

Schedule 13 — Passenger Carrying Requirements for AOC Holders and Operators of Large Aircraft.

Schedule 14 — AOC Personnel Qualification.

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CIVIL AVIATION (SAFETY) REGULATIONS

(SECTION 5)

[Commencement 17th April, 2001]

S.I. 60/2001
S.I. 118/2010
S.I. 55/2012
S.I. 39/2013
S.I. 99/2013
S.I. 50/2016

1. These Regulations may be cited as the Civil Aviation (Safety) Regulations.

Citation.

2. These Regulations shall come into force on such date as the Minister may appoint by Notice in the *Gazette*.*

Commencement.

3. For the purposes of the Civil Aviation Act and of these Regulations, the provisions of the Convention on International Civil Aviation signed at Chicago on the 7th December, 1944 (“the Chicago Convention”) and the Annexes thereto together with the Standards and Recommended Practices established by the International Civil Aviation Organization (ICAO) thereunder and such other internationally recognised standards and practices shall be adopted and applied (as appropriate) in The Bahamas.

Applicable laws and interpretation.
 Ch. 284.

4. (1) In these Regulations, unless the context otherwise requires —

Interpretation.

“Aerial work” means any purpose (other than commercial air transport) for which an aircraft is flown if valuable consideration is given or promised in respect to the business or purpose of the flight;

* S.I. 146 of 2001.

“Aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

“Aerodrome operating minima” in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual range for take-off, and the decision height or minimum descent height, runway visual range and visual reference for landing, which are the minimum for the operation of that aircraft at that aerodrome;

“Airman” means any person certificated to perform a service relating to an aircraft, maintenance or flight operation;

“Airman certificate” means any certificate issued to an airman under these Regulations;

“Air Operator Certificate” or “AOC” means a certificate issued by The Bahamas or competent authority of another State authorizing the holder to conduct passenger or cargo operations for remuneration, hire or valuable consideration (see definition of “commercial air transport”)

“AOC holder” means the person or entity to which the AOC has been issued.

“Approach to landing” means that portion of the flight of the aircraft, when approaching to land, in which it is descending below a height of 1000 ft above the relevant specified decision height or minimum descent height;

“Appropriate aeronautical radio station” means in relation to an aircraft an aeronautical radio station serving the area in which the aircraft is for the time being;

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- “Appropriate air traffic control unit” means in relation to an aircraft the air traffic control unit serving the area in which the aircraft is for the time being;
- “authority” means the Flight Standards Inspectorate of The Bahamas Civil Aviation Department; *S.I. 118/2010.*
- “Authorized person” means any person authorized by the Minister either generally or in relation to a particular case or class of cases, and references to a person authorized by the Minister include reference to the holder for the time being of any office designated by the Minister;
- “Cargo” includes mail and animals;
- “Certificate of airworthiness” includes any validation thereof and any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;
- “Class A airspace”, “Class B airspace”, “Class C airspace”, “Class D airspace” and “Class E airspace” means airspace respectively notified as such, in accordance with the appropriate International Civil Aviation Organization definition;
- “Ceiling” in relation to an aerodrome means the vertical distance from the elevation of the aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one-half of the sky so visible;
- “Pilot in command” in relation to an aircraft means the member of the flight crew designated as pilot in command of that aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;
- “Commercial air transport” means an undertaking whose business includes the carriage by air of passengers or cargo for remuneration, hire or valuable consideration that is not considered aerial work;
- “Competent authority” means in relation to The Bahamas, the Minister, and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;

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- “Contracting state” means any State (including The Bahamas) which is party to the Convention on International Civil Aviation;
- “Controlled airspace” means airspace which has been notified as Class A, Class B, Class C, Class D or Class E airspace;
- “Second in command” in relation to an aircraft means a pilot who in performing his duties as such is subject to the direction of another pilot carried in the aircraft;
- “Crew member” means any person required to perform duties on an aircraft in flight;
- “Flight” and “to fly” in relation to an aircraft means the time from which it lifts off the surface until it again lands on the surface;
- “Flight crew” in relation to an aircraft means those members of the crew of the aircraft who respectively undertake to act as pilot and flight engineer of the aircraft;
- “Flight simulator” means apparatus by means of which flight conditions in an aircraft are simulated on the ground;
- “General aviation operation” means any aircraft flight operation other than for the purpose or business of commercial air transport or aerial work;
- “Licence” includes any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;
- “Logbook” in the case of an aircraft logbook, engine logbook or variable pitch propeller logbook, or personal flying logbook, includes a record kept either in a book, or by any other means approved by the Minister in the particular case;
- “Maximum total weight authorized” in relation to an aircraft means the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favorable circumstances in accordance with the certificate of airworthiness in force in respect of the aircraft;

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- “Military aircraft” means the naval, military or air force aircraft of any country and any aircraft in respect of which there is in force a certificate issued by the Minister that the aircraft is to be treated for the purposes of these Regulations as a military aircraft;
- “Minister” means the Minister responsible for Civil Aviation;
- “Night” means the time between half an hour after sunset until half an hour before sunrise, sunset and sunrise being determined at surface level;
- “Notified” means shown in any of the following publications for the time being in force and issued in The Bahamas whether before or after the coming into operation of these Regulations that is to say, “NOTAMs (notices to airmen)”, “Aeronautical information publications (AIP)”, or such other official publications so issued for the purpose of enabling any of the provisions of these Regulations to be complied with;
- “Operator” means any person who is responsible for the aircraft for a particular flight;
- “Parascending parachute” means a parachute which is towed by cable in such a manner as to cause it to ascend;
- “Passenger” means a person other than a member of the crew;
- “Pilot in command” in relation to an aircraft means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;
- “Prescribed” means prescribed by regulations made by the Minister under these Regulations, and the expression “prescribe” shall be construed accordingly;
- “Pressurised aircraft” means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;

“Record” includes, in addition to a record in writing —

- (a) any disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced therefrom;
- (b) any film, tape or other device in which visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom; and
- (c) any photograph;

and any reference to a copy of a record includes, in the case of a record falling within paragraph (A) only of this definition, a transcript of the sounds or signals embodied therein, in the case of a record falling within paragraph (B) only of this definition, a still reproduction of the images embodied therein. and in the case of a record falling within both those paragraphs such a transcript together with such a still reproduction;

“Replacement” in relation to any part of an aircraft or its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it; but does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded;

“To land” in relation to aircraft includes alighting on the water;

“Valuable consideration” means the exchange of services, goods, equipment, or money.

(2) Additional definitions are contained in the Schedules to these Regulations, beginning with Schedule 1.

(3) An aircraft shall be deemed to be in flight from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power, until the moment when it next comes to rest after landing; and the expressions “a flight,” “to fly” and “flight time” shall be construed accordingly.

(4) Every person employed or engaged in an aircraft in flight on the business of the aircraft shall be deemed to be a member of the crew thereof.

(5) References in these Regulations to the operator of an aircraft are, for the purposes of the application of any provision of these Regulations in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft, and cognate expressions shall be construed accordingly.

(6) A power to issue directions under these Regulations shall include the power to make different provisions with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances and with respect to different parts of The Bahamas and to make such incidental and supplementary provisions as are necessary or expedient for carrying out the purposes of these Regulations.

(7) Any power conferred by these Regulations to issue, make, serve or grant any instrument shall be construed as including a power exercisable, in the like manner and subject to the like conditions, if any, to vary, revoke, cancel or otherwise terminate the instrument.

(8) For the purpose of these Regulations, the term “instrument” will refer to a document issued by the Government of The Bahamas and includes any regulations, direction, instruction, rule or other requirement, any notice and any certificate, licence, approval, permission, exemption, authorizations, logbook record or other document. The term “instruments” will refer to aircraft components used by the flight crew for the purpose of flight and navigation.

PART I ENFORCEMENT OF THESE REGULATIONS

5. Any person who without reasonable excuse fails to comply with any directive given to him under any provision of these Regulations or directions made thereunder shall be deemed for the purposes of these Regulations to have contravened that provision.

Enforcement of
directions.

Minister's
decision.

- 6.** The Minister may, if he thinks fit, provisionally issue a decision to take action to enforce the regulations that have been contravened, including but not limited to —
- (a) re-examination for original certification basis or competence;
 - (b) assess a monetary penalty for contravention of the requirements of a regulation or Schedule;
 - (c) suspend or vary a document;
 - (d) revoke, suspend or vary a permit; and
 - (e) prevent flying.

Revocation,
suspension and
variation of
documents.

7. (1) The Minister may, if he thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorizations or other document issued, granted or having effect under these Regulations, pending inquiry into or consideration of the case. The Minister may, on sufficient ground being shown to his satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorizations or other document.

(2) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under these Regulations shall surrender it to the Minister within a reasonable time after being required to do so by the Minister.

(3) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued, or which has effect under these Regulations shall, in the absence of provision to the contrary in the document, render the document invalid during the continuance of the breach.

(4) Notwithstanding paragraph (1) of this regulation, a flight manual, performance schedule or other document incorporated by reference in the certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the Minister, whether or not after due inquiry.

Revocation,
suspension and
variation of
permits.

8. (1) Subject to the provisions of this regulation, the Minister may revoke, suspend or vary any permit to which this regulation applies.

(2) Save as provided by paragraph (3), the Minister may exercise his powers under paragraph (1) only after notifying the permit holder of his intention to do so and after due consideration of the case.

