



EXTRAORDINARY
OFFICIAL GAZETTE
THE BAHAMAS
PUBLISHED BY AUTHORITY

NASSAU

16th February, 2021

(A)

CIVIL AVIATION AUTHORITY BAHAMAS ACT, 2021

Arrangement of Sections

Section

PART I - PRELIMINARY	3
1. Short title.....	3
2. Interpretation.....	3
CONTINUATION OF CIVIL AVIATION AUTHORITY	4
3. Continuation of the Civil Aviation Authority of The Bahamas.....	4
PART II - FUNCTIONS AND POWERS OF AUTHORITY	5
4. Functions of Authority.....	5
5. Powers of Authority.....	7
TRANSFER OF CERTAIN FUNCTIONS AND DUTIES	8
6. Transfer of functions outside The Bahamas on behalf of Authority.....	8
7. Transfer of certain functions and duties under Article 83bis to the Chicago Convention.....	8
REGISTERS AND OTHER RECORDS OF INTEREST	9
8. Authority to keep and maintain separate registers.....	9
9. Authority to maintain record of interests in civil aircraft registered in The Bahamas.....	10
10. Authority to maintain records of operating regulations, orders, etc.....	10
11. Authority to establish and provide information services.....	10
ESTABLISHMENT OF CIVIL AVIATION STATE PROGRAMMES	10
12. Authority to establish programmes, etc.....	10
PART III - ADMINISTRATION OF THE AUTHORITY	11
13. Governing body of Authority.....	11
14. Appointment of Director General.....	11
15. Functions of Director General.....	12
16. Powers of Director General.....	13
17. Director General may issue operating regulations.....	14
18. Exemption from operating regulations.....	15
FINANCIAL PROVISIONS	15
19. Funds of Authority.....	15
20. Surplus funds.....	16

21.	Power to borrow and invest.....	16
22.	Financial year.....	16
23.	Financial estimates.....	16
24.	Accounts and records.....	17
25.	Pensions.....	17

PART IV – MISCELLANEOUS **18**

26.	Cooperation with Air Accident Investigation Authority.....	18
27.	Ministerial functions and powers in respect to search and rescue.....	19
28.	Directives of Minister.....	20
29.	Documentary evidence.....	20
30.	Protection of officers.....	20
31.	Transitional.....	21
32.	Savings.....	21

SCHEDULE **22**



No. 2 of 2021

CIVIL AVIATION AUTHORITY BAHAMAS ACT, 2021

**AN ACT TO PROVIDE FOR THE CONTINUATION OF THE CIVIL
AVIATION AUTHORITY OF THE BAHAMAS AS THE CIVIL
AVIATION AUTHORITY BAHAMAS, ITS FUNCTIONS AND
COMPOSITION AND FOR MATTERS CONNECTED THERETO**

[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 Authority Bahamas Act, 2021.

2. Interpretation.

In this Act —

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

“**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;

“**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;
- (e) aeronautical charts;
- (f) instrument flight procedure design; and
- (g) search and rescue;

“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;

“Annex” means an Annex to the Convention;

“Authority” means the Civil Aviation Authority continued under section 3 as the Civil Aviation Authority Bahamas;

“Board” means the Board of the Authority appointed in accordance with the Schedule;

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

“Convention” means the Convention on International Civil Aviation concluded at Chicago on the 7th day of December, 1944;

“Contracting State” means any State, which is a party to the Convention;

“Director General” means the Director General of Civil Aviation appointed under section 14(1);

“ICAO” means the International Civil Aviation Organisation, a specialised agency of the United Nations formed on the 4th April, 1947;

“Minister” means the Minister responsible for civil aviation;

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

CONTINUATION OF CIVIL AVIATION AUTHORITY

3. Continuation of the Civil Aviation Authority of The Bahamas.

- (1) The body corporate established under section 4 of the Civil Aviation Act, 2016 (*No. 22 of 2016*), as the Civil Aviation Authority of The Bahamas and now known as The Bahamas Civil Aviation Authority immediately before the coming into operation of this Act, is hereby preserved and continues in existence to be known as the Civil Aviation Authority

Bahamas and shall have responsibility for the functions to be carried out under the Civil Aviation Act and any convention to which The Bahamas is a party on matters relating to civil aviation.

- (2) The corporate identity and the rights and obligations of the body corporate are not affected by its change of name.

