of engaging in or engages in any activity, function or does any thing for which an aviation document is required in accordance with section 21 —
 - (a) must apply for or have been granted an approval in accordance with section 22
 - (b) must meet the criteria specified in section 21 for a fit and proper person;

- (c) shall ensure that he possesses the requisite experience, qualifications and supporting documents;
 - (d) shall comply with this Act, any regulations thereunder and any conditions attached to the relevant aviation documents;
 - (e) shall ensure that the activities or functions for which an aviation document has been granted are carried out by him, and by all persons for whom he is responsible, safely and in accordance with the applicable operating regulations and procedures.
- (3) The Authority may issue an aviation document for such period specified therein and subject to such conditions as the Authority deems appropriate.

21. Criteria for fit and proper person.

- (1) For the purpose of determining whether a person is fit and proper for any purpose under this Act, the Director General shall have regard to —
- (a) the compliance history of that person with any law in force at the time or any operating regulations, orders, directives, circulars and instructions issued by the Authority from time to time;
 - (b) the related experience of that person, if any, within the civil aviation industry;
 - (c) the knowledge of that person of the applicable civil aviation regulatory requirements;
 - (d) the supporting medical certificate submitted by that person, where applicable;
 - (e) the physical or mental health or evidence of serious behavioural problems, if any;
 - (f) any convictions prior to or after the commencement of this Act, whether in The Bahamas or any other jurisdiction;
 - (g) any evidence that the person has committed a civil aviation safety offence or has contravened or failed to comply with any regulation made under this Act; and
 - (h) any other relevant information brought to his attention.
- (2) For the purposes of subsection (1)(f), where the person in question is a body corporate, the Director General shall have regard to the convictions of the officers of that body corporate or any director or shareholder thereof.
- (3) Where any information pursuant to subsection (1) is to be taken into consideration by the Director General that may be prejudicial to a person, the Director General shall disclose that information to the person and give that person a reasonable opportunity to make a written or oral

representation, either by himself or some other person, unless such information ought not to be disclosed in the public or national interest.

- (4) The Director General shall not be obligated to disclose any information brought to his attention, the disclosure of which may affect confidentiality or would be likely to endanger the safety of any person.

22. Grant and renewal of aviation documents.

- (1) Every application for the grant or renewal of an aviation document required under this Act shall be made to the Authority in the prescribed form and accompanied by such information specified therein or such other information as may be further required by the Authority.
- (2) The Authority may, having considered an application made pursuant to subsection (1), grant the approval of an application for an aviation document or the renewal thereof if the Authority is satisfied that —
 - (a) where the applicant is an entity and any person who is to have or is likely to have control over the exercise of the privileges under the document, either holds —
 - (i) the relevant prescribed qualifications and experience; or
 - (ii) such qualifications as are accepted by the Authority;
 - (b) where the applicant is an individual, he either holds —
 - (i) the relevant prescribed qualifications and experience; or
 - (ii) such qualifications as are accepted by the Authority;
 - (c) the applicant is a fit and proper person;
 - (d) the applicant meets all of the requirements under this Act, including the results of any examination or test imposed on the applicant as the Authority deems appropriate;
 - (e) the approval of such application will not in the opinion of the Authority be contrary to the interests of aviation safety.
- (3) The Authority may impose conditions in respect of an aviation document granted in accordance with this section.
- (4) Where the Authority refuses to grant an approval of an application under this section, the applicant may object to the decision in accordance with section 34.
- (5) Any person who makes a false representation or statement for the purpose of procuring for himself, or any other person, the grant, renewal or variation of an aviation document, commits an offence under this Act.

23. Duties of aviation document holders.

It shall be the duty of any person who holds an aviation document to —

- (a) comply with the applicable operating regulations as may be issued by the Authority from time to time;
- (b) provide training and supervision to all of his employees who are engaged in doing any thing to which the document relates;
- (c) provide adequate resources to ensure compliance with any applicable operating regulations and any conditions attached thereto; and
- (d) notify the Authority of any changes to any material information given in support of an application made under section 22, including, but not limited to, the address, telephone or facsimile number of the holder.

24. Variation of aviation documents.

- (1) The holder of an aviation document may apply in writing for the variation thereof —
 - (a) to reflect the fact that any privilege or duty for which the document was granted, is no longer carried out, or able to be carried out, by the holder;
 - (b) to reflect any change of material information thereon;
 - (c) to correct any clerical or other error on the face of the document.
- (2) The Authority may —
 - (a) upon its own discretion; or
 - (b) upon application made under subsection (1),approve the variation of an aviation document, where it considers it appropriate so to do.