(3) If, by reason of the urgency of the matter, it appears to the Minister to be necessary for him to do so, he may provisionally suspend or vary a permit to which this regulation applies without complying with the requirements of paragraph (2); but he shall in any such case comply with those requirements as soon thereafter as is reasonably practicable and shall then, in the light of his due consideration of the case, either:

- (a) revoke the provisional suspension or variation of the permit; or
- (b) substitute therefor a definitive revocation, suspension or variation, which, if a definitive suspension, may be for the same or a different period as the provisional suspension (if any) or, if a definitive variation, may be in the same or different terms as the provisional variation (if any).

(4) The powers vested in the Minister by paragraph (1) or paragraph (3) may be exercised by him whenever, in his judgment and whether or not by reason of anything done or omitted to be done by the permit-holder or otherwise connected with the permit-holder, it is necessary or expedient that the permit-holder should not enjoy, or should no longer enjoy, the rights conferred on him by a permit to which this regulation applies or should enjoy them subject to such limitations or qualifications as the Minister may determine. In particular, and without prejudice to the generality of the foregoing, the Minister may exercise his said powers if:

- (a) it appears to him that the person to whom the permit was granted has committed a breach of any condition to which it is subject;
- (b) it appears to him that any agreement between the Government of The Bahamas and the Government of any other country in pursuance of which or in reliance on which the permit was granted is no longer in force or that that other Government has committed a breach thereof;

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- (c) it appears to him that the person to whom the permit was granted, or such other Government as aforesaid (that is to say, a Government which is a party to such an agreement as aforesaid with the Government of The Bahamas), or the aeronautical authorities of the country concerned, have acted in a manner which is inconsistent with or prejudicial to the operation in good faith, and according to its object and purpose, of any such agreement as aforesaid, or have engaged in unfair, discriminatory or restrictive practices to the prejudice of the holder of a licence granted under regulation 8 of the Civil Aviation (Licensing of Air Services) Regulations, 1976 or the holder of a permit granted under regulation 23 of the said regulations in his operation of air services to or from points in the country concerned; or
- (d) it appears to him that the person to whom the permit was granted, having been granted it as a person designated by the Government of a country other than The Bahamas for the purposes of any such agreement as aforesaid, is no longer so designated or that that person has so conducted himself, or that such circumstances have arisen in relation to him, as to make it necessary or expedient to disregard or qualify the consequences of his being so designated.
- (5) The permit-holder or any person having the possession or custody of any permit which has been revoked, suspended or varied under this regulation shall surrender it to the Minister within a reasonable time of being required by him to do so.
- (6) The breach of any condition subject to which any permit to which this regulation applies has been granted shall render the permit invalid during the continuance of the breach.
- (7) The permits to which this regulation applies are permissions granted by the Minister under these Regulations, and any approvals or authorizations of, or consents to, any matter which the Minister has granted, or is deemed to have granted, in pursuance of a permission which he has so granted.

(8) References in this regulation to the “permit-holder” are references to the person to whom any permit to which this regulation applies has been granted or is deemed to have been granted.

9. (1) If any provision of these Regulations or any directions thereunder is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command thereof shall (without prejudice to the liability of any other person under these Regulations for that contravention) be deemed for the purposes of the following provisions of this regulation 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. Penalties.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention of these Regulations 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.

(3) Where a person is charged with contravening any regulation or associated Schedule by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of commercial air transport or aerial work the flight shall be treated (without prejudice to the liability of any other person under these Regulations) as not having been for that purpose if he proves that he neither knew nor suspected that the flight was for that purpose.

(4) If any person contravenes these Regulations or the applicable Schedules, not being a provision referred to in paragraphs (5) and (6) of this regulation, he shall be guilty, of an offence and liable on summary conviction to a fine not exceeding six hundred dollars for each offence and each flight.

(5) If any person contravenes any provision specified in Part A of Schedule 2 he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifteen hundred dollars for each offence and each flight.

(6) If any person contravenes any provision specified in Part B of the said Schedule he shall be guilty of an offence and liable on summary conviction to a fine not exceeding three thousand dollars for each offence and each

flight and on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both.

Appeal to
Supreme Court.

10. (1) An appeal shall lie to the Supreme Court from any decision of the Minister that a person is not a fit person to hold a licence to act as an aircraft maintenance technician, member of a flight crew of an aircraft, or as the management of an approved maintenance or training organization, or the management of an air operator, and if the court is satisfied on the evidence submitted to the Minister he was wrong in so deciding, the court may reverse the Minister's decision and the Minister shall give effect to the court's determination:

Provided that an appeal shall not lie from a decision of the Minister that a person is not qualified to hold the licence by reason of a deficiency in his knowledge, experience, competence, skill, physical or mental fitness.

(2) The respondent to any appeal under this regulation shall be the Attorney General of The Bahamas.

(3) For the purposes of any provision relating to the time within which an appeal may be brought, the Minister's decision shall be deemed to have been taken on the date on which the Minister furnished a statement of his reasons for the decision to the applicant for the licence, or as the case may be, the holder or former holder of it.

PART II FLIGHT STANDARDS INSPECTORATE

Function of the
Flight Standards
Inspectorate.

11. The Minister shall establish a Flight Standards Inspectorate comprised of technically qualified aviation safety inspectors to conduct the necessary technical evaluations, inspections and investigations required to meet The Bahamas' ICAO responsibilities for safety oversight for:

- (a) registration of aircraft;
- (b) airworthiness of aircraft;
- (c) personnel licensing;
- (d) operations of aircraft;
- (e) aerial work;
- (f) commercial air transport;
- (g) carriage of dangerous goods; and
- (h) accident investigation.

12. (1) The Manager of the Flight Standards Inspectorate shall have the delegated authority to issue any licence, certificate, approval or other written document in support of the functions assigned to it and to perform such acts and to conduct such investigations on behalf of the Director pursuant to and in accordance with these Regulations.

Delegation of powers.

(2) The Flight Standards Inspectorate may by means of Aviation Information Circulars (AIC), Airworthiness Notices (AWN), Aeronautical Information Publications (AIP), Notices to Airmen (NOTAMS), Notices of Non Compliance (NNC), and other documents develop, issue and revise instructions, directions, rules and procedures or prescribe requirements to give effect to the provisions of the Chicago Convention and the Annexes thereto and the Standards and Recommended Practices of ICAO as well as the provisions of the Civil Aviation Act and of these Regulations, relating to the operation, use, possession, maintenance or operations of aircraft flying in or over The Bahamas or of aircraft registered in The Bahamas or of aircraft operated by the holder of an Air Operator Certificate (AOC) issued under these Regulations.

13. The aviation safety inspectors assigned to the Flight Standards Inspectorate shall have the status of authorised persons under these Regulations and shall be issued a unique credential for the performance of their functions.

Authorising credential.

14. No person shall possess or use these aviation safety inspector credentials unless:

Possession of credential.

- (a) he is employed by the Government of The Bahamas to perform the functions of the Flight Standards Inspectorate; and
- (b) he is using the credential in the performance of a specific function of the Flight Standards Inspectorate.

15. (1) The Minister, or any authorized person, shall have the right to carry out audits or surveillance or to require any person to produce documents or any other article for the purpose of detecting any contravention of these Regulations.

Authorized persons' powers and duties.

(2) Any person who, having been required in terms of paragraph (1) to produce any document or other article, without lawful cause 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, shall be guilty of an offence.

(3) An authorized person shall have the right to enter and inspect any aerodrome, hanger or other place (at which an aircraft is located or stored), aircraft or any organization performing tasks and services related to aviation safety and to inspect any aircraft, aircraft equipment, components, materials, facilities, personnel or crew members for the purpose of ensuring that the provisions of the Act and these Regulations have been, or are being complied with.

(4) Where it appears to any authorized person that an aircraft is intended or likely to be flown in such circumstances that the flight would involve an offence against these Regulations or be a cause of danger to persons in the aircraft or to persons or property on the ground, he may take such action by way of detention of the aircraft or such other action necessary for the purpose of inspecting the aircraft or causing the circumstances of the flight to be investigated.

(5) Where an aircraft has been detained pursuant to (4) above such aircraft shall not be operated until the Minister, being satisfied that these Regulations are being complied with, approves or until such modifications or repairs have been effected as the Minister considers necessary to render the aircraft fit for flight.

(6) For the purpose of exercising his responsibilities under these Regulations any authorized person shall be issued with and carry at all times the means of identification referred to in regulation 13.

(7) No person shall intentionally obstruct or impede any authorized person acting in the exercise of his powers or the performance of his duties under these Regulations.

Access and
inspection.

16. (1) The Minister may cause such evaluations, inspections, investigations, tests, experiment, and flight trials to be made as it deems necessary for the purposes of these Regulations. Any person authorized in writing by the Minister to conduct these inspections, investigations and

observations may, at any reasonable time, inspect any aircraft, personnel, facilities, and records in operations subject to these Regulations. This access shall be free and uninterrupted.

(2) The Director or any person authorized shall, have the right of access at all reasonable times —

- (a) to any aerodrome for the purpose of inspecting the aerodrome or any aircraft on the aerodrome or any document which it has power, in terms of these Regulations, to demand, or for the purpose of detaining the aircraft in terms of these Regulations;
- (b) to any place, whether public or private, where an aircraft is located for the purpose of inspecting the aircraft or any document which it or such person has power, in terms of these Regulations, to demand or for the purpose of detaining the aircraft in terms of these Regulations;
- (c) 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:

Provided that the safety of commercial operations of the aircraft shall not be unduly prejudiced by the exercise of the right of access in terms of this regulation.

17. (1) An authorized person shall have the power to inspect and copy any certificate, licence, logbook, document or record which he has the power pursuant to these Regulations and any directions issued thereunder to require to be produced to him.

Power to inspect and copy.