PART II - FUNCTIONS AND POWERS OF AUTHORITY

4. Functions of Authority.

- (1) The functions of the Authority are —
 - (a) to maintain a standard of safety and efficiency in the civil aviation industry that is at least equal to the standard of safety prescribed by the Chicago Convention and any other aviation convention, agreement or understanding to which The Bahamas is a party;
 - (b) to regulate, in accordance with this Act or any other written law —
 - (i) civil aviation operations in The Bahamas;
 - (ii) the operation of Bahamian registered aircraft; and
 - (iii) the operation of maintenance organisations in respect of aircraft on The Bahamas register;
 - (c) to register, licence and certify aerodromes;
 - (d) to issue, renew, suspend or revoke certificates, licences, permits, approvals, registrations and such other requisite authorisations as necessary under this Act, the Civil Aviation Act and any operating regulations;
 - (e) to provide an adequate system, supervision and regulatory oversight of air navigation services and air traffic services in the airspace of The Bahamas and such other airspace as may be subject of a treaty or an agreement between The Bahamas and any other State or organization;
 - (f) to cooperate with the Aircraft Accident Investigation Authority in the carrying out of investigation of any aircraft accident or serious incident occurring in or over The Bahamas or in relation to any Bahamian aircraft;
 - (g) to develop, implement and review programmes relating to the safety and security of civil aviation and public health emergency preparedness;
 - (h) to develop and implement training programmes to provide technical advice, assistance or training;

- (i) to prepare and issue operating regulations and procedures on aviation safety and security standards in accordance with the Annexes;
- (j) to notify ICAO of any differences to safety-related Annexes and ensure that such significant differences are published in the Aeronautical Information Publication (AIP) of the Bahamas;
- (k) to develop effective oversight and enforcement strategies and programmes to ensure compliance with operating regulations;
- (l) to conduct regular reviews of civil aviation and security system in order to —
 - (i) monitor the safety performance of the civil aviation industry;
 - (ii) identify safety and security- related trends and risk factors; and
 - (iii) promote the improvement of the safety and security system;
- (m) to conduct regular and timely assessments of safety and security developments;
- (n) to review and ensure the adequacy of aviation security programmes and associated documentation produced by aerodrome operators, air operators, catering operators, regulated agents, ground handling service providers and cargo operators;
- (o) to regulate the security operations of aerodrome operators, aircraft operators, regulated agents, ground handling and catering service providers, for the purpose of —
 - (i) protecting passengers, crew members, users of an aerodrome, aerodrome staff, aerodromes and other aviation facilities;
 - (ii) preventing acts of aerial or air piracy and any other unlawful interference against civil aviation; and
 - (iii) ensuring that appropriate action is taken when an act of aerial or air piracy or any unlawful interference occurs or is likely to occur;
- (p) to enhance aviation security by the development and dissemination of progressive administrative and technical practices, promoting their use by security services, aerodrome administrations, air operators, regulated agents, ground handling service providers and cargo operators;
- (q) to make recommendations to the Minister —
 - (i) in respect of the conclusion of any civil aviation international agreement with other States, governments or international organisations;

- (ii) to advise the Minister on matters associated with any action or condition in the aviation sector or impacting on the aviation sector which —
 - (aa) is capable of causing actual or potential threat, harm or damage to persons or property;
 - (bb) the Minister refers to the Authority; and
 - (cc) the Authority considers necessary in the furtherance of its functions;
- (r) such other functions as are for the time being conferred upon it by virtue of this Act or any other written law.
- (2) Without limiting the generality of subsection (1), the Authority may —
 - (a) engage in any activity that promotes and develops civil aviation, either alone or in conjunction with other civil aviation authorities, international agencies or organizations;
 - (b) charge fees for the use of any facility or service provided by the Authority.
- (3) In performing its functions and exercising its powers, the Authority shall have as its paramount consideration, the safety of aviation and shall as far as is practicable, ensure that the environment is protected from any detrimental effects associated with the operation and use of aerodromes and aircraft.

5. Powers of Authority.

- (1) The Authority shall have, in addition to the powers conferred by any other law, power to —
 - (a) engage in any activity that promotes and develops civil aviation, either alone or in conjunction with other national aviation authorities, international and regional agencies or organisations;
 - (b) enter into contracts —
 - (i) for the supply of goods, services or materials;
 - (ii) for the execution of works; or
 - (iii) as may be necessary for the discharge of its functions under the Act;
 - (c) to appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a secretary, and any officers, servants or agents it considers necessary to carry out its functions;
 - (d) coordinate and oversee search and rescue activities within The Bahamas;

- (e) restrict or remove lights, beacons, electrical or communications devices, structures or facilities that generate visibility that could affect the safe operation of aircraft in the territory of The Bahamas;
 - (f) approve the installation of any equipment, signage or beacon, whether by lighting or otherwise, on any building, structure or erection in order to secure the safe and efficient navigation of aircraft;
 - (g) acquire by purchase or lease, tangible or intangible property or interests therein;
 - (h) issue certificates to training organisations;
 - (i) issue aeronautical mobile radio licenses;
 - (j) provide a training facility for the purpose of training employees of the Authority, or other persons, in those subjects necessary for the proper performance of all authorised functions of the Authority; and
 - (k) where appropriate, require payment of appropriate consideration to offset the costs of training provided by such training facility.
- (2) The Authority may —
- (a) recommend to the Minister the execution of air transport agreements with other States; and
 - (b) conduct surveillance of operations by a foreign air operator.