25. Service of notice.

The service of any notice by the Authority under this Act on a holder of, or applicant for, an aviation document shall be deemed served, if served at the address last provided by that holder or applicant under this section.

**INSPECTION, MONITORING AND INVESTIGATION OF AVIATION
DOCUMENTS**

26. Inspection and monitoring of aviation documents.

- (1) The Director General shall in accordance with applicable operating regulations appoint inspectors to conduct inspection and monitoring for the purposes of this Act.

- (2) An inspector appointed pursuant subsection (1) may in accordance with applicable operating regulations require the holder of an aviation document to be subject to inspection and monitoring as the Director General considers necessary in the interests of civil aviation safety and security.
- (3) For the purposes of any inspection or monitoring carried out under this section, an inspector may in writing require from that person such information as the Director General considers relevant to the inspection or the monitoring.
- (4) In carrying out inspection and monitoring pursuant to subsection (1), an inspector —
 - (a) shall conclude the inspection and monitoring as soon as practicable;
 - (b) may make available the results of the inspection and monitoring to the document holder;
 - (c) may make recommendations arising out of the inspection; and
 - (d) shall provide the grounds for any recommendations made.
- (5) To enable the conduct of an inspection and monitoring under this section, the Director General may in writing, require from the document holder such information as he considers necessary.

27. Investigation of holder of aviation document.

- (1) The Director General may, in writing, where he considers it necessary in the interests of civil aviation safety and security, require the investigation of the holder of an aviation document where he —
 - (a) has reasonable grounds to believe that the holder thereof has failed to comply with any conditions of his aviation document or with the requirements of section 23; or
 - (b) considers that the privileges or duties for which the document has been granted are being carried out by the holder thereof in a negligent, reckless or incompetent manner.
- (2) If the Director General requires the holder of an aviation document to be investigated, the Director General —
 - (a) shall inform the holder thereof, in writing, of the date on which the investigation will commence;
 - (b) shall conclude the investigation as soon as practicable;
 - (c) may make available the results of the investigation to the document holder;
 - (d) make recommendations arising out of the investigation; and
 - (e) provide the grounds for any recommendations made.

IMPOSITION OF CONDITIONS ON, SUSPENSION AND REVOCATION OF AVIATION DOCUMENTS

28. Interpretation of Part.

For the purposes of this Part, unless the context otherwise requires —

“**adverse decision**” means a decision of the Director General to the effect that a person is not a fit and proper person for any purpose under this Act;

“**affected document holder**” means the holder of, or the applicant for, an aviation document who has been directly affected by an adverse decision;

“**person directly affected**” in relation to any adverse decision, means the person who would be entitled under section 34 or 44 to object or appeal under this Part;

“**person on the basis of whose character the adverse decision arises**” means a person whom the Director General assesses as not being a fit and proper person as specified in section 21.

29. Criteria for invoking suspension or revocation, etc.

- (1) The provisions of this section shall apply for the purpose of determining whether an aviation document should be —
 - (a) suspended under section 30;
 - (b) varied by the imposition of a condition under section 30 or 31; or
 - (c) revoked under section 32.
- (2) The Director General shall have regard, but not be limited to —
 - (a) that person's history of compliance with civil aviation regulatory requirements;
 - (b) whether that person has any convictions prior to or after the commencement of this Act, whether in The Bahamas or any other jurisdiction;
 - (c) any evidence that the person has —
 - (i) committed a civil aviation safety offence; or
 - (ii) contravened or failed to comply with any operating regulations issued under this Act;
 - (d) any other relevant information brought to his attention.

30. Suspension of aviation document.

- (1) The Director General may, in respect of an aviation document issued under this Act, suspend, in whole or part, such document if he —

- (a) considers such action necessary to ensure compliance with this Act or the operational regulations;
 - (b) considers such action necessary in the interests of aviation safety and security;
 - (c) is satisfied that the holder of an aviation document has failed to comply with any conditions thereof;
 - (d) is satisfied the holder has contravened or failed to comply with any provision of this Act or the operational regulations;
 - (e) considers that the privileges or duties for which the document has been granted are being carried out by the holder in a negligent, reckless or incompetent manner; or
 - (f) considers that there is reasonable doubt as to the airworthiness of the aircraft;
 - (g) considers that there is reasonable doubt as to the quality or safety of the aeronautical product or service to which the document relate.
- (2) The suspension of an aviation document shall remain in force for a period not exceeding twenty-one days, unless extended by the Director General in accordance with subsection (3).
- (3) The Director General may, prior to the expiration of the twenty-one day period referred to in subsection (2) —
- (a) impose conditions;
 - (b) withdraw any conditions; or
 - (c) extend the suspension for a specified period.
- (4) Any person in respect of whom any decision is taken under this section may object to that decision in accordance with section 34.
- (5) The Director General, prior to suspending an aviation document, may give notice of such proposal in accordance with section 33, which shall apply as if the proposed suspension were a proposed adverse decision.