(2) No person may obstruct, impede or otherwise interfere with the copying of the documents in paragraph (1) by an authorised person.

18. (1) Each person involved or participating in an aviation activity shall, within a reasonable time after being requested to do so by an authorized person, cause to be produced to that person the certificates and documents which he is required to have, carry, complete or preserve during the course of his activities. This will include airmen and medical certificates, operational and maintenance manuals and records as required by these Regulations and the Schedules applicable to that activity.

Production of documents and records.

(2) The holder of a licence granted or rendered valid under these Regulations shall, within a reasonable time after being requested to do so by an authorized person, cause to be produced to that person his licence, including any certificate of validation. The requirements of this paragraph shall be deemed to have been complied with, except in relation to licences required by these Regulations to be carried in the aircraft or kept at an aerodrome, if the licence requested is produced within five days after the request has been made to the Flight Standards Inspectorate.

Power to prevent aircraft flying.

19. (1) If it appears to the Minister or an authorized person that any aircraft is intended or likely to be flown —

- (a) in such circumstances that the flight would be a cause of danger to any person or property whether or not in the aircraft and in contravention of any provision of these Regulations or any directions issued thereunder; or
- (b) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of these Regulations or of any directions issued thereunder,

the Minister or that authorized person may direct the operator or the pilot in command of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Minister or by an authorized person, and the Minister or that authorized person may take such steps as are necessary to detain the aircraft.

(2) For the purposes of paragraph (1) of this regulation the Minister or any authorized person may enter upon and inspect any aircraft.

(3) If it appears to the Minister or an authorized person that any aircraft is intended or likely to be flown in such circumstances that any provision under these Regulations or provision relating to the licensing of air transport in The Bahamas would be contravened in relation to the flight the Minister or that authorized person may direct the operator or the pilot in command of the aircraft that he is not to permit the aircraft to make a particular flight or any other flight of such description as may be specified in the direction until the direction has

been revoked by the Minister or any authorized person, may take such steps as are necessary to detain the aircraft.

(4) For the purposes of paragraph (3) of this regulation the Minister or any authorized person may enter upon any aerodrome and may enter upon and inspect any aircraft.

PART III REPORTS, DOCUMENTS, AND RECORDS

20. (1) Every 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; or carries on the business of inspecting, manufacturing, repairing or overhauling such an aircraft, or any equipment or part thereof; or signs a release to service, or release to service in respect of such an aircraft, part or equipment shall make the reports to the Minister —

Mandatory reporting.

- (a) which are specified in these Regulations and applicable Schedules; or
- (b) upon his request for such information as specified in a notice in writing served upon the person, being information which is in this person's possession or control and which relates to a reportable occurrence which has been reported by him or by another person to the Minister in accordance with this regulation.

(2) The reports shall be made within such time, by such means, and shall contain such information as is so specified and it shall be presented in such form as the Minister may require.

(3) In this regulation "reportable occurrence" means —

- (a) any incident relating to such an aircraft or any defect in or malfunctioning of such 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; and

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

(4) Subject to paragraph (1)(a) of this regulation, nothing in this regulation shall require a person to report any occurrence which he has reason to believe has been or will be reported by another person to the Minister in accordance with this regulation.

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

Documents to be carried.

21. (1) An aircraft shall not fly in or over The Bahamas unless it carries the documents which it is required to carry under the law of the country in which it is registered.

(2) An aircraft registered in The Bahamas shall, when in flight, carry documents in accordance with these Regulations provided that, if the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than The Bahamas, the documents may be kept at that aerodrome instead of being carried in the aircraft.

Preservation of documents.

22. (1) A person required by these Regulations and the applicable Schedules to preserve any document or record shall continue to preserve that document or record, and in the event of his death the duty to preserve the document or record shall fall upon his designated representative.

(2) A person assigned under these Regulations and the applicable Schedules to preserve any document or record shall continue to preserve that document or record until such time as the responsibility may be transferred to another assigned person.

Offences in relation to documents and records.

23. (1) A person shall not with intent to deceive —

(a) use any certificate, licence, approval, permission, exemption or other document issued or required

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- by or under these Regulations which has been forged, altered, revoked or suspended, or to which he is not entitled; or
- (b) lend any certificate, licence, approval, permission, exemption or other document issued or having effect or required by or under these Regulations to, or allow it to be used by, any other person; or
 - (c) make 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,

and in this paragraph a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy thereof.

(2) A person shall not intentionally damage, alter or render illegible any logbook or other record required by or under these Regulations to be maintained or any entry made therein, or —

- (a) knowingly make, or procure or assist in the making of, any false entry in or material omission from any such logbook or record; or
- (b) destroy any such logbook or record during the period for which it is required under these Regulations to be preserved.

(3) All entries made in writing in any logbook or record referred to in paragraph (2) of this regulation shall be made in ink or indelible pencil.

(4) A person shall not purport to issue any certificate for the purposes of these Regulations or any directions made thereunder unless he is authorized to do so under these Regulations.

(5) A person shall not issue any such certificate as aforesaid unless he has satisfied himself that all statements in the certificate are correct.

PART IV REGISTRATION AND MARKING OF AIRCRAFT

24. (1) An aircraft shall not fly in or over The Bahamas unless it is registered in —

- (a) a Contracting State; or

Aircraft to be registered.

- (b) some other country in relation to which there is in force an agreement between the Government of The Bahamas and the Government of that country which makes provision for the flight over The Bahamas of aircraft registered in that country:

Provided that this paragraph shall not apply to any kite or captive v balloon.

(2) If an aircraft flies over The Bahamas in contravention of paragraph (1) of this regulation in such manner or circumstances that if the aircraft had been registered in The Bahamas an offence against these Regulations would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

Registration of aircraft.

25. (1) The Minister shall, subject to the provisions of this Part, register aircraft in The Bahamas and for this purpose shall cause a register to be kept and may record therein the particulars specified in paragraph (7).

(2) Subject to the provisions of this regulation, an aircraft shall not be registered or continue to be registered in The Bahamas if it appears to the Minister that —

- (a) the aircraft is registered outside The Bahamas and that such registration does not cease by operation of law upon the aircraft being registered in The Bahamas;
- (b) an unqualified person holds any legal or beneficial interest by way of ownership in the aircraft or any share therein;
- (c) it would be inexpedient in the public interest for the aircraft to be or to continue to be registered in The Bahamas; or
- (d) the aircraft does not qualify for the issue of a certificate of airworthiness in accordance with the provisions of regulation 28.

(3) The following persons and no others shall be qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in The Bahamas or a share therein —

- (a) the Government of The Bahamas;
- (b) a citizen or permanent resident of The Bahamas or other such persons as the Minister shall approve;

(c) a company incorporated in The Bahamas under the Companies Act and having its principal place of business in The Bahamas. Ch. 308.

(4) If any unqualified person residing or having a place of business in The Bahamas holds a legal or beneficial interest by way of ownership in an aircraft, or a share therein, the Minister, upon being satisfied that the aircraft may otherwise be properly so registered, may register the aircraft in The Bahamas and such person shall not cause or permit the aircraft, while it is registered in pursuance of this paragraph, to be used for the purpose of commercial air transport or aerial work.

(5) If an aircraft is sold under a contract of hire-purchase, let on hire or chartered by demise to a person qualified under paragraph (3), the Minister may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest therein, register the aircraft in The Bahamas in the name of the hire purchaser, lessee or charterer upon being satisfied that the aircraft may otherwise be properly so registered, and subject to the provisions of this regulation the aircraft may remain so registered during the continuation of the contract, lease or charter.

(6) Application for the registration of an aircraft in The Bahamas shall be made in writing to the Minister, and shall include or be accompanied by such particulars and evidence relating to the aircraft and the ownership and chartering thereof as the Minister may require to enable him to determine whether the aircraft may properly be registered in The Bahamas and to issue the certificate referred to in paragraph (8).

(7) Upon receiving an application for the registration of an aircraft in The Bahamas and being satisfied that the aircraft may properly be so registered, the Minister shall register the aircraft, wherever it may be, and shall include in the register the following particulars —

- (a) the number of the certificate;
- (b) the nationality mark of the aircraft, and the registration mark assigned to it by the Minister;
- (c) the name of the constructor of the aircraft and its designation;
- (d) the serial number of the aircraft; and

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- (e)
 - (i) the name and address of every person who is entitled as owner to a legal interest in the aircraft or a share therein, or, in the case of an aircraft which is the subject of a charter by demise, the name and address of the charterer by demise; and
 - (ii) in the case of an aircraft registered in pursuance of paragraph (4) or (5) of this regulation, an indication that it is so registered.

(8) The Minister shall furnish to the person in whose name the aircraft is registered (hereinafter in this regulation referred to as “the registered owner”) a certificate of registration, which shall include the particulars specified in paragraph (7) and the date on which the certificate was issued.

(9) The Minister may grant to any person qualified under paragraph (3) an aircraft dealer’s certificate if the Minister is satisfied that such person has a place of business in The Bahamas for buying and selling aircraft.

(10) Subject to paragraphs (4) and (5), if at any time after an aircraft has been registered in The Bahamas an unqualified person becomes entitled to a legal or beneficial interest by way of ownership in the aircraft or a share therein, the registration of the aircraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the Minister.

(11) Any person who is the registered owner of an aircraft registered in The Bahamas shall inform the Minister forthwith in writing of —

- (a) any change in the particulars which were furnished to the Minister upon application being made for the registration of the aircraft;
- (b) the destruction of the aircraft, or its permanent withdrawal from use; or
- (c) in the case of an aircraft registered in pursuance of paragraph (5), the termination of the demise charter.