TRANSFER OF CERTAIN FUNCTIONS AND DUTIES

6. Transfer of functions outside The Bahamas on behalf of Authority.

The Authority may, where it considers it justifiable so to do, and with the prior written approval of the Minister, authorise the performance of specified regulatory oversight responsibilities of the Authority outside The Bahamas by a person or entity acting on behalf of the Authority.

7. Transfer of certain functions and duties under Article 83bis to the Chicago Convention.

(1) Notwithstanding Articles 12, 30, 31 and 32(a) of the Convention, when an aircraft registered in a Contracting State is operated pursuant to an agreement for the lease, charter or interchange of the aircraft or any similar arrangement by an operator who has its principal place of business or, if he has no such place of business, its permanent residence in another Contracting State, the Minister may by agreement with such other State, in accordance with Article 83bis of the Convention, transfer to it all or part of its functions and duties under Articles 12, 30, 31 and 32(a) of the

Convention as State of Registry in respect of a Bahamian registered aircraft.

- (2) The Minister may, by agreement with such other State, in accordance with Article 83bis of the Convention, accept all or part of the functions and duties under Articles 12, 30, 31 and 32(a) of the Convention, as State of Registry in respect of such State's aircraft utilized by a Bahamian Operator.
- (3) The transfer contemplated in subsection (1) shall not have effect in respect of other Contracting States before either the agreement between States in which it is embodied has been registered with the Council ICAO and made public pursuant to Article 83bis of the Convention or the existence and scope of the agreement have been directly communicated to the authorities of the other Contracting State or States concerned by a State party to the agreement.
- (4) The Director General must, when an aircraft registered in a Contracting State is operated pursuant to an agreement for the lease, charter or interchange of the aircraft or any similar arrangement by an operator who has its principal place of business or, if it has no such place of business, its permanent residence, in another Contracting State, recognize the validity of licenses and certificates issued by such Contracting State.
- (5) The recognition contemplated in subsection (4) includes the recognition of certificates of airworthiness, personnel licenses issued or renewed by the State of Operator, radio licences, crew licences, the transfer of the State of Registry's tasks and functions to another State of Operator, the acceptance of the tasks and functions of a State of Registry from another State and the information of ICAO and other States concerned with transfer arrangements.

REGISTERS AND OTHER RECORDS OF INTEREST

8. Authority to keep and maintain separate registers.

- (1) For the purposes of this Act, the Director General shall cause to be kept and maintained separate registers detailing the particulars of —
 - (a) every application and grant in respect of an aviation document and the address for service in respect of every applicant for an aviation document and of every aviation document holder;
 - (b) all civil aircraft registered in The Bahamas;
 - (c) every Air Operator Certificate issued by the Authority;
 - (d) all aerodromes registered, licenced or certified under the Civil Aviation Act;

- (e) every exemption granted in respect of any person or aircraft under the Civil Aviation Act.
- (2) A register referred to under subsection (1)(b) - (d) shall be open to inspection by any member of the public at all reasonable times at the offices of the Authority.

9. Authority to maintain record of interests in civil aircraft registered in The Bahamas.

- (1) The Authority shall maintain records of all documents which affect title to, or any legal or beneficial interest in —
 - (a) any civil aircraft registered in The Bahamas;
 - (b) any aircraft engine, propeller, rotor, appliance, or spare part intended for use on any aircraft registered in The Bahamas.
- (2) No document affecting title to, or any interest in, such registered aircraft, aircraft engines, propellers, rotors, appliances, or spare parts shall be valid, except between the parties thereto, unless it is recorded in that system.
- (3) The validity of any document so recorded, unless otherwise specified by the parties thereto, shall be determined under the laws of The Bahamas.

10. Authority to maintain records of operating regulations, orders, etc.

- The Authority shall maintain records of —
- (a) all operating regulations made under this Act or any other regulations made under this Act;
 - (b) orders, notices, circulars, directives and instructions specifying any aviation safety or security matter made under this Act.

11. Authority to establish and provide information services.

The Authority shall establish an information database consisting of aeronautical information and instructions relating to the safety, regularity, and efficiency of air navigation and such information and instructions shall be readily available to any person upon payment of a reasonable charge fixed by the Authority.

ESTABLISHMENT OF CIVIL AVIATION STATE PROGRAMMES

12. Authority to establish programmes, etc.

- (1) The Authority shall cause to be established and maintained —
 - (a) a National Civil Aviation Security Programme (NCASP);
 - (b) a State Safety Programme;

- (c) a Public Health Emergency Preparedness Plan; and
 - (d) such other programmes as the Director General may deem necessary.
- (2) A programme established under subsection (1) shall consist of such persons recommended by the Director General in consultation with the Minister possessing the requisite technical knowledge and experience for the programme.