31. Imposition of conditions on aviation document.

- (1) The Director General may vary an aviation document by imposing a condition on such document, if he —
- (a) considers such action necessary to ensure compliance with this Act or any operating regulations;
 - (b) considers such action necessary in the interests of aviation safety and security;
 - (c) is satisfied that the holder thereof has failed to comply with any conditions thereof;

- (d) is satisfied the holder thereof has contravened or failed to comply with any provision of this Act or any operating regulations; or
 - (e) considers that the privileges or duties for which the document has been granted are being carried out by the holder thereof in a negligent, reckless or incompetent manner;
 - (f) considers that there is reasonable doubt as to the airworthiness of the aircraft; or
 - (g) considers that there is reasonable doubt as to the quality or safety of the aeronautical product or service to which the document relates.
- (2) The imposition of a condition on an aviation document shall remain in force for a period not exceeding twenty-one days, unless the extension thereof is imposed by the Director General in accordance with subsection (3).
- (3) The Director General may, prior to the expiration of the twenty-one day period referred to in subsection (2) —
- (a) extend the condition for a specified period; or
 - (b) withdraw any condition.
- (4) A person in respect of whom a decision is taken under this section may object to the decision in accordance with section 34.
- (5) The Director General prior to imposing a condition on an aviation document, may give notice of such proposal in accordance with section 33, which shall apply as if the proposed condition were a proposed adverse decision.
- (6) Nothing in this section shall be construed as to prevent the Director General from suspending an aviation document or imposing any condition upon that document.

32. Revocation of aviation document.

- (1) The Director General may after an inspection, monitoring or investigation carried out under this Act, revoke an aviation document if —
- (a) he has been advised by the General Manager of the Airport Authority that they have withdrawn the security clearance of the document holder;
 - (b) he considers that the revocation is necessary in the interests of aviation safety or security;
 - (c) he determines that the privileges or duties for which the document has been granted are not being carried out, or are not able to be carried out, by the holder; or
 - (d) he has been requested in writing to revoke an aviation document by the holder of that aviation document.

- (2) Where the Director General proposes to take action under this section, he must give notice of such proposal in accordance with section 33, which shall apply as if the proposed revocation were a proposed adverse decision.
- (3) A person whose aviation document is revoked under this section must immediately surrender the document to the Director General.
- (4) A person in respect of whom a decision is taken under subsection (1)(a) - (c) may object to the decision in accordance with section 34.

33. Notice of decision.

- (1) Where the Director General —
 - (a) has suspended an aviation document;
 - (b) has imposed a condition upon an aviation document;
 - (c) has revoked an aviation document; or
 - (d) proposes to make an adverse decision in respect of an aviation document,he shall issue a written notice in accordance with this section.
- (2) The notice shall —
 - (a) notify the person directly affected by the action or proposal referred to in paragraph (1) of that action or proposal;
 - (b) inform that person of the grounds for the action or proposal;
 - (c) specify a date by which submissions may be made to the Director General in respect of the action, which date shall not be less than twenty-one days after the date on which the notice is given;
 - (d) where appropriate, specify the date on which the action will, unless the Director General otherwise determines, take effect, being a date not less than twenty-one days after the date on which the notice is given;
 - (e) notify the person of the person's right of appeal under section 44; and
 - (f) specify such other matters as in any case may be required by any provision of this or any other Act.
- (3) Where the Director General gives a notice under this section, he may, upon request, supply a copy of the notice to —
 - (a) any person on the basis of whose character the adverse decision arises, where that person is not the person directly affected by the proposed decision; or

- (b) any affected document holder, where the Director General considers that the proposed decision is likely to have a significant impact on the entitlements of the document holder.

34. Objections to proposed decisions.

- (1) The holder of an aviation document who has received notice that the aviation document has been —
 - (a) suspended;
 - (b) varied by the imposition of a condition; or
 - (c) revoked,may object to that decision in accordance with section 33(2)(c), and as specified in the notice.
- (2) It shall be the responsibility a person referred to in subsection (1) to ensure that all information that he wishes to have considered by the Director General in relation to the proposed decision is received by the Director General within the period specified in the notice or within such further period as the Director General may allow.
- (3) The Director General shall consider any information supplied pursuant to subsection (2) and shall have the discretion to consider any information supplied after the expiry of the period specified in subsection (2).
- (4) Upon consideration of the information referred to in subsection (2), the Director General shall determine whether to affirm, revise or reverse the decision and, as soon as practicable thereafter notify in writing the person directly affected, and any other person of a kind referred to in section 33(3)(a) of —
 - (a) Director General's decision;
 - (b) the grounds for the decision;
 - (c) the date on which the decision will take effect; and
 - (d) the consequences of that decision and any applicable right of appeal under section 45, in the case of an adverse decision.