(12) Any person who becomes the owner of an aircraft registered in The Bahamas shall within twenty-eight days thereof inform the Minister in writing to that effect.

(13) The Minister may, whenever it appears to be necessary or appropriate to do so for giving effect to this Part of these Regulations or for bringing up to date or otherwise correcting the particulars entered on the register, amend the register or, if he thinks fit, may cancel the registration of the aircraft, and shall cancel that registration within two months of being satisfied that there has been a change in the ownership of the aircraft.

(14) The Minister may issue directions to adapt or modify the foregoing provisions of this regulation as he deems necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from The Bahamas register, either generally or in relation to a particular case or class of cases.

(15) In this regulation references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of his membership of a flying club and the reference in paragraph (11) to the registered owner of an aircraft includes in the case of a deceased person, his legal personal representative, and in the case of a body corporate which has been dissolved, its successor.

(16) Nothing in this regulation shall require the Minister to cancel the registration of an aircraft unless in his opinion it would be in expedient in the public interest to do so.

26. (1) An aircraft (other than aircraft permitted by or under these Regulations to fly without being registered) shall not fly in or over The Bahamas unless it bears painted thereon or affixed thereto, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

Nationality and registration marks.

(2) The marks to be borne by aircraft registered in The Bahamas shall comply with Schedule 3.

(3) An aircraft shall not bear any marks which purport to indicate —

- (a) that the aircraft is registered in a country in which it is not in fact registered; or
- (b) that the aircraft is a State aircraft (as defined in the Chicago Convention at Article 3) of a particular country if it is not in fact such an

aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.

PART V
AIRWORTHINESS OF AIRCRAFT

Type Certificate.

27. (1) A Type Certificate with respect to an aircraft, engine or propeller means a document issued by the manufacturer, and approved by the appropriate authority of the State of manufacture, certifying that the type design of the aircraft, engine or propeller and of the variants specified on the Type Data Sheet, comply with the certification basis to which the certificate refers. The Type Certificate includes; the type certificate data sheet, the type design, the operating limitations and any other conditions or limitations prescribed for the aircraft.

(2) Any person who intends to operate an aircraft to be registered in The Bahamas for commercial air transport or aerial work purposes shall apply to the Minister for the issue, acceptance or validation of a Type Certificate as provided in Schedule 4 for that aircraft, in accordance with this regulation and the requirements of the Minister from time to time.

(3) An applicant for a Type Certificate of an aircraft, or for the acceptance or validation thereof, shall submit with the application detailed data identifying the airworthiness standards to which the aircraft was designed and data which describes the design, construction and performance of that aircraft.

(4) The Minister shall accept or validate a Type Certificate, in respect of any aircraft, engine or propeller that is imported into The Bahamas, subject to such conditions or limitations as it shall consider appropriate and in accordance with Schedule 4, provided that —

- (a) the airworthiness authority of the State of manufacture has issued a Type Certificate on the basis of Federal Aviation Regulations or Joint Air Regulations; and
- (b) the Type Certificate approval basis meets the airworthiness requirements laid down by the Minister;

in any other case, the Minister may in its discretion accept or validate a Type Certificate that is issued by the airworthiness authority of the State of manufacture and the Type Certificate approval basis meets the airworthiness requirements laid down by the Minister.

(5) It shall be an offence for a person to maintain or operate an aircraft contrary to the Type Certificate that was used in the issuance of the certificate of airworthiness.

28. (1) An aircraft shall not fly in or over The Bahamas unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid in under the law of the country in which the aircraft is registered, and any conditions subject to which the certificate was issued or rendered valid are complied with:

Certificate of
airworthiness.

Provided that the foregoing prohibition shall not apply to flights, beginning and ending in The Bahamas without passing over any other country, of —

- (a) an aircraft flying in accordance with a Special Airworthiness Certificate issued pursuant to Schedule 5; or
- (b) an aircraft flying in accordance with the conditions of a permit to fly issued by the Minister in respect of that aircraft.

(2) In the case of an aircraft registered in The Bahamas the certificate of airworthiness referred to in paragraph (1) shall be a certificate issued in accordance with the provisions of these Regulations.

(3) The Minister shall issue in respect of any aircraft a certificate of airworthiness if he is satisfied that the aircraft is fit to fly having regard to —

- (a) the design, construction, workmanship and materials of the aircraft (including in particular any engines fitted therein), and of any equipment carried in the aircraft which he considers necessary for the airworthiness of the aircraft; and
- (b) the results of flying trials, and such other tests of the aircraft as he may require:

Provided that, if the Minister has issued a certificate of airworthiness in respect of an aircraft which, in his opinion, is a prototype aircraft or a modification of a

prototype aircraft, he may dispense with flying trials in the case of any other aircraft if he is satisfied that it conforms to such prototype or modification.

(4) Every certificate of airworthiness shall specify such conditions as are, in the opinion of the Minister, appropriate to the aircraft in accordance with Schedule 5 and the certificate shall be issued subject to the condition that the aircraft shall be flown only for the purposes indicated on that certificate or associated certificates.

(5) The Minister may issue the certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as he thinks fit.

(6) The certificate of airworthiness may designate the performance group of the aircraft.

(7) The Minister may, subject to such conditions as he thinks fit, issue a certificate of validation rendering valid for the purposes of these Regulations a certificate of airworthiness issued in respect of any aircraft under the law of any country other than The Bahamas.

(8) Subject to the provisions of these Regulations, a certificate of airworthiness or validation issued under this regulation shall remain in force for such period as may be specified on the certificate, but may be reviewed by the Minister from time to time to determine that the aircraft conforms to the applicable airworthiness requirements.

(9) A certificate of airworthiness or a certificate of validation issued in respect of an aircraft shall cease to be in force —

- (a) if the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft, is overhauled, repaired or modified, or if any part of the aircraft or of such equipment is removed or is replaced, otherwise than in a manner and with material of a type approved by the Minister either generally or in relation to a class of aircraft or to the particular aircraft;
- (b) until the completion of any inspection of the aircraft or of any such equipment as aforesaid, being an inspection made for the purpose of ascertaining whether the aircraft remains air-worthy and —
 - (i) classified as mandatory by the Minister; or

- (ii) required by a maintenance program approved by the Minister in relation to that aircraft; or
- (c) until the completion to the satisfaction of the Minister of any modification of the aircraft or of any such equipment as aforesaid, being a modification required by the Minister for the purpose of ensuring that the aircraft remains airworthy.

(10) Nothing in these Regulations shall oblige the Minister to accept an application for the issue of a certificate of airworthiness or validation or for the variation or renewal of any such certificate when the application is not supported by such reports from such approved persons as the Minister may specify (either generally or in a particular case or class of cases).

29. (1) In the interest of safety, the Minister may order that an aircraft registered in The Bahamas or operated by a holder of an AOC issued under these Regulations, aircraft engine, propeller or component shall be modified or undergo special inspections. Such orders shall constitute Airworthiness Directives and compliance is mandatory. Airworthiness Directives, or their equivalent, issued by other contracting States and Mandatory Service Bulletins issued by an aircraft manufacturer shall be complied with.

Airworthiness Directives, modifications and repairs.

(2) Each owner or operator of a Bahamas registered aircraft and each holder of an AOC issued under these Regulations shall ensure that he receives all Airworthiness Directives and Mandatory Service Bulletins that affect his aircraft and that are issued by the Minister, the authority in the State of manufacture, the type certificate holder or the manufacturer.

(3) On the issue of an applicable Airworthiness Directive or Mandatory Service Bulletin the owner or operator of a Bahamas registered aircraft and each holder of an AOC issued under these Regulations shall take such action as shall be prescribed by the Minister and shall record the details of all actions taken in the logbook and other technical records of the aircraft. Mandatory, or optional, repairs or modifications shall be embodied only in accordance with approved data specified and in accordance with the instructions issued by the Minister or the State of manufacture, the type certificate holder or the manufacturer, as the case may be.

(4) All modifications or repairs carried out shall be subject to approval by the Minister in accordance with detailed drawings and other technical data adequate to define completely the proposed modification and using approved materials, parts and processes conforming to the manufacturer's specifications and in accordance with a technical assessment showing compliance with an approved design standard.

Continued
airworthiness.

30. (1) An aircraft registered in The Bahamas in respect of which a certificate of airworthiness is in force shall not fly unless —

- (a) the aircraft (including in particular its engines), together with its equipment and radio station, is maintained in accordance with a maintenance program developed in accordance with the Regulations applicable to the type of operation;
- (b) the required inspections of the aircraft have been completed in accordance with the Regulations applicable to the type of operation;
- (c) there is a flight manual (or other approved document) carried on, and available in, the aircraft, in such form as shall be approved by the Minister, for the use of the flight crew containing the limitations within which the aircraft is considered airworthy, together with such additional instructions and information as may be necessary to show compliance with the Regulations relating to performance and for the safe operation of the aircraft.

(2) The holder of an AOC issued under these Regulations, or other operator of an aircraft, shall ensure that an aircraft registered in The Bahamas shall be maintained and periodically inspected in accordance with the requirements of the approved data and manuals issued by the manufacturer and in accordance with the maintenance program issued by the manufacturer and approved by the Minister and that all Airworthiness Directives and Mandatory Service Bulletins are complied with, and shall ensure that an organization, approved by the Minister shall maintain its aircraft in an airworthy condition and in accordance with the approved maintenance program.

(3) The approved maintenance program referred to in paragraph (1) shall specify the occasions on which an inspection must be carried out for the purpose of issuing a release to service in accordance with this regulation and the applicable Schedules.