PART III - ADMINISTRATION OF THE AUTHORITY

13. Governing body of Authority.

The Authority shall be governed by a Board and the provision of the *Schedule* shall apply and have effect with respect to the constitution and procedures of the Board.

14. Appointment of Director General.

- (1) The Minister may appoint and employ a Director General on such remuneration and on such terms and conditions as the Minister thinks fit for a period not exceeding five years and such person may be reappointed for a further term not exceeding five years.
- (2) A person appointed as the Director General under subsection (1) shall have —
 - (a) management and technical experience in the field of civil aviation;
 - (b) demonstrated fitness for the efficient and effective discharge of the powers and duties vested in and imposed under this Act;
 - (c) no ownership of, or monetary interest in, the stocks, shares or bonds of any aeronautical enterprise and that can be perceived as a conflict of interest; and
 - (d) no engagement in any other business, vocation or employment directly or indirectly related to civil aviation that can be perceived as a conflict of interest.
- (3) The Board may appoint a person to act as Director General —
 - (a) during a vacancy in the office of the Director General, whether or not an appointment has previously been made to the office; or
 - (b) during any period, or during all periods, when the Director General is absent from duty or from The Bahamas or is, for any other reason, unable to perform the functions of the office.

- (4) An employee of the Authority who acts in the post of Director General under subsection (3), shall be paid the difference in salary between that employee's substantive position and the position of Director General.

15. Functions of Director General.

- (1) The Director General shall be responsible for the day to day management of the Authority and shall perform such functions as are —
- (a) conferred upon him by this Act and the Civil Aviation Act;
 - (b) delegated to him by the Minister.
- (2) The Director General shall be accountable to the Board for the administration of this Act and shall —
- (a) administer civil aviation matters as specified in the Civil Aviation Act;
 - (b) issue orders, notices, circulars, directives and instructions specifying any aviation safety or security matter provided for under this Act and any operating regulations;
 - (c) implement measures to enable the organisation to carry out the responsibilities for compliance with the Civil Aviation Act and any regulations made thereunder;
 - (d) provide, as required in the interest of aviation safety and security, the necessary facilities and competent personnel for the performance of their functions;
 - (e) implement measures to ensure that the organisation and such regulations, practices and procedures —
 - (i) protect the safety of passengers, crew members, ground personnel and the general public in all matters related to safety and security and safeguarding against acts of unlawful interference with civil aviation; and
 - (ii) are capable of enabling a rapid response to meet any increased security threat;
 - (f) produce a five year business plan which shall contain financial targets and performance indicators for the Authority and shall be approved by the Board and the Minister.
- (3) In the preparation of a business plan in accordance with subsection (2)(f), the Director General shall consider —
- (a) the need to maintain —
 - (i) high standards of aviation safety;
 - (ii) the extent of the Government's equity in the Authority;
 - (iii) a reasonable level of reserves, having regard to estimated future infrastructure requirements;

- (iv) a reasonable rate of return on the Authority's assets other than assets wholly or principally used in the performance of regulatory functions or the provisions of search and rescue services;
 - (b) the objectives and policies of the Government;
 - (c) any directions given by the Minister;
 - (d) any payments by the Government to the Authority to fund its regulatory functions and search and rescue services;
 - (e) any other commercial consideration the Director General considers appropriate; and
 - (f) any contributions to international bodies connected with civil aviation.
- (4) The business plan shall be —
- (a) submitted to the Board at least nine months prior to the commencement of the financial years in question and the Minister shall provide his recommendation in writing not later than sixty days after its receipt;
 - (b) published by the Authority once approved by the Minister.
- (5) The Director General may with the written approval of the Minister delegate safety management-related functions and activities to another State or Regional Safety Oversight Organisation (RSOO).

16. Powers of Director General.

- (1) The Director General may exercise such powers that are necessary for carrying out his functions under this Act and shall —
- (a) prescribe a civil air ensign for The Bahamas and regulating its use;
 - (b) in consultation with the Minister, declare an area to be a prohibited or restricted area and prevent or limit aircraft from flying over such areas in The Bahamas;
 - (c) grant, revoke, suspend, vary or impose conditions on an aviation document;
 - (d) manage all personnel of the Authority; and
 - (e) impose administrative and civil penalties.
- (2) The Director General may, with the approval of the Board and subject to any applicable law —
- (a) cooperate with other agencies for the provision of services, equipment, personnel, and other facilities as may be necessary and as agreed with such agencies;