OPERATION OF AERODROMES

35. Prohibition to operate unauthorised aerodromes.

- (1) No person shall —
 - (a) operate an aerodrome;
 - (b) permit the operation of an aircraft on any aerodrome on any land occupied or owned by him; or
 - (c) construct or commence to construct any private aerodrome,

unless the operator of that aerodrome possesses the requisite aviation document and the aerodrome is registered with the Authority.

- (2) In considering the grant of an aviation document in relation to an aerodrome, the Authority shall take into account *inter alia*, the need to minimize so far as is reasonably practicable—
- (a) any adverse effects on the environment;
 - (b) any disturbance to the public, from noise, vibration or atmospheric pollution;
 - (c) any detrimental effect associated with the operation and use of an aerodrome and aircraft for the purpose of civil aviation.

CIVIL AVIATION SECURITY

36. Civil aviation security responsibilities of Authority.

The Authority shall be responsible for the regulation and oversight of all civil aviation security matters in accordance with the Act and any applicable operating regulations.

PART IV – LIABILITY FOR TRESPASS, NUISANCE AND DAMAGE

37. Liability for trespass or nuisance.

Provided that the provisions of this Act are duly complied with, no action shall lie in respect of trespass or nuisance by reason only of—

- (a) the flight of an aircraft over any property at a height above the ground which, having regard to wind, weather and all the circumstances of the case, is reasonable;
- (b) the ordinary happenings of a flight referred to in paragraph (a); or
- (c) the noise and vibration caused by aircraft,

provided all applicable operating regulations have been complied with.

38. Liability for damage to person or property.

Where material loss or damage is caused to any person or property on land or water by, or by a person in, or an article or person falling from an aircraft while in flight, taking off or landing—

- (a) subject to paragraph (b), damages in respect of such loss or damage shall, unless caused or contributed to by the negligence of the person by whom it was suffered, be recoverable without proof of

negligence or intention or other cause of action as if such loss or damage had been caused by the wilful act, neglect, or default of the owner of the aircraft;

- (b) the owner shall —
 - (i) where such loss or damage is caused in circumstances in which damages are recoverable by virtue only of paragraph (a); and
 - (ii) where legal liability is created in person(s) other than the owner to pay such damages,

be entitled to be indemnified by such other person(s) against any claim in respect of such loss or damage.

39. Liability where aircraft hired out, etc.

Notwithstanding the provisions of section 37 —

- (a) where the owner of an aircraft has *bona fide* demised, let or hired out the aircraft for a period exceeding fourteen days to any person; and
- (b) where during such period no pilot or operative crew member of the aircraft is in the employment of the owner,

this Part shall have effect as if for references to the owner there were substituted references to the person to whom the aircraft has been so demised, let or hired out.

PART V – INSPECTION AND ENFORCEMENT

40. Appointment of inspectors.

- (1) For the purposes of ensuring compliance with this Act and operating regulations issued thereunder, the Director General shall appoint, in writing, persons to conduct inspections generally, or otherwise (hereinafter referred to as an “inspector”).
- (2) A person appointed under subsection (1) shall —
 - (a) possess the requisite qualifications that the Director General considers appropriate;
 - (b) at all times during the conduct of an inspection, possess his authorisation and identification;

41. Powers of inspectors.

- (1) An inspector may conduct inspections in accordance with their written authorisation and shall —

- (a) have the right of access at all reasonable times —
 - (i) to any public or private place, where an aircraft is located for the purpose of inspecting the aircraft or any document which pertains to it;
 - (ii) to any public or private place where an aircraft is located, for the purpose of detaining the aircraft;
 - (iii) 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;
 - (iv) 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;
 - (v) to enter and inspect any aerodrome, hanger or other place or any facility in which tasks and services related to aviation safety and security are performed for the purposes of determining whether such services are being performed in compliance with this Act;
 - (vi) to inspect any aerodrome, aircraft equipment, components, materials, facilities, personnel or crew members for the purpose of ensuring that the provisions of the Act are complied with; and
 - (vii) to enter and inspect the place where an aircraft may have landed or may land;
 - (b) be empowered to require any person to produce, within five working days, any document or article for the purpose of ensuring compliance with this Act;
 - (c) be empowered to inspect and copy any certificate, licence, logbook, document or record; and
 - (d) be empowered to prohibit any person from exercising the privileges granted pursuant to the issuance of an aviation document for just cause.
- (2) Where a person has been prohibited under subsection (1)(d) from exercising the privileges of an aviation document, the prohibition shall remain in effect for twenty-one days pending a decision by the Director General.
- (3) When an inspector is acting in a security capacity, he shall be entitled to interview any person within The Bahamas who may have information applicable to aviation security activities.