(4) A release to service may be issued for the purpose of this regulation only by —

- (a) the holder of an aircraft maintenance technician licence —
 - (i) granted under these Regulations and the applicable Schedules and entitling the holder to issue that release to service; or
 - (ii) granted under the law of a country other than The Bahamas and rendered valid under these Regulations in accordance with the ratings, privileges and limitations of the licence;
- (b) a person whom the Minister has authorized to issue a release to service in a particular case, and in accordance with that authority;
- (c) a maintenance organization approved by the Minister; or
- (d) a person approved by the Minister as being competent to issue such a release to service, and in accordance with that approval:

Provided that, in approving a maintenance program, the Minister may direct that a release to service relating to that program, or to any part thereof specified in its direction, may be issued only by the holder of such a licence as is so specified.

(5) A person referred to in paragraph (3) shall not issue a release to service unless he has first verified that —

- (a) maintenance has been carried out on the aircraft in accordance with the maintenance program approved for that aircraft;
- (b) inspections and modifications required by the Minister and the applicable requirements have been completed as certified in the relevant release to service;

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- (c) defects entered in the aircraft logbook or technical log of the aircraft in accordance with the Regulations have been rectified or the rectification thereof has been deferred in accordance with procedures approved by the Minister; and
 - (d) certificates of release to service have been issued in accordance with the Regulations;

and for this purpose the operator of the aircraft shall make available to that person such information as is necessary.

(6) A release to service shall be issued in duplicate and one copy of the most recently issued release to service shall be carried in the aircraft when the Regulations so require, and the other shall be kept by the operator elsewhere than in the aircraft.

(7) Subject to the provisions regarding retention of documents in this Regulation and its applicable Schedules, each release to service shall be preserved by the operator of the aircraft for a period of two years after it has been issued.

Aircraft records.

31. (1) A aircraft logbook or technical log shall be kept in respect of an aircraft registered in The Bahamas or an aircraft operated by the holder of an AOC issued under these Regulations.

(2) At the end of every flight by an aircraft operated by the holder of an AOC issued under these Regulations, the pilot in command shall enter in the aircraft logbook or technical log the information required under these Regulations applicable to the type of operation, and sign and date such entries.

(3) Upon the rectification of any defect which has been entered in a technical log in accordance with paragraph (2) a person issuing a release to service required by Regulation and Schedules in respect of that defect shall enter that information in the aircraft logbook or technical log in such a position as to be readily identifiable with the defect to which it relates.

(4) The aircraft technical log referred to in this regulation shall be carried in the aircraft as required by the applicable Regulation and Schedules, and copies of the entries referred to in this regulation shall be kept on the ground:

Provided that, in the case of an aeroplane of which the maximum total weight authorized does not exceed 2,730 kg, or a helicopter, if it is not reasonably practicable for the copy of the technical log to be kept on the ground the copy may be carried in the aeroplane or helicopter, as the case may be, in a container approved by the Minister for that purpose.

32. (1) Except as provided in paragraph (2), an aircraft registered in The Bahamas, being an aircraft in respect of which a certificate of airworthiness issued or rendered valid under these Regulations is in force, shall not fly unless there is in force a release to service issued in accordance with this regulation if the aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained, or has been inspected as required by the Regulations, as the case may be.

Inspection, overhaul, repair, replacement and modification.

- (2) Neither —
 - (a) equipment provided in compliance with Schedule 7; nor
 - (b) radio apparatus provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not such apparatus is provided in compliance with these Regulations,

shall be installed or placed on board for use in an aircraft registered in The Bahamas or operated by a holder of an AOC issued under these Regulations after being overhauled, repaired, modified or inspected, unless there is in force in respect thereof at the time when it is installed or placed on board a release to service issued in accordance with this regulation.

- (3) A release to service shall —
 - (a) certify that the aircraft or any part thereof or its equipment has been overhauled, repaired, replaced, modified or maintained, as the case may be, in a manner and with material of a type approved by the Minister either generally or in relation to a class of aircraft or the particular aircraft and shall identify the overhaul, repair, replacement, modification or maintenance to which the certificate relates and shall include particulars of the work done; or

(b) certify in relation to any inspection required by the Minister that the aircraft or the part thereof or its equipment, as the case may be, has been inspected in accordance with the requirements of the Minister and that any consequential repair, replacement or modification has been carried out as aforesaid.

(4) Subject to the provisions of these Regulations regarding retention of such documents, a release to service shall be preserved by the operator of the aircraft to which it relates for the period of time for which he is required to preserve the logbook relating to the same part of the aircraft or to the same equipment or apparatus as the case may be.

(5) In this regulation, the expression “repair” includes in relation to a compass the adjustment and compensation thereof and the expression “repaired” shall be construed accordingly.

Approval of
maintenance
organizations.

33. (1) An organization engaged, or intending to engage, in any stage of the design, manufacture, distribution or maintenance of aircraft, aircraft components or aircraft materials, or in training activities associated therewith, may apply to the Minister for a certificate of approval in respect of those activities. Such a maintenance organization within The Bahamas shall obtain the approval of the Minister before commencing operation. This organization shall hereinafter be termed an “Approved Maintenance Organization” or “AMO” and subject to the requirements of Schedule 6.

(2) A maintenance organization situated outside The Bahamas shall not carry out maintenance work or modify or repair an aircraft registered in The Bahamas unless approval for such work has been given by the Minister. In granting such approval the Minister may accept, in relation to such organization, the possession of a certificate of approval issued by the manufacturer of the aircraft, aircraft components or materials and by the Authority of the State in which the organization is located.

(3) The Minister shall issue an AMO certificate to an organization which complies with the requirements of Schedule 6 as to facilities, resources, tools and equipment, data and documentation, and systems of quality control, adequate for the activities applied for.

(4) The organization shall have in place a maintenance manual approved by the Minister that lays out the processes, procedures and quality systems applicable to its activities.

(5) An AMO certificate shall be in such form, be subject to such conditions and limitations and contain such particulars as may be determined from time to time by the Minister.

(6) An AMO certificate shall remain in force for such period as may be specified in the certificate, but may be reviewed by the Minister from time to time to determine that the holder is fit and qualified in accordance with requirements of Schedule 6. An AMO certificate may be subject to such conditions, including the issue of satisfactory audit reports, as the Minister may think appropriate.

34. (1) In addition to any other logbooks required by or under these Regulations, the following logbooks shall be kept in respect of aircraft registered in The Bahamas —

Aircraft, engine
and propeller
logbooks.

- (a) an aircraft logbook;
- (b) a separate logbook in respect of each engine fitted in the aircraft; and
- (c) a separate logbook in respect of each variable pitch propeller fitted to the aircraft.

(2) The logbooks shall include the particulars respectively specified in the Schedule 5 and in the case of an aircraft having a maximum total weight authorized not exceeding 2,730 kg shall be of a type approved by the Minister.

(3) Each entry in the logbook, other than such an entry as is referred to in the Schedule 5, shall be made as soon as practicable after the occurrence to which it relates, but in no event more than seven days after the expiration of the release to service (if any) in force in respect of the aircraft at the time of the occurrence.

(4) Each entry in the logbook, being such an entry as is referred to in Schedule 5 shall be made upon each occasion that any maintenance, overhaul, repair, replacement, modification or inspection is undertaken on the engine or propeller as the case may be.

(5) Entries in a logbook may refer to other documents, which shall be clearly identified, and any other document so referred to shall be deemed, for the purposes of these Regulations, to be part of the logbook.

(6) It shall be the duty of the operator of every aircraft in respect of which logbooks are required to be kept as aforesaid to keep them or cause them to be kept in accordance with the foregoing provisions of this regulation.

(7) Subject to the provisions regarding retention of these documents, every logbook shall be preserved by the operator of the aircraft until a date two years after the aircraft, the engine or the variable pitch propeller, as the case may be, has been destroyed or has been permanently withdrawn from use.

Aircraft weight
schedule.

35. (1) Every Aircraft in respect of which a certificate of airworthiness issued or rendered valid under these Regulations is in force shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Minister may require or approve in the case of that aircraft.

(2) Upon the aircraft being weighed as aforesaid the operator of the aircraft shall prepare a weight schedule showing —

- (a) either the basic weight of the aircraft, that is to say, the weight of the aircraft empty together with the weight of unusable fuel and unusable oil in the aircraft and of such items of equipment as are indicated in the weight schedule, or such other weight as may be approved by the Minister in the case of that aircraft; and
- (b) either the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic weight or such other position of the centre of gravity as may be approved by the Minister in the case of that aircraft.

(3) Subject to the provisions for retention of these documents, the weight schedule shall be preserved by the operator of the aircraft until the expiration of a period of six months following the next occasion on which the aircraft is weighed for the purposes of this regulation.

PART VI
AIRCRAFT INSTRUMENTS AND EQUIPMENT

36. (1) An aircraft shall not fly in or over The Bahamas unless it is so equipped as to comply with the law of the country in which it is registered.

Instruments and equipment.

(2) In the case of any aircraft registered in The Bahamas or operated by the holder of an AOC issued under these Regulations, the instruments and equipment required to be provided (in addition to any other equipment required by or under these Regulations) shall be that specified in such parts of Schedule 7 as are applicable in the circumstances and shall comply with the provisions of that Schedule and the equipment, shall be of a type approved by the Minister either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(3) In any particular case the Minister may direct that an aircraft registered in The Bahamas or operated by the holder of an AOC issued under these Regulations shall carry such additional or special equipment or supplies as he may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations, or the survival of the persons carried in the aircraft.