- (b) exchange information on matters related to civil aviation and share best practices with other authorities or equivalent organisations dealing with civil aviation matters.
- (3) The Director General may with the approval of the Minister appoint committees to assist the Authority in carrying out its functions under this Act.
- (4) The Director General may prescribe fees and charges —
 - (a) for the issuance, renewal or variation of certificates of registration, certificates of airworthiness, air operator certificates, aerodrome certificates and other certificates, approvals, authorizations and permits;
 - (b) to be paid in respect of the issue, validation, renewal, extension or variation of any aviation document;
 - (c) for any examination or test required by, or in pursuance of the operating regulations;
 - (d) for inspection of aircraft, aerodromes and air navigation facilities;
 - (e) for the issuance, renewal or variation of personnel licences and other licences;
 - (f) for regulatory oversight of fuel handling and the handling of dangerous goods;
 - (g) for aircraft maintenance organization approvals;
 - (h) for aviation training organization approvals;
 - (i) for any other service related to the regulation and oversight of civil aviation or in respect of any other matter for which it appears to be expedient to charge fees and charges.

17. Director General may issue operating regulations.

- (1) The Director General may develop and issue operating regulations for civil aviation in accordance with Annexes for which the Authority is responsible.
- (2) The Director General may incorporate into operating regulations any —
 - (a) international standard or recommended practice contained in an Annex;
 - (b) standard, rule or requirement prescribed by the law of any other Contracting State.
- (3) The Director General shall forward a copy of any operating regulations issued under this Act to the Minister within five days of the issuance thereof.
- (4) Any operating regulations issued under this section shall be an instrument having legislative effect within the definition of “statutory instrument” as

defined in section 2 of the Interpretation and General Clauses Act (*Ch. 2*) and sections 31 and 32 of the Interpretation and General Clauses Act (*Ch. 2*) shall apply.

18. Exemption from operating regulations.

- (1) The Director General may exempt an aircraft or person from the provisions of any operating regulations.
- (2) In granting an exemption, the Director General shall ensure that the exemption —
 - (a) is required in the public interest; and
 - (b) will not adversely affect civil aviation safety or security.
- (3) An exemption granted under this section shall —
 - (a) be in writing;
 - (b) specify an expiration date;
 - (c) in matters relating to aviation security, be granted in coordination with the National Civil Aviation Security Programme; and
 - (d) recorded in the respective register required to be maintained by the Authority.

FINANCIAL PROVISIONS

19. Funds of Authority.

- (1) The funds of the Authority shall consist of such sums of money as may —
 - (a) be appropriated to the Authority by Parliament for the purposes of the Authority;
 - (b) be paid to the Authority by way of fees, charges, tariffs, levies, loans, grants or donations, including oversight levies on passengers; or
 - (c) vest in or accrue to the Authority.
- (2) There shall be paid from the funds of the Authority —
 - (a) salaries, allowances, loans, gratuities and pensions of staff of the Authority, and other payments for the recruitment and retention of staff;
 - (b) such remuneration as the Minister may determine and reasonable travelling and subsistence allowances for members of the Board and members of any committee of the Authority, when engaged on the business of the Authority and at such rates as the Authority may, with the written approval of the Minister, determine;
 - (c) such funds as are necessary for capital improvements;

- (d) any other expenses incurred by the Authority in the performance of its functions.

20. Surplus funds.

- (1) Subject to subsection (2), the Authority shall at the end of each financial year pay into the Consolidated Fund all excess of revenue over expenditure standing to the credit of the Authority.
- (2) The Minister of Finance may, at the end of the financial year, authorise the Authority to reserve from surplus funds for current budgetary purposes or otherwise such sums, if any, as the Minister may determine.

21. Power to borrow and invest.

- (1) The Authority may borrow sums required for meeting any of the obligations of the Authority incurred in, or for, the performance of its functions.
- (2) Subject to subsection (3), the Authority may in the exercise of its powers pursuant to subsection (1) with the approval in writing of the Minister issue securities, including bonds, debentures or other securities, in such manner and form as the Authority determines.
- (3) The borrowing powers of the Authority shall be exercisable only with the approval of the Minister given with the written consent of the Minister of Finance as to —
 - (a) the amount and sources of the borrowing; and
 - (b) the terms and conditions on which the borrowing may be effected.
- (4) The Authority may, after obtaining the written approval of the Minister, invest in such manner as it thinks fit such of its funds that is not immediately required for the discharge of its functions.
- (5) An approval given by the Minister or the Minister of Finance under this section may be general, or limited to a particular borrowing, or otherwise.

22. Financial year.

The financial year of the Authority shall be the period of twelve months ending at midnight local time on 30th June of each year.

23. Financial estimates.

At least six months prior to the commencement of the financial year in question, the Authority shall provide to the Minister an estimate of the subsidy funding required to maintain operations during the coming financial year, which estimate shall identify specific uses to which the funds shall be put, why the service is

required and what actions are being taken to reduce the amount of subsidy required.