- (4) Any person who, having been required under subsection (1) to produce any document or article, 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.
- (5) No person shall intentionally impede, obstruct, hinder, delay or otherwise interfere with an inspector acting in the exercise of his powers or the performance of his duties under this Act.

42. Prevention of flight by inspector.

- (1) Where it appears to an inspector that an aircraft is intended, or likely to be flown in such circumstances that the operation of the flight would —
 - (a) constitute an offence against this Act; or
 - (b) be a cause of danger to persons on-board or to persons or property on the ground,he may take such action as required to prevent the operation of the flight.
- (2) Where an aircraft has been prevented from flight under subsection (1), such aircraft shall not be operated until the Director General is satisfied that the aircraft is airworthy.

ENFORCEMENT

43. Enforcement action.

The Director General may take action to enforce the regulations that have been contravened, including but not limited to —

- (a) the suspension, imposition of a condition on or revocation of an aviation document under sections 30, 31 or 32;
- (b) re-examination of grant of aviation document on the basis of competence;
- (c) assessing an administrative penalty or civil penalty for contravention of any operating regulation;
- (d) referring the offence to the appropriate court; or
- (e) preventing an aircraft from flying in accordance with section 42.

44. Appeals to Director General against enforcement action.

- (1) A person may appeal, within twenty-eight days of being notified, to the Director General against an administrative or civil penalty.
- (2) The Director General shall —
 - (a) upon receipt of an appeal, review the penalty and either cancel, reduce, increase or leave the penalty as imposed; and

- (b) within twenty-eight days of reviewing the appeal, notify the person who appealed of the decision in writing.
- (3) The person who appealed shall be notified in writing of any changes.
- (4) A person may appeal to the Supreme Court from any administrative or civil penalty imposed by the Director General provided an appeal is first lodged under subsection (1).

PART VI – OFFENCES AND PENALTIES

OFFENCES

45. General offences.

- (1) A person commits an offence if that person —
 - (a) without reasonable excuse, fails to comply with any provisions of this Act or any operating regulations issued thereunder;
 - (b) operates a civil aircraft for which an airworthiness certificate or permit to fly is not in force or in violation of the terms or such certificate or permit;
 - (c) serves in any capacity as a flight crew member of a civil aircraft without the appropriate flight crew licence, or in violation of any such licence, or in violation of this Act;
 - (d) employs, for service in connection with an aircraft used in civil aviation, a flight crew member who does not have the appropriate licence authorising the holder to act as a flight crew member;
 - (e) operates as an air operator without the air operator's certificate or in violation of the terms of such certificate or licence;
 - (f) while holding a certificate issued to a training school or maintenance organisation, violates any term, condition or limitation, or violates any rule, order or operating regulations issued thereunder, relating to the holder of such certificate;
 - (g) operates a civil aircraft negligently or recklessly in a manner likely to endanger the safety of the aircraft, or any person or property;
 - (h) attempts to enter, or is on board an aircraft, under the influence of alcohol or psychoactive substances or otherwise impaired;
 - (i) when acting as a crew member of an aircraft, is under the influence of alcohol or a psychoactive substance to such an extent as to impair his capacity to so act;
 - (j) in respect to aerodromes —

- (i) operates an aerodrome for the purposes of commercial air transport operations without a valid certificate or licence issued by the Authority;
 - (ii) being the owner or occupier of land, operates it or permits its operation as an unregistered aerodrome;
 - (iii) being the occupier of a registered aerodrome, operates it or knowingly permits its operation in violation of its certificate or licence issued by the Authority;
 - (iv) being the owner or occupier of land, constructs or commences to construct any private aerodrome in The Bahamas without the prior permission in writing of the Authority;
 - (v) operates an aerodrome for any other unlawful purpose;
 - (vi) being the pilot of an aircraft, otherwise than in an emergency, lands or takes off at an unregistered aerodrome;
 - (vii) trespasses on land forming part of a Government aerodrome or an aerodrome certified, licenced or registered pursuant to this Act or to the regulations unless it is proved that, at the time of the infringement, notices warning trespassers of their liability were posted so as to be readily seen and read by members of the public;
- (k) permits a domestic animal under their ownership or control to trespass in or upon a certified, licenced or registered aerodrome.
- (2) A person who contravenes —
- (a) subsection (1)(a) to (i) inclusive is liable on conviction to —
 - (i) a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years, or both fine and imprisonment; and
 - (ii) the suspension or forfeiture of any aviation document held by such person;
 - (b) subsection (1)(j) is liable on conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months or both such fine and imprisonment; or
 - (c) subsection (1)(k) is liable on conviction —
 - (i) in the case of a first offence, to a fine not exceeding five hundred dollars; and
 - (ii) in the case of a second or subsequent offence, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