(4) The equipment carried in compliance with this regulation shall be so installed or stowed and kept stowed, and so maintained and adjusted, as to be readily accessible and capable of being used by the person for whose use it is intended.

(5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft and in particular in every aircraft operated by the holder of an AOC issued under these Regulations. There shall be provided individually for each passenger, or if the Minister so permits in writing, exhibited in a prominent position in every passenger compartment, a notice relevant to the aircraft in question containing the pictorial required by these Regulations.

(6) All instruments and equipment installed or carried in an aircraft, whether or not in compliance with this regulation, shall be so installed or stowed and so maintained and adjusted as not to be a source of danger

in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

(7) Without prejudice to paragraph (2), all navigational equipment when carried in an aircraft registered in The Bahamas (whether or not in compliance with these Regulations) shall be of a type approved by the Minister either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(8) An aircraft registered in The Bahamas, or operated by the holder of an AOC issued under these Regulations, engaged on a flight for the purpose of commercial air transport shall carry navigational equipment required by Schedule 7, approved by the Minister under the requirements of the applicable Schedules and used in accordance with any conditions subject to which that approval may have been given, if on the route or any diversion therefrom, being a route or diversion planned before take-off, the aircraft is intended to be more than 500 nautical miles from the point of take-off measured along the route to be flown, and to pass any area more than one hour from a reliable navigation fix using ground aids.

Radio equipment
of aircraft.

37. (1) An aircraft shall not fly in or over The Bahamas unless it is so equipped with radio and radio navigation equipment as to comply with the law of the country in which the aircraft is registered and to enable communications to be made and the aircraft to be navigated, in accordance with the provisions of these Regulations and the Schedules.

(2) Without prejudice to paragraph (1), the aircraft shall be equipped with radio and radio navigation equipment in accordance with Schedule 7.

(3) In any particular case the Minister may direct that an aircraft registered in The Bahamas or operated by the holder of an AOC issued under these Regulations shall carry such additional or special radio or radio navigation equipment as he may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.

(4) Subject to such exceptions as may be prescribed the radio and radio navigation equipment provided in compliance with this regulation in an aircraft registered in The Bahamas or operated by the holder of an AOC issued under these Regulations shall always be maintained in serviceable condition.

(5) All radio and radio navigation equipment installed in an aircraft registered in The Bahamas or operated by the holder of an AOC issued under these Regulations or carried on such an aircraft for use in connection with the aircraft shall be of a type approved by the Minister in relation to the purpose for which it is to be used, and shall, be installed in a manner approved by the Minister and neither the equipment nor the manner in which it is installed shall be modified except with the approval of the Minister.

38. (1) The Minister may, subject to such conditions as he thinks fit, grant in respect of any aircraft or class of aircraft registered in The Bahamas an authorization to allow such aircraft to commence a flight in specified circumstances notwithstanding that any specified item of equipment (including radio apparatus) required by or under these Regulations to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.

Minimum
equipment
requirements.

(2) An aircraft registered in The Bahamas or operated by the holder of an AOC issued under these Regulations shall not commence a flight if any of the equipment (including radio apparatus) required by or under these Regulations to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use —

- (a) otherwise than under and in accordance with the terms of a special authorization which has been granted to the operator;
- (b) unless in the case of an aircraft to which the flight and operations manuals required thereby contain the particulars specified for such operations; and
- (c) in accordance with a minimum equipment list (MEL) approved by the Minister identifying the minimum equipment and condition for an aircraft to maintain the certificate of airworthiness

in force and defining operational procedures necessary to deal with inoperative equipment and prescribing maintenance procedures necessary to maintain the required level of safety and secure any inoperative equipment.

Required instruments and equipment.

39. No person may operate an aircraft under these Regulations unless they are in conformance with the minimum instrument and equipment requirements of Schedule 7, and in the case of an AOC holder, an approved minimum equipment list, for the route, altitude, and type of operations being conducted.

PART VII PERSONNEL LICENSING

Personnel licensing approvals.

40. (1) Without prejudice to any other provision of these Regulations the Minister may, for the purpose of personnel licensing as provided in Schedule 8 and 9, either absolutely or subject to such conditions as he thinks fit —

- (a) approve any course of training or instruction;
- (b) authorize a person to conduct such examinations or tests as he may specify;
- (c) approve a person to provide or conduct any course of training or instruction;
- (d) approve a person as qualified to furnish reports to him and to accept such reports; and
- (e) approve a training organization.

(2) Where any provision of these Regulations permits a test to be conducted in a flight simulator approved by the Minister, that approval may be granted subject to such conditions as the Minister thinks fit.

Valid airman certificates.

41. (1) A airman certificate shall remain in force for the period specified within that certificate, but may be reviewed by the Minister from time to time to determine that the holder is fit and qualified in accordance with applicable requirements.

(2) Upon receiving an airman certificate granted under this regulation, the holder thereof shall forthwith sign his name thereon in ink with his ordinary signature.

(3) A certificate granted under this regulation shall not be valid unless it bears thereon the ordinary signature of the holder in ink.

42. Unless otherwise permitted under the Schedules to these Regulations, a person shall not give any instruction in flying to which this regulation applies unless —

Instruction in flying.

- (a) he holds a certificate, granted or rendered valid under Schedule 8 of these Regulations, entitling him to act as pilot in command of the aircraft for the purpose and in the circumstances under which the instruction is to be given; and
- (b) he holds a flight instructor certificate issued under Schedule 8 entitling the holder to give the level of instruction required.

43. (1) The Minister shall grant aircraft maintenance technician and other certificates relating to maintenance tasks as provided in Schedule 8, subject to such conditions as he thinks fit, upon his being satisfied that the applicant is a fit person to hold the certificate and has furnished such evidence and passed such examinations and tests as the Minister may require of him for the purpose of establishing that he has sufficient knowledge, experience, competence and skill in aircraft and power plant maintenance.

Aircraft maintenance licences.

(2) An aircraft maintenance technician certificate shall authorize the holder, subject to such conditions as may be specified in these Regulations, to issue a release to service.

(3) The Minister may issue a special purpose certificate rendering valid for the purposes of these Regulations any certificate as an aircraft maintenance technician granted under the law of any country other than The Bahamas and such certificate may be issued subject to such conditions, and for such periods, as the Minister thinks fit.

44. (1) The Minister shall grant licences, subject to such conditions as he thinks fit, specified in Schedule 8 authorising the holder to act as a member of the flight crew of an aircraft registered in The Bahamas, upon his being satisfied that the applicant is a fit person to hold the licence, and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness to act in the capacity to which the licence relates, and for

Grant, renewal and effect of flight crew licences.

that purpose the applicant shall furnish such evidence and undergo such examinations and tests (including in particular medical examinations) and undertake such courses of training as the Minister may require of him.

(2) The Minister may include in a certificate a rating, subject to such conditions as he thinks fit, upon his being satisfied that the applicant is qualified as aforesaid to act in the capacity to which the rating relates, and such rating shall be deemed to form part of the certificate.

(3) Subject to any conditions of the certificate and to the provisions of these Regulations, a licence of any class shall entitle the holder to perform the functions specified in respect of that certificate in the Regulations.

Qualified and
current for the
functions.

45. (1) The holder of a pilot or a flight engineer certificate licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the holder is qualified and current for the functions the holder is to perform on that flight in accordance with these Regulations.

(2) The holder of a pilot's certificate shall not be entitled to exercise the privileges of an aircraft rating contained in that licence unless he maintains the currency requirements required by these Regulations and evidence of this currency is included in the personal flying logbook required to be kept by him.

(3) A person shall not be entitled to perform the functions to which an instrument rating (aeroplanes), an instrument rating (helicopters), a flight instructor certificate, or an instrument meteorological conditions rating (aeroplanes) relates unless his licence is appropriate to the functions to which the rating relates in accordance with Schedule 10 and 11 and shall otherwise comply with the currency requirements of Schedule 8, 10 and 13, as appropriate.

(4) A person who, on the last occasion when he took a test for the purposes of qualification, competency or currency, failed that test shall not be entitled to fly in the capacity for which that test would have qualified him had he passed it.

Airman medical
certificate.

46. (1) The holder of a airman certificate granted under these Regulations for which a valid medical

certificate is also a prerequisite to perform any of the functions authorized, shall have such a certificate when engaged in those functions.

(2) Every applicant for or holder of such an airman certificate shall upon such occasions as the Minister may require submit himself to a medical examination by a person approved by the Minister who shall make a report to the Minister in such form as the Minister may require.

(3) On the basis of such medical examination, the Minister or any person approved by him as competent to do so may issue a medical certificate subject to the requirements of Schedules 1 and 8 and such conditions as he thinks fit, to the holder of the licence as medically fit to perform the functions to which the licence relates and the certificate shall be valid for such period as is therein specified and shall be deemed to form part of the licence.

(4) A person shall not be entitled to act as a member of the flight crew of an aircraft registered in The Bahamas if he knows or suspects that his physical or mental condition renders him temporarily or permanently unfit to perform such functions or to act in such capacity.

(5) Every holder of a medical certificate issued under these Regulations and the applicable Schedule who —

- (a) suffers any personal injury involving incapacity to undertake his functions as a member of the flight crew; or
- (b) suffers any illness involving incapacity to undertake those functions throughout a period of twenty days or more;

shall inform the Minister in writing of such injury or illness, as soon as possible in the case of injury and as soon as the period of twenty days has elapsed in the case of illness and the medical certificate shall be deemed to be suspended upon the occurrence of such injury or the elapse of such period of illness. The suspension shall cease upon the holder being medically examined under arrangements made by the Minister and pronounced fit to resume his functions as a member of the flight crew or upon the Minister exempting, subject to such conditions as he thinks fit, the holder from the requirement of a medical examination.

