



THE CIVIL AVIATION AUTHORITY BAHAMAS

Enforcement Policy



Introduction

The Civil Aviation Authority Bahamas (CAA-B) is tasked with the responsibility to engage participants in the aviation sector by providing a necessary degree of regulatory oversight designed to ensure that safe, secure and orderly processes are adhered to across the aviation sector. Historically, the CAA-B simply exercised its powers vested in it by statute and regulations to conduct enforcement activity within the parameters set by such provisions. Simple enforcement action required no policy statement.

In a developing, more complex environment within which aviation activity is currently performed, the CAA-B has determined that certain policy positions be formulated and published as a guide to persons participating in the Bahamian Aviation Sector. The following policy on enforcement of statutes and regulations is designed to supplement and not replace or in any manner amend the enforcement provisions as contained in statute and regulations, and to ensure that The Bahamas maintains a properly regulated aviation sector committed to the safety and security of all stakeholders in the industry, including the general public.

Enforcement Policy

General

The goal of our enforcement policy is to highlight and remedy breaches of statutes and regulations and to encourage activity which avoids such breaches. Curing a breach, but most importantly preventing such breaches, are critical steps in the direction of a well-ordered aviation sector.

Individuals participating in the Aviation Sector are taken to know the laws and regulations of The Bahamas which govern and regulate the aviation sector. Participants are required to familiarize themselves with the provisions of the Civil Aviation Act, 2021, the Civil Aviation Authority Bahamas Act, 2021 and related Civil Aviation Regulations relevant to their operations within The Bahamas.

General Aviation

One of the unique features of the Bahamian Aviation Sector is its vibrant and constantly growing general aviation activity, substantially fuelled by non-domestic operators operating non-Bahamian registered aircraft. The CAA-B welcomes this development and wishes to encourage such activity. Of some concern, however, is the proliferation of non-Bahamian registered aircraft operated within The Bahamas by Bahamian operators as general aviation, but nonetheless exhibiting patterns of activity which at first blush suggest operations other than those associated with General Aviation. The CAA-B will work in cooperation with registered commercial operators of aircraft and also the general aviation community to ensure that relevant provisions of statute and regulations as regards enforcement are applied in a consistent, fair and non-discriminatory manner, thus encouraging compliance with statutes and regulations. It must be noted that this policy, whilst embracing general aviation concerns, is not limited to such, but extends to all enforcement activity undertaken by the CAA-B.

Enforcement Process

The CAA-B will apply its best endeavours to notify industry either by way of targeted communications, general briefings and/or notices of concern that it may have from time to time regarding suspected or potential widespread breaches of provision of statutes and regulations—with general warnings that such activity will be subject to enforcement activity. It is not anticipated that such warning and notifications will be a pre-condition for enforcement, and the CAA-B reserves its right to immediately commence enforcement proceeding where in the opinion of the CAA-B such action is necessary to fulfil its obligation to ensure the safety and security of the public.

It is recognized that certain enforcement activities may be implemented within a broad range of possibilities ranging from warnings to grounding of aircraft, to the revocation of aviation documents and imposing monetary fines within stipulated ranges. The CAA-B will be committed to making independent decisions based on evidence. It will also seek to apply proportionately enforcement measures based on principles including, but not limited to, the degree of risk to the safety and security of the public, and also any potential mitigating factors advanced by the relevant party. In the circumstances, the possibility exists that in the exercise of its discretion, having regard to all the circumstances of each individual case, for there to be a variation in enforcement.

The focus of CAA-B's enforcement activity is to treat persons or organizations that are subject to enforcement action in a consistent manner, with a degree of fairness, having regard for all the circumstances of the case. Where, however, it becomes apparent to the CAA-B that there are widespread breaches of statute or regulations, the CAA-B may initially apply a focused approach to advancing enforcement against a specific grouping of persons or entities, where it is deemed by the CAA-B necessary to achieve a degree of maximum deterrence.

Outside Influences

The CAA-B is tasked with discharging enforcement responsibilities across a broad range of regulatory functions. The CAA-B is a Bahamian statutory body functioning as an independent regulator with obligations not only to the domestic market but the international community, including international regulators and organizations focused on security and safety and which themselves make determinations on the performance of the CAA-B as a responsible and effective regulator. They may also assess The Bahamas generally to determine whether The Bahamas is a viable jurisdiction, able to responsibly participate in international civil aviation activity. Accordingly, the CAA-B will not be influenced by political considerations other than overarching Government policy.

Additionally, it is noted that whereas certain processes of the CAA-B, particularly as they relate to enforcement, will be subject to legal challenges (and it is accepted that on certain occasions the views and determinations of legal tribunals will not accord with the considered perspective of CAA-B professionals, resulting in CAA-B's position being overturned), the CAA-B will be undaunted in its pursuit of courses of action which it believes to be lawful, consistent with international standards and necessary to preserve the integrity of the functions of the aviation sector.



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