- (3) If any provision of this Act or any directions thereunder are contravened in relation to an aircraft, the operator and the pilot in command of that aircraft shall, without prejudice to the liability of any other person for that contravention, be deemed 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.
- (4) If it is proven that an act or omission of any person which would otherwise have been a contravention of the Act 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.

46. Psychoactive substances.

- (1) No safety-sensitive personnel shall undertake a function critical to the safety of aviation while under the influence of any psychoactive substance, by which human performance is impaired.
- (2) A person identified in subsection (1) shall —
 - (a) not engage in any kind of problematic use of substances;
 - (b) submit to a test to indicate the use of psychoactive substances or alcohol in the blood when the Authority has a reasonable basis to believe that a person may have violated the provisions of this Act or as part of an authorised screening programme; or
 - (c) upon request by the Authority, furnish the Authority or authorise any clinic, hospital, doctor, or other person to release to the Authority, the results of each test taken.
- (3) Refusal to submit to a drug or alcohol test is grounds for immediate suspension of that person's licence, validation or aviation document, as appropriate.
- (4) Any test information obtained by the Authority under subsection (2)(b) may be evaluated in determining a person's qualifications for any licence or possible violations of this Act and may be used as the basis for application of a civil or administrative penalty or as evidence in any legal proceeding.
- (5) Every operator utilising the services of safety-sensitive personnel shall develop a procedure for the identification of persons identified in subsection (1), who engage in any kind of problematic use of psychoactive substances, to ensure their removal from safety-sensitive functions.
- (6) Personnel identified in subsection (5) may only return to their safety-sensitive functions after successful treatment or, in case where no treatment is necessary, after cessation of the problematic use of substances

and upon determination that the person's continued performance of the function is unlikely to jeopardise safety.

- (7) For the purposes of this section, “**problematic use of substances**” means the use of one or more psychoactive substances by aviation personnel in a way that —
- (a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; or
 - (b) causes or worsens an occupational, social, mental or physical problem or disorder.

47. Prohibition of knowingly operating aircraft carrying prohibited substances.

- (1) Unless otherwise approved in writing by the Authority, no person shall operate an aircraft —
- (a) into The Bahamas; or
 - (b) registered in The Bahamas,
- with the knowledge that any drugs or substances prohibited by the Dangerous Drugs Act (*Ch. 228*) or any other law are carried in the aircraft.
- (2) No person shall operate an aircraft under the influence of any illegal substance.
- (3) A person who commits an offence under this section is liable on conviction to a fine not exceeding one hundred thousand dollars, or imprisonment for a term not exceeding five years, or to both fine and imprisonment.

48. Security offences in flight.

- (1) A person commits an offence if that person —
- (a) threatens the safety of the aircraft or of persons on board the aircraft;
 - (b) interferes with a crew member or passenger;
 - (c) uses abusive language or insulting words towards a crew member or passenger;
 - (d) intentionally interferes with the performance of duty by a crew member; or
 - (e) without justification, refuses to obey the directives of a crew member.
- (2) The pilot in command of an aircraft, with such assistance as may be required, may —

- (a) take such action, including the removal of a person from the aircraft, or the placing of a person under restraint by force, to ensure compliance with this Act or regulations in relation to the aircraft; and
 - (b) detain the passengers, crew and cargo for such period as considered necessary to ensure compliance with this Act or regulations.
- (3) A person who commits an offence under subsection (1)(a) is liable on conviction to a fine not exceeding one hundred thousand dollars, or imprisonment for a term not exceeding ten years, or to both fine and imprisonment.
- (4) A person who commits an offence under subsection (1)(b) to (e) is liable on conviction to a fine not exceeding ten thousand dollars, or imprisonment for a term not exceeding two years, or to both fine and imprisonment.
- (5) A person who commits or attempts to commit an offence of air piracy is liable on conviction on information to imprisonment for life.