Validation of
licences.

47. The Minister may issue a certificate of validation rendering valid for the purposes of these Regulations any licence as a member of the flight crew of aircraft granted under the law of any country other than The Bahamas. A certificate of validation may be issued subject to Schedules 1 and 8 and such conditions and for such periods as the Minister thinks fit.

Personal flying
logbook.

48. Every member of the flight crew of an aircraft registered in The Bahamas and every person who engages in flying for the purpose of qualifying for the grant of a licence or establishing currency under these Regulations shall keep a personal flying logbook in which the information specified in Schedule 8 will be entered.

Approval of
training
organizations.

49. (1) An organization engaged, or intending to engage, in any program of training or checking activities, may apply to the Minister for a certificate of approval in respect of those activities. Such a training organization within The Bahamas shall obtain the approval of the Minister before commencing operation. This organization shall hereinafter be termed an “Approved Training Organization” or “ATO” and subject to the requirements of Schedule 9.

(2) A training organization situated in another ICAO Contracting State shall not carry out training on behalf of the holder of an AOC issued under these Regulations unless approval for such activities has been given by the Minister. In granting such approval the Minister may accept, in relation to such organization, the possession of a certificate of approval issued by the Authority of the State in which the organization is located.

(3) The Minister shall issue an ATO certificate to an organization which complies with the requirements of Schedule 9 as to facilities, resources, simulators, training devices, instructors and examiners, adequate for the activities applied for.

(4) The organization shall use a training and checking manual approved by the Minister that lays out the processes, procedures and quality systems applicable to its activities.

(5) An ATO certificate shall be in such form, be subject to such conditions and limitations and contain such particulars as may be determined from time to time by the Minister.

**PART VIII
OPERATION OF AIRCRAFT**

- 50.** A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property. Careless or reckless action.
- 51.** Every person in an aircraft registered in The Bahamas shall obey all lawful commands which the pilot in command of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation. Authority of pilot in command.
- 52.** No person shall while in an aircraft — Interference with a crew member.
- (a) use any threatening, abusive or insulting words towards a member of the crew of the aircraft;
- (b) behave in a threatening, abusive, insulting or disorderly manner towards a member or the crew of the aircraft; or
- (c) intentionally interfere with the performance of the crew of an aircraft of his duties.
- 53.** (1) No person may operate an aircraft nor cause an aircraft to be operated over The Bahamas unless this aircraft is in conformance with the aircraft requirements specified in these Regulations and Schedule 10. Applicable aircraft requirements.
- (2) No person may operate an aircraft registered in The Bahamas and no holder of an AOC issued under these Regulations may operate an aircraft outside of The Bahamas unless this aircraft is in conformance with the aircraft requirements specified in these Regulations and Schedule 10.
- 54.** (1) No person may operate an aircraft nor cause an aircraft to be operated over The Bahamas unless the flight crew is in conformance with the flight crew requirements specified in these Regulations and Schedule 10. Applicable flight crew requirements.
- (2) No person may operate an aircraft registered in The Bahamas and no holder of an AOC issued under these Regulations may operate an aircraft outside of The Bahamas unless the flight crew is in conformance with the flight crew requirements specified in these Regulations and Schedule 10.

Crew duties and responsibilities.

55. (1) No person may operate an aircraft nor cause an aircraft to be operated over The Bahamas unless the flight crew is in conformance with the crew duties and responsibilities specified in these Regulations and Schedule 10.

(2) No person may operate an aircraft registered in The Bahamas and no holder of an AOC issued under these Regulations may operate an aircraft outside of The Bahamas unless the flight crew is in conformance with the crew duties and responsibilities specified in these Regulations and Schedule 10.

All passenger carrying operations.

56. (1) No person may operate an aircraft nor cause an aircraft to be operated over The Bahamas with passengers unless such a flight is in conformance with the requirements specified in these Regulations and Schedule 10 for all passenger carrying operations.

(2) No person may operate an aircraft registered in The Bahamas and no holder of an AOC issued under these Regulations may operate an aircraft outside of The Bahamas with passengers unless such a flight is in conformance with the requirements specified in these Regulations and Schedule 10 for all passenger carrying operations.

Flight planning and preparation.

57. (1) No person may operate an aircraft nor cause an aircraft to be operated over The Bahamas unless the flight plans, flight planning and other preflight preparation is in conformance with the requirements specified in these Regulations and Schedule 10.

(2) No person may operate an aircraft registered in The Bahamas and no holder of an AOC issued under these Regulations may operate an aircraft outside of The Bahamas unless the flight plans, flight planning and preflight preparation is in conformance with the requirements specified in these Regulations and Schedule 10.

Applicable flight rules.

58. (1) No person may operate an aircraft nor cause an aircraft to be operated over The Bahamas unless the flight is conducted in conformance with the flight rules specified in these Regulations and Schedule 10.

(2) No person may operate an aircraft registered in The Bahamas and no holder of an AOC issued under these Regulations may operate an aircraft outside of The

Bahamas unless the flight is conducted in conformance with the flight rules requirements specified in these Regulations and Schedule 10, unless such compliance would result in non-conformance to a law or regulation of the State being overflown.

59. (1) No person may operate an aircraft nor cause an aircraft to be operated over The Bahamas unless the flight is conducted in conformance with the requirements specified in these Regulations and Schedule 10 for operations in controlled flight.

Operations in controlled flight.

(2) No person may operate an aircraft registered in The Bahamas and no holder of an AOC issued under these Regulations may operate an aircraft outside of The Bahamas unless the flight is conducted in conformance with the requirements for operations in controlled flight as specified in these Regulations and Schedule 10, unless such compliance would result in non-conformance to a law or regulation of the State being overflown.

PART IX AERIAL WORK OPERATIONS

60. No person may operate an aircraft in an activity deemed to be aerial work, except as specified by the Minister and in conformance with the requirements of these Regulations and Schedule 11.

Aerial work activity.

61. (1) An aircraft shall not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes, otherwise than under and in accordance with the terms of an aerial application certificate granted to the operator of the aircraft under paragraph (2) of this regulation and the requirements of Schedule 11.

Issue of aerial application certificates.

(2) The Minister shall grant an aerial application certificate to any person applying therefor if he is satisfied that person is a fit person to hold the certificate and is competent, having regard in particular to his previous conduct and experience, his equipment, organization, staffing and other arrangements, to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in paragraph (1) of this regulation. The certificate may be granted subject to such

conditions as the Minister thinks fit including without prejudice to the generality of the foregoing, conditions for ensuring that the aircraft and any article dropped from it do not endanger persons or property in the aircraft or elsewhere. An aerial application certificate shall remain in force for the period specified in the issued authorization, but may be reviewed by the Minister from time to time to determine that the holder is fit and qualified in accordance with requirements of Schedule 11.

(3) Every applicant for and holder of an aerial application certificate shall make available to the Minister upon application and to every member of his operating staff upon the certificate being granted, an aerial application manual which shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such. The holder of a certificate shall make such amendments of or additions to the manual as the Minister may require.

Towing, picking up and raising of persons and articles.

62. (1) Subject to the provisions of this regulation and the requirements of Schedule 11, an aircraft in flight over The Bahamas shall not, by means external to the aircraft, tow any article, or pick up or raise any person, animal or article, unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered includes an express provision that it may be used for that purpose.

- (2) Nothing in this regulation shall —
- (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or regulation required or permitted by or under these Regulations to be towed or displayed by an aircraft in flight;
 - (b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life.

Dropping of animals and articles.

63. (1) Articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Except under and in accordance with the terms of an aerial application certificate and the requirements of Schedule 11, articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, to the surface from an aircraft flying over The Bahamas:

Provided that this paragraph shall not apply to the dropping of articles by, or with the authority of, the pilot in command of the aircraft in any of the following circumstances —

- (a) the dropping of articles for the purpose of saving life;
- (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
- (c) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of these Regulations;
- (d) the dropping at an aerodrome of tow ropes, banners, or similar articles towed by aircraft;
- (e) the dropping of articles for the purposes of public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the Minister and in accordance with any conditions subject to which that permission may have been given;
- (f) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind drift indicators are dropped with the permission of the Minister and in accordance with any conditions subject to which that permission may have been given.

(3) For the purposes of this regulation dropping includes projecting and lowering.

(4) Nothing in this regulation shall prohibit the lowering of any article or animal from a helicopter to the surface, if the certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered includes an express provision that it may be used for that purpose.

Dropping of
persons.

64. (1) A person shall not drop, be dropped or permitted to drop to the surface or jump from an aircraft flying over The Bahamas except under and in accordance with the terms of an authorization granted by the Minister under this regulation.

(2) For the purposes of this regulation dropping includes projecting and lowering.

(3) Notwithstanding the grant of an authorization under paragraph (1) of this regulation, a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(4) An aircraft shall not be used for the purpose of dropping persons unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered includes an express provision that it may be used for that purpose and the aircraft is operated in accordance with the authorization granted by the Minister under this regulation.

(5) Every applicant for and every holder of a permission shall make available to the Minister if requested to do so a parachuting manual and shall make such amendments or additions to such manual as the Minister may require. The holder of an authorization shall make available to every employee or person who is or may engage in parachuting activities conducted by him, the manual which shall contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(6) Without prejudice to any other provision to these Regulations the Minister may, for the purpose of this regulation, accept reports furnished to him by a person whom he may approve, either absolutely or subject to such conditions as he thinks fit, as qualified to furnish such reports.

(7) Nothing in this regulation shall apply to the descent of persons by parachute from an aircraft in an emergency.