24. Accounts and records.

- (1) The Authority shall cause to be kept proper books of account and other records relating to its accounts.
- (2) The accounts of the Authority shall be audited annually by an independent auditor(s) appointed by the Auditor-General, whose fees shall be paid by the Authority.
- (3) As soon as practicable, but no later than ninety days after the end of a financial year, the Authority shall submit to the Minister a report concerning its activities during that financial year.
- (4) The report referred to in subsection (3) shall include information on the financial affairs of the Authority and there shall be appended to the report —
 - (a) an audited balance sheet;
 - (b) an audited statement of income and expenditure; and
 - (c) such other information as the Minister may require.
- (5) Three months after the end of each financial year, the Authority shall submit a copy of the audited accounts to the Minister, together with a copy of any report made by the auditor.
- (6) Notwithstanding subsection (5), the Authority shall, upon the written request of the Minister, furnish the Minister with such information with respect to the property and activity of the Authority, and afford the Minister such facilities for the verification of any information furnished, in such manner and at such times as the Minister may require.
- (7) The Minister shall lay a copy of such audited accounts before each House of Parliament, together with a copy of any report made by the auditor on the accounts.

25. Pensions.

- (1) The Authority shall —
 - (a) maintain a contributory defined contribution pension plan whereby both the employee and the Authority shall be responsible for making contributions (hereinafter referred to as the “Defined Contribution Plan”);
 - (b) establish a non-contributory pension plan for certain public officers who held a pensionable office under the Government of The Bahamas and transferred from the public service to the former

institution or the Authority (hereinafter referred to as the “Defined Benefit Plan”).

- (2) There shall be payable out of the Consolidated Fund, in respect of an employee of the former institution who elected to participate in the Defined Benefit Plan, the pension, gratuity or other like allowance payable out of the Consolidated Fund in accordance with section 22 of the Pensions Act (*Ch. 43*) in respect of total service under the public service, the former institution and the Authority taken together and such service shall be reckoned as continuous for purposes of calculating pensions, gratuities and other like allowances.
- (3) There shall be payable out of the Consolidated Fund to the Authority a contribution to the pension scheme established pursuant to paragraph (1) in respect of an employee who transferred from the public service to the former institution and joined the Defined Contribution Plan, four per centum of his pensionable emoluments for each year of public service.
- (4) For the purposes of this section, “former institution” means the body corporate established under section 4 of the Civil Aviation Act, 2016 (*No. 22 of 2016*), as the Civil Aviation Authority of The Bahamas and known as The Bahamas Civil Aviation Authority.

PART IV – MISCELLANEOUS

26. Cooperation with Air Accident Investigation Authority.

- (1) The Authority shall cooperate with the Air Accident Investigation Authority in accordance with the provisions of the Aircraft Accident Investigation Authority Act.
- (2) Immediately upon the notification to the Authority of—
 - (a) an accident or serious incident involving an aircraft registered in The Bahamas, the Authority shall supply all necessary information in its possession to the State of Occurrence to assist the investigation and provide the details of any dangerous goods on board the aircraft, if any;
 - (b) a search and rescue operation involving an aircraft within the territory of The Bahamas, the Authority shall supply all necessary information in its possession to the Aircraft Accident Investigation Authority.
- (3) The Authority shall take any corrective action which, on the basis of the findings of any accident or incident investigation, it considers may prevent similar accidents or incidents in the future.

27. Ministerial functions and powers in respect to search and rescue.

- (1) The Minister shall —
 - (a) establish and maintain a search and rescue coordination centre to coordinate and conduct in so far as is practicable to coordinate —
 - (i) an aeronautical search and rescue operation;
 - (ii) a maritime search and rescue operation; and
 - (iii) any other search and rescue operation that the Minister considers appropriate; and
 - (b) provide such measures of assistance to aircraft in distress as is practicable and to permit, subject to control by the relevant Bahamian authorities, the owners of the aircraft or the authorities of the State in which the aircraft is registered, to provide such measures of assistance as may be necessitated by the circumstances.
- (2) The Minister may, in coordination with the Commodore of the Royal Bahamas Defence Force and the Commissioner of the Royal Bahamas Police Force —
 - (a) exercise any powers that may be necessary or desirable —
 - (i) for the effective coordination and performance of a search and rescue operation specified in paragraph (a); and
 - (ii) to implement any international convention or agreement relating to search and rescue to which The Bahamas is a party;
 - (b) appoint a person or entity to, either generally or in any particular case, participate in or coordinate a search and rescue operation specified in paragraph (a);
 - (c) authorise the payment, out of money appropriated for the purpose by Parliament, an amount that the Minister considers appropriate to —
 - (i) any person who assisted in a search and rescue operation specified in paragraph (a) of subsection (1) at the request of a person appointed under paragraph (b) of subsection (2); or
 - (ii) the owner of any vehicle, ship or aircraft used in a search and rescue operation specified in paragraph (a) of subsection (1), in response to a request by a person appointed under paragraph (b) of subsection (2);
 - (d) direct the Director General or any other government agency for which the Minister is responsible and whose functions are consistent with search and rescue operations, to do any or all of the following —

- (i) operate and maintain the search and rescue coordination centre established in subsection (1)(a);
- (ii) coordinate or participate in the coordination of any search and rescue operation specified in subsection (1)(a);
- (iii) perform or participate in the performance of any search and rescue operation specified in subsection (1)(a); and
- (iv) exercise any or all of the powers of the Minister under subsection (2)(a) or (b).