49. Security offences on the ground.

- (1) Every person, unless otherwise exempted by the Director General, shall comply with all instructions provided to them concerning security procedures at or on aerodromes, including —
- (a) instructions on posted signs; and
 - (b) verbal or written instructions.
- (2) A person commits an offence if that person —
- (a) carries, or causes another to carry a prohibited or unauthorized weapon, as described in signs posted at the airport, into a passenger screening checkpoint;
 - (b) enters into any security restricted area, as identified by signs posted through on and around the aerodrome, without proper authorisation;
 - (c) intentionally causes, or attempts to cause, any testing or evaluation of aviation security practices or procedures;
 - (d) causes, or attempts to cause, the shipment of any weapon, in particular firearms, or any explosive substance, or replicas thereof, via any method on an aircraft without notifying the aircraft operator in advance;
 - (e) provides false or misleading information in any application for access authorisation to aircraft or aerodromes in The Bahamas;
 - (f) uses any form of aerodrome access media, such as an aerodrome pass or badge, to gain or attempt to gain access to a restricted area of an aerodrome —

- (i) where the access media has not been properly issued to the person; or
 - (ii) the person is no longer employed by, or has an official connection to the company, organisation, or other entity that sponsored the issuance of such access media.
- (3) The Authority may revoke or suspend an aviation document granted to any person or organisation that fails to comply with the provision of the applicable security operating regulations, or the National Civil Aviation Security Programme.
- (4) A person who commits an offence under this section is liable on conviction to a fine not exceeding ten thousand dollars, or imprisonment for a term not exceeding two years, or to both fine and imprisonment.

50. Offences relating to documents.

- (1) A person commits an offence if he, with intent to deceive, or commit knowingly without intent to deceive —
 - (a) uses any certificate, licence, approval, permission, exemption or other document issued or required by this Act which has been forged, altered, revoked or suspended, or to which he is not entitled;
 - (b) lends any certificate, licence, approval, permission, exemption or other document, or allow it to be used by any other person;
 - (c) makes any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, licence, approval, permission or exemption or other document, including a copy, or purported copy, or electronic copy; or
 - (d) intentionally —
 - (i) damages, alters or renders illegible any logbook or other record required by the regulations to be maintained or any entry made therein;
 - (ii) makes, or procures or assists in the making of, any false entry in or material omission from any such logbook or record; or
 - (iii) destroys any such logbook or record during the period for which it is required under the regulations to be preserved.
- (2) A person who commits an offence under this section is liable on conviction to a fine not exceeding five thousand dollars, or imprisonment for a term not exceeding six months, or to both fine and imprisonment.

51. Liability of directors and officers of corporations.

Where an offence under this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director, manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be held responsible for the offence unless he proves that —

- (a) the offence was committed without his consent or connivance; or
- (b) he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all circumstances.

52. Jurisdiction of offences.

Notwithstanding Article 1 of the Chicago Convention, an act or omission, which takes place outside The Bahamas in an aircraft registered in The Bahamas, shall be deemed for purposes of civil and criminal jurisdiction to have taken place in The Bahamas and the law of The Bahamas shall have effect in relation to that act or omission as if it had taken place in The Bahamas.

PENALTIES

53. General penalties.

- (1) Except as otherwise expressly provided in this Act, proceedings in respect of offences under this Act, regulations or any operating regulations shall be prosecuted under the Criminal Procedure Code Act (*Ch. 91*).
- (2) A person who commits an offence under this Act for which no specific penalty is provided is liable on conviction to a fine not exceeding one hundred thousand dollars, or imprisonment for a term not exceeding two years, or both fine and imprisonment.
- (3) Where an offence under this Act or any operating regulations are a continuing one, and no penalty is provided in respect of its continuance elsewhere than in this section, every person convicted of that offence is, in addition to any other liability, liable to a fine not exceeding one thousand dollars for every day or part thereof during which the offence continues.
- (4) The Authority may by order, fix and from time to time vary, the proportion required under subsection (3).

54. Administrative penalties.

- (1) The Director General may, where he is satisfied that a person has committed an offence under this Act or an operating regulation, impose an administrative penalty against an aviation document, or ground an aircraft,

without affecting the case for prosecution or the imposition of a civil penalty.

