EXTRAORDINARY

O I IA A ETTE

T E A A A

I ED Y A T ORITY

NA A

CIVIL AVIATION (SAFETY) (AMENDMENT) REGULATIONS, 2017

Arrangement of Regulations

Regulation

1. Citation....2
2. Replacement of "the Minister" by "the Authority" in the principal Regulations..2
3. Amendment of regulation 11 of the principal Regulations....2
4. Amendment of regulation 30 of the principal Regulations....2
5. Amendment of regulation 80 of the principal Regulations....5
6. Amendment of Schedule 1 to the principal Regulations....5

I N

CIVIL AVIATION ACT
(NO. 22 OF 2016)

CIVIL AVIATION (SAFETY) (AMENDMENT) REGULATIONS, 2017

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

1. Citation.

These Regulations, which amend the Civil Aviation (Safety) Regulations[1], may be cited as the Civil Aviation (Safety) (Amendment) Regulations, 2017.

2. Replacement of "the Minister" by "the Authority" in the principal Regulations.

The principal Regulations are amended by the deletion of the words "the Minister" and the substitution therefor of the words "the Authority", wherever these words appear, except in regulations 4(1) (definition of the Minister), 80(Accident reporting and investigation), and 81(1) (prescription of fees).

3. Amendment of regulation 11 of the principal Regulations.

The principal Regulations are amended in regulation 11 by the deletion of paragraph (h).

4. Amendment of regulation 30 of the principal Regulations.

The principal Regulations are amended by the deletion of regulation 30 and the substitution therefor of the following —

"30. Mandatory occurrence reporting.

(1) The objective of this regulation is to contribute to the improvement of air safety by ensuring that the relevant information on safety is reported, collected, stored, protected and disseminated.

(2) The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.

[1]Sub. Leg.. Vol. IV, Ch. 284, Pg. 37

(3) This regulation applies to occurrences that endanger or which, if not corrected, would endanger an aircraft, its occupants or any other person.

(4) A person listed below must report to the Authority any event which constitutes a reportable occurrence for the purposes of paragraph (5) and which comes to that person's attention in the exercise of that person's functions —

(a) the operator and the pilot-in-command of an aircraft which has a certificate of airworthiness or permit to fly issued by the Authority;

(b) the operator and the pilot-in-command of an aircraft operated under an air operator's certificate granted by the Authority;

(c) a person who carries on in The Bahamas any business of manufacturing, repairing or overhauling an aircraft referred to in sub-paragraphs (a) or (b), or any equipment or part thereof;

(d) a person who carries on the business of maintaining or modifying an aircraft that has a certificate of airworthiness or permit to fly issued by the Authority and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;

(e) a person who carries on the business of maintaining or modifying an aircraft, operated under an air operator's certificate granted by the Authority, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;

(f) a person who signs an airworthiness report or a certificate of release to service in respect of such an aircraft, part or equipment;

(g) a person who performs a function which requires an air traffic controller licence or flight information service authority;

(h) an aerodrome certificate holder, operator or manager of any certificated, licensed or registered aerodrome;

(i) a person who performs a function connected with the installation, modification, maintenance, repair, overhaul, flight checking or inspection of air navigation facilities which are utilised by a person who

provides an air traffic control service under an approval issued by the Authority;

(j) any person who performs a function concerning the ground-handling of aircraft, including fuelling, servicing, load sheet preparation and towing.

(5) In this regulation 'reportable occurrence' means —

(a) an incident relating to an aircraft or a defect in or malfunctioning of an aircraft or any part or equipment of such an aircraft, being an incident, malfunctioning or defect endangering, or which if not corrected would endanger, the aircraft, its occupants or any other person;

(b) a defect in or malfunctioning of a facility on the ground used or intended to be used for purposes of or in connection with the operation of an aircraft, being a defect or malfunctioning endangering, or which if not corrected would endanger, an aircraft, its occupants; and

(c) a bird strike occurring whilst an aircraft is in flight within the airspace of The Bahamas.

(6) An accident or serious incident notified to the Authority under regulations made under section 47 of the Act does not constitute a reportable occurrence for purposes of this regulation.

(7) Reports of occurrences must be made within such time, by such means and contain such information, as may be specified by the Authority and must be presented in such form as the Authority may in any particular case approve.

(8) Nothing in this regulation requires a person to report any occurrence which that person has reason to believe has been or will be reported by another person to the Authority in accordance with this regulation.

(9) A person must not make any report under this regulation knowing or having reason to believe that the report is false in any material particular.

(10) Where the operator of an aircraft has reason to believe that a report has been or will be made under this regulation, the operator must preserve any data from a flight data recorder or a combined cockpit voice recorder/flight data recorder relevant to the reportable occurrence for 14 days from the date on which a report of that occurrence is made to the

Authority or for such longer period as the Authority may in a particular case direct.

(11) The record referred to in paragraph (10) may be erased if the aircraft is outside The Bahamas and it is not reasonably practicable to preserve the record until the aircraft reaches The Bahamas.".

5. Amendment of regulation 80 of the principal Regulations.

The principal Regulations are amended by the deletion of regulation 80 and the substitution therefor of the following —

"80. Accident reporting and investigation.

(1) A person who is the operator or pilot in command of an aircraft which is registered in The Bahamas, or a commercial air transport aircraft not registered in The Bahamas but operated by the holder of an air operator's certificate issued in The Bahamas, who is involved in, observes or knows of an aircraft accident shall make a report to the Minister as prescribed in regulations made by the Minister under section 47 of the Act.

(2) A person shall not make a report under this regulation if he knows or has reason to believe that the report is false in any material particular.

(3) Each person shall comply with the necessary steps of an accident investigation as required by the Minister or an Investigator assigned to investigate any accident.".

6. Amendment of Schedule 1 to the principal Regulations.

Schedule 1 to the principal Regulations is amended in Subpart A (General), paragraph 1.015 (Definitions) as follows —

(a) in sub-paragraph (b), by the deletion of the words "Civil Aviation Department of The Bahamas (BCAD)" and the substitution therefor of the words "Civil Aviation Authority of The Bahamas (CAAB)"; and

(b) in sub-paragraph (c) —

(i) in the first definition of "Director", by the deletion of the words "Director General of the Bahamas Civil Aviation Department" and the substitution therefor of the words "Director of the Civil Aviation Authority of The Bahamas" and the deletion, after the word "under" of the words "the of"; and

(ii) by the deletion of the second definition of "Director".

ENY ANNA ARTIN A