28. Directives of Minister.

- (1) Subject to subsection (2), the Minister may, after consultation with the Board —
 - (a) give written directions to the Authority to do, or not to do, that which is mentioned in the directives if the Minister considers it necessary to so direct —
 - (i) in the interests of aviation safety and security; and
 - (ii) to discharge or facilitate the discharge of an international obligation of The Bahamas;
 - (b) give general or specific directions to the Authority on the policy to be followed in the carrying out or pursuit of the functions of the Authority.
- (2) Any direction given by the Minister under subsection (1) shall not be inconsistent with the provisions of this Act or any other law administered by the Authority.
- (3) The Authority shall take such steps as may be necessary to give effect to a direction given by the Minister under subsection (1).

29. Documentary evidence.

- (1) The Authority may confer on an officer of the Authority the power to certify an aviation document as a true copy of or extract from any record or document kept or issued under this Act or the regulations.
- (2) A document certified in accordance with subsection (1) shall, in any legal proceedings, be evidence of the matters appearing in such document.
- (3) A document purporting to be certified in accordance with subsection (1) shall be deemed to be such a document unless the contrary is proved.

30. Protection of officers.

Every officer and employee appointed under this Act, and every person appointed or authorized under this Act for any purpose of this Act, shall have immunity from suit in respect of anything done by him in good faith or omitted

to be done in good faith in exercise or performance, or in the purported exercise or performance, or any power, authority or duty conferred or imposed on him under this Act.

31. Transitional.

On the date of the commencement of this Act —

- (a) the existing Board constituted under the Civil Aviation Act, 2016 (*No. 22 of 2016*) shall continue to exist, until a new Board is appointed in accordance with the *Schedule*, for the purpose of providing oversight of the Authority;
- (b) the persons serving as the Chairman and Deputy Chairman on the Board shall continue to serve for the remainder of their appointments, both persons shall be eligible for appointment to the Board;
- (c) all persons who were employed before the date of the commencement of this Act under the Air Transport Licensing Division, shall be deemed to be employees of the Authority from the date of the commencement of this Act, at a remuneration and on terms and conditions no less favourable than those which are attached to the service under the Air Transport Licensing Division under the service of Government;
- (d) any thing done or document executed or issued by the body known as the Bahamas Civil Aviation Authority prior to the commencement of this Act, shall be valid as though that thing or document had been done, executed or issued by the Civil Aviation Authority established under section 4 of the Civil Aviation Act, (*No. 22 of 2016*);
- (e) any thing done or document executed or issued by the Director General prior to the commencement of this Act, shall be valid as though that thing or document had been done, executed or issued by the Director appointed under section 5 of the Civil Aviation Act, 2016 (*No. 22 of 2016*).

32. Savings.

On the date of the commencement of this Act —

- (a) the person serving as Director General of the former institution shall continue to serve as Director General of the Authority subject to his existing contractual terms and conditions;
- (b) all persons who were employed by the former Authority immediately before the date of commencement shall continue to be so employed with the Authority without diminution in pay or rank;

- (c) all aviation document holders from the former Authority shall enjoy all corresponding rights and privileges as an aviation document holder from the Authority.

SCHEDULE

(Section 13)

THE BOARD OF THE CIVIL AVIATION AUTHORITY BAHAMAS

1. Constitution and appointment of Board.

- (1) The Board consists of not less than three and no more than six persons appointed by the Minister, one of whom shall be the Director General, ex officio.
- (2) The Minister shall appoint —
 - (a) one member of the Board to be the Chairperson, who shall not be the Director General; and
 - (b) one member of the Board to be Vice-Chairperson, for not more than two consecutive terms each.
- (3) A member of the Board shall be appointed for a maximum term of three years and is eligible for re-appointment for a further term of three years.
- (4) A person appointed as a member of the Board shall have knowledge and ability and experience in civil aviation, finance and the law relating to civil aviation or in any related field.
- (5) The Minister shall not appoint a person as a Board member, if, in terms of the law in force in The Bahamas, such person —
 - (a) has been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged;
 - (b) has made an assignment to, or arrangement or composition with, his or her creditors which has not been rescinded or set aside; or
 - (c) has been convicted —
 - (i) in The Bahamas or in another country of an offence involving dishonesty; or
 - (ii) outside The Bahamas, of conduct which, if committed in The Bahamas, would have constituted an offence involving dishonesty.
- (6) A person who is —
 - (a) a member of Parliament; or