- (2) Except as provided by subsection (3), the Director General may exercise his powers under subsection (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, the Director General may provisionally suspend or vary an aviation document without complying with the requirements of subsection (2), but the Director General shall in any such case comply with those requirements as soon as it is reasonably practicable and shall, in the light of his due consideration of the case, either —
 - (a) revoke the provisional suspension or variation of the aviation document; or
 - (b) substitute a definitive revocation, suspension or variation, which may include a different period or different terms as the provisional variation.
- (4) The Director General may exercise his powers under subsection (1) if —
 - (a) the person to whom the aviation document was granted has committed a breach of any condition to which it is subject;
 - (b) any agreement between the Government of The Bahamas and a Contracting State in pursuance of which or in reliance on which the aviation document was granted is no longer in force or that the other Contracting State has committed a breach thereof; or
 - (c) the person or organisation to whom the aviation document was granted has acted in a manner which is inconsistent with, or prejudicial to, the purposes of the aviation document.
- (5) The holder or any person having the possession or custody of any aviation document which has been revoked, suspended or varied shall surrender it to the Director General within a reasonable time of being notified of that requirement.
- (6) The breach of any condition, subject to which any aviation document has been granted, shall render the aviation document invalid during the continuance of the breach.
- (7) Where the Director General imposes an administrative penalty under section 54, or imposes a civil penalty to be paid under section 55, the Authority shall give the person a penalty notice in writing.
- (8) Where the Director General gives a penalty notice under subsection (3), the penalty notice shall —
 - (a) state the Director General's reason for deciding to issue a penalty;
 - (b) state the administrative penalty or amount of the civil penalty;

- (c) specify the date on which the notice is given;
- (d) specify the date on which any civil penalty must be paid, such date for payment being at least twenty-one days from the date of receipt of the penalty notice;
- (e) specify how the civil penalty must be paid;
- (f) include a statement that failure to action a civil penalty after the specified date shall result in legal action or further administrative penalties.

55. Civil penalties.

- (1) The Authority may, where it is satisfied that a person has committed an offence under this Act or the operating regulations, require such person to pay to the Authority, as an alternative to prosecution, a civil penalty not exceeding an amount equal to one half or such other proportion of the maximum penalty prescribed for that offence or where no penalty is prescribed, the general penalty specified in section 53.
- (2) A person, upon payment of a civil penalty as required by this Act, shall not be liable to prosecution in respect of the offence and where any such prosecution is brought it shall be a good defence for the person to prove that the offence with which the person is charged has been dealt with by way of payment of the civil penalty as required by the Authority.
- (3) Where such contravention or non-compliance is continuing, each day of its continuance shall constitute a separate incidence of contravention or non-compliance in respect to the civil penalty imposed.

PART VII – MISCELLANEOUS

56. Infringement of parts, accessories, etc. of registered aircraft.

- (1) This section applies —
 - (a) to any aircraft registered in a Contracting State; and
 - (b) to such other aircraft as the Minister may, by order, prescribe.
- (2) A lawful entry into or transit across The Bahamas, with or without landings, of an aircraft shall not entail a seizure or detention of the aircraft, or any proceedings being brought against the owner or operator, or any other interferences with the aircraft, by or on behalf of any person in The Bahamas on the grounds that the construction, mechanism, parts, accessories or operation of the aircraft is or are an infringement of any patent, design or model.

- (3) The importation into, and storage in, The Bahamas of spare parts and spare equipment for an aircraft and their use and installation in the repair of the aircraft shall not entail any seizure or detention of the aircraft, or of the spare parts or spare equipment, or any proceedings being brought against the owner or operator of the aircraft or the owner of the spare parts or spare equipment.
- (4) Subsection (3) shall not apply in relation to any spare parts or spare equipment sold or distributed in The Bahamas.

57. Interception.

In accordance with Article 3*bis* of the Chicago Convention, no weapons shall be used against a civil aircraft in flight and that, in case of interception, the lives of persons on board and the safety of aircraft must not be endangered.

58. Regulations.

Notwithstanding the provisions of section 17 of the Civil Aviation Authority Bahamas Act, the Minister may, in consultation with the Authority, make regulations, other than operating regulations, not limited to —

- (a) agreements to be entered into by the Government which require regulations;
- (b) environmental issues concerning aircraft noise;
- (c) spaceflight or sub-orbital flight;
- (d) public health issues concerning aviation;
- (e) any convention or protocol that The Bahamas has ratified, or may ratify;
- (f) any other matter required for the administration of this Act.

59. Transitional.

An aviation document in force at the commencement of this Act, shall remain in force until the date of expiration thereof.

60. Repeals.

The —

- (a) Civil Aviation Act, 2016 (*No. 22 of 2016*);
- (b) Civil Aviation (General) Regulations, 2017 (*No. 71 of 2017*);
- (c) Civil Aviation (Civil Penalties) Regulations, 2017 (*No. 5 of 2017*);
and
- (d) Civil Aviation (Licensing of Air Service) Regulations, 1976 (*S. I. No. 105 of 1976*),

are hereby revoked.