- (b) a Director General or member of two or more other statutory bodies,
shall not be qualified for an appointment as a member or hold office as a member of the Board.
- (7) The Minister may by Order revoke the appointment of any appointed member if he is satisfied that the appointed member —
 - (a) has been absent for more than three consecutive months without the permission of the Board;
 - (b) has become bankrupt;
 - (c) is incapacitated by physical or mental illness; or
 - (d) is otherwise unable or unfit to discharge the functions of a member of the Board.

2. Functions of Board.

- (1) The principal functions of the Board shall be to develop policies and to give general directions on the implementation and achievement of the objectives and functions of the Authority.
- (2) Without limiting the generality of subsection (1), the Board shall —
 - (a) approve the appointment of the management staff of the Authority with the exception of the Director General;
 - (b) approve the terms and conditions of employment of all staff of the Authority;
 - (c) review the performance of the Director General;
 - (d) approve the staff service rules, policies and procedures for the Authority;
 - (e) consider annual activities and financial reports and any other reports as may be required by the Board or the Minister;
 - (f) establish committees as it may consider necessary;
 - (g) approve the institutional structure and programmes including, among other things, the State Safety Programme and projects for the Authority on an annual basis or as and when is required;
 - (h) examine and approve the budget of the Authority;
 - (i) review and approve the annual work programmes of the Authority;
 - (j) submit the business plan to the Minister at least six months prior to the commencement of the financial years in question and review and subsequently review the business plan each year;
 - (k) consider and approve matters relating to the acquisition and disposal of assets of the Authority; and

- (1) exercise such other powers and perform such other functions as may be conferred on it by the Minister, from time to time, or that may be necessary for the implementation of this Act.

3. Procedures of Board.

- (1) The Chairperson or in the absence of the Chairperson, the Vice Chairperson shall chair all meetings of the Board.
- (2) The Board shall meet at least once in every three calendar months and may hold extraordinary meetings as and when necessary.
- (3) Extraordinary meetings of the Board shall be convened by the Chairperson when considered necessary or on the written request of at least two members of the Board.
- (4) The quorum for any meeting of the Board shall be two-thirds of its members.
- (5) The Chairperson shall have a casting vote in the event of a tie in voting.
- (6) The Board may co-opt or invite an expert or any other person to give advice or guidance as and when necessary.
- (7) Decisions on all matters of the Board shall be made by a simple majority of the members present and voting.

4. Officers of Authority.

- (1) The Board may appoint officers and engage any other services as may be necessary for the implementation of the provisions of this Act.
- (2) No officer, employee or attorney of the Authority shall have a monetary interest in or over the stocks and bonds of any aeronautical enterprise.

5. Conflicts of interest.

- (1) The Minister, Board members, Director General and employees of the Authority shall not control, manage or operate any aviation business while in office.
- (2) A person referred to in subsection (1) who has a financial interest in any aviation business shall make full disclosure of such interest to the Minister.
- (3) A person referred to in subsection (1) is prohibited from participating in any action or decision that may, directly or indirectly, affect their financial interest(s) in a civil aviation business.
- (4) Where a member or any person is present at a meeting of the Board or any committee of the Board at which a matter is the subject of consideration in which the member or person, or the spouse of the member or person, is directly or indirectly interested, in a private capacity —

- (a) the member or person shall, as soon as is practicable after the commencement of the meeting, declare such interest; and
 - (b) the member or person shall not, unless the Board or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question touching that matter.
- (5) A declaration of interest made under subparagraph (4) shall be recorded in the minutes of the meeting at which it is made.
- (6) A person shall not, without the consent in writing given by, or on behalf of, the Authority, publish or disclose to any person otherwise than in the course of duties the contents of any documents, communication or information which relates to, and which has come to that person's knowledge in the course of, duties under this Act.
- (7) A person who knowingly contravenes subparagraph (6) commits an offence and shall be liable, upon conviction, 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.

6. Seal of Authority.

- (1) The seal of the Authority —
- (a) must be kept in the custody of any officer of the Authority as the Authority may approve;
 - (b) may only be affixed to an instrument pursuant to a resolution of the Authority and in the presence of the Chairman or a member of the Authority designated by the Chairman and one other member;
 - (c) must be authenticated by the signature of the Chairman and one other member;
 - (d) shall be officially and judicially noticed.
- (2) All documents and written decisions, other than —
- (a) those required by law to be under seal; or
 - (b) an aviation document referred to under section 18(1), made by the Authority may be signified under the hand of the Chairman or a member of the Authority designated by the Chairman.