(8) Nothing in this regulation shall prohibit the lowering of any person in an emergency or for the purpose of saving life.

(9) Nothing in this regulation shall prohibit the lowering of any person from a helicopter to the surface in The Bahamas, if the certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered includes an express provision that it may be used for that purpose.

65. (1) No person may operate an aircraft over The Bahamas for the purpose of aerial photography or aerial survey (whether or not valuable consideration is given or promised in respect of the flight or the purpose of the flight) or for the purpose of any other form of aerial work except with an authorization of the Minister granted under this regulation to the operator or the charterer of the aircraft and in accordance with any conditions to which such authorization may be subject.

Aerial
photography and
survey from
aircraft.

(2) Without prejudice to the provisions of paragraph (1) of this regulation, any breach by a person to whom an authorization has been granted under this regulation of any condition to which that authorization was subject shall constitute a contravention of this regulation.

66. (1) No person shall act as the organizer (in this regulation referred to as “the exhibition organizer”) of an exhibition of flying, an aircraft race or contest at an organised event (in this regulation referred to as an “organised event”) which event the exhibition organizer reasonably believes is likely to be attended by more than 200 persons and which event consists wholly or partly of an exhibition of flying, aircraft race or contest unless at the time at which such an organised event commences the exhibition organizer has obtained the permission in writing of the Minister for that organised event and complies with any conditions therein specified and the requirements of Schedule 10.

Exhibitions of
flying, aircraft
races or contests.

(2) The pilot in command of an aircraft intending to participate in an organised event for which a permission is required by virtue of paragraph (1) shall take all reasonable steps to satisfy himself before he participates that —

- (a) the exhibition organizer has been granted such permission;
- (b) the flight can comply with any relevant conditions subject to which that permission may have been granted; and

(c) the pilot has been granted an authorization appropriate to the intended flight.

(3) The pilot in command of an aircraft participating in an organised event for which a permission required by virtue of paragraph (1) has been granted shall comply with any conditions subject to which that permission may have been granted.

(4) No person shall act as pilot of an aircraft participating in an organised event for which a permission is required by virtue of paragraph (1) unless he holds an authorization appropriate to the intended flight granted to him by the Minister and he complies with any conditions thereof.

(5) The exhibition organizer shall not permit any person to act as pilot of an aircraft which participates in an organised event for which a permission is required by virtue of paragraph (1) unless such person holds a display authorization appropriate to the intended flight granted by the Minister.

(6) The Minister shall grant the permission required under paragraph (1) to any person applying therefor if he is satisfied that that person is a fit and competent person, having regard in particular to his previous conduct and experience, his organization, staffing and other arrangements, to safely organise the proposed exhibition of flying. The permission may be granted subject to such conditions, which may include conditions in respect of military aircraft, as the Minister thinks fit and shall, if there is continued conformance, remain in force for the period specified in the permission.

(7) The Minister shall, for the purposes of this regulation, either unconditionally or subject to such conditions as he thinks fit —

(a) grant a display authorization authorising the holder to act as pilot of an aircraft taking part in an exhibition of flying in respect of which a permission is required by virtue of paragraph (1) upon his being satisfied that the applicant is a fit person to hold the authorization and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness to fly in accordance therewith and for that purpose the

applicant shall furnish such evidence and undergo such examinations and tests as the Minister may require of him; and

- (b) authorize a person to conduct such examinations or tests as he may specify.

(8) A display authorization granted in accordance with this regulation shall, if the Minister finds continued conformance, remain in force for the period indicated in the display authorization.

(9) The exhibition organizer shall not permit any military aircraft to participate in an exhibition of flying for which a permission is required by virtue of paragraph (1) unless he complies with any conditions specified in respect of military aircraft subject to which such permission may have been granted.

PART X COMMERCIAL AIR TRANSPORT OPERATIONS

67. (1) A Bahamian operator of aircraft shall not fly on any flight for the purpose of commercial air transport, otherwise than under and in accordance with the terms of an Air Operator's Certificate (AOC) granted to the operator under paragraph (3).

Issue of air operator's certificate.

(2) Any person shall be deemed to be engaged in providing commercial air transport and subject to the requirements of this Part, if —

- (a) they, or persons on their behalf, have undertaken any form of advertising to carry passengers or property by aircraft for remuneration or valuable consideration without using the services of an AOC holder; or
- (b) they, or persons on their behalf, verbally offer to carry passengers or property by aircraft for remuneration or valuable consideration, without using the services of an AOC holder; or
- (c) they, or other persons on their behalf, provide or advertise an arrangement for meals, lodging or travel (or any other “all-inclusive” method of pricing) for compensation, in which the travel by aircraft is included at gratis or is compensated, but is not provided by an AOC holder.

(3) The Minister may grant to any person applying therefore, an AOC if he is satisfied that that person is competent and capable, having regard in particular to the person's previous conduct and experience, his equipment, organization, staffing, maintenance and other arrangements, to secure the safe operation of aircraft of the types specified in the certificate on flights of the description and for the purposes so specified.

(4) An AOC may be granted subject to such conditions as the Minister deems appropriate. An AOC shall remain in force for the period specified in Schedule 12, but may be reviewed by the Minister from time to time to determine that the holder is fit and qualified in accordance with requirements of this Schedule.

(5) Without prejudice to the generality of paragraph (3) above, the operator must possess a management organization capable of exercising operational control and supervision over any flight operated under the terms of its air operator's certificate.

(6) Without prejudice to the generality of paragraph (2) above, the operator must have nominated an accountable manager, acceptable to the Minister, who has responsibility for ensuring that all maintenance relating to the operator's aircraft is carried out in accordance with the approved maintenance program and to the standard required by the Minister.

(7) Without prejudice to the generality of paragraph (2) above, the operator must be found in conformance with the Schedules specifically applicable to AOC holders prior to issuance of the AOC, including but not limited to Schedules 7, 10, 12, 13, 14, 15, 16, and 17;

(8) In exercising the functions under paragraphs (1) and (2) above, the Minister shall have regard to such of the following as are applicable —

- (a) the nationality of the applicant and the grant or refusal of the application is in the public interest;
- (b) any uneconomic duplication or uneconomic overlapping of air services that might result from the grant of the application;
- (c) the ability of the applicant to meet its financial obligations, actual or potential;

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- (d) the likelihood of the applicant being able to provide air services which are satisfactory from the point of view of safety, regularity, frequency of operation, level of charges and general standard and efficiency and, in the case of an application for renewal or variation of a certificate, whether the applicant's existing air services are satisfactory;
 - (e) whether or not the aircraft proposed to be used and the air services proposed to be provided are suited to the airports and airport facilities to be used;
 - (f) any obligations imposed upon The Bahamas by international agreement or treaty;
 - (g) any other matter which is, in the opinion of the Minister, relevant to the application.

(9) Each AOC holder shall maintain the required standards of operations established in these Regulations in the conduct of its commercial air transport operations.

(10) The Minister shall establish a system of certification and continued surveillance to ensure that AOC holders maintain the required standards of operations established in these Regulations.

68. No person may operate, or cause to be operated, an aircraft subject to these Regulations in commercial air transport unless the AOC holder has completed the initial certification requirements of Schedule 12 for such operations;

Initial certification required.

69. No person may operate, or cause to be operated, an aircraft subject to these Regulations in commercial air transport unless these operations are in conformance with the authorizations and limitations of their AOC issued under the requirements of Schedule 12.

Continued conformance.

70. No person may operate, or cause to be operated, an aircraft subject to these Regulations in commercial air transport unless the aircraft is specifically authorized by serial and registration number for the AOC holder's operation in accordance with Schedule 12.

Aircraft authorized.

71. No person may operate, or cause to be operated, an aircraft subject to these Regulations in commercial air transport unless those operations are in conformance with the applicable requirements of the security program specified in Schedule 12.

Security requirements.

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- Maintenance requirements. **72.** No person may operate, or cause to be operated, an aircraft subject to these Regulations in commercial air transport unless the aircraft is maintained in accordance with the applicable maintenance requirements of Schedules 5, 6 and 12.
- Passenger Requirements. **73.** No person may operate, or cause to be operated, an aircraft subject to these Regulations carrying passengers in commercial air transport unless they are in conformance with the passenger-carrying requirements of Schedule 13.
- Qualified personnel. **74.** No person may operate, or cause to be operated, an aircraft subject to these Regulations in commercial air transport unless the assigned aviation personnel are qualified and current in conformance with the minimum qualification, training and checking of Schedule 14.
- Crew fatigue. **75.** No person may operate, or cause to be operated, an aircraft subject to these Regulations in commercial air transport unless the assigned aviation personnel are in conformance with the duty and flight time and minimum rest periods specified in Schedule 15.
- Flight release requirements **76.** No person may operate, or cause to be operated, an aircraft subject to these Regulations in commercial air transport unless the flight was released in conformance with the flight release requirements specified in Schedule 16.
- Mass and balance and performance. **77.** No person may operate, or cause to be operated, an aircraft subject to these Regulations in commercial air transport unless they are in conformance with the mass and balance and performance requirements specified in Schedule 17.

PART XI CARRIAGE OF DANGEROUS GOODS

- Shipping and acceptance of dangerous goods. **78.** (1) No person may ship, caused to be shipped, accept for shipment or allow to be carried on an aircraft any article or substance that may be dangerous goods except they have been prescribed by the Minister in Schedule 18 of these Regulations.
- (2) Each person shipping articles or substances that may be dangerous goods shall declare such goods in the shipping papers and cause such articles to be so marked.

(3) No person may operate or cause to operate an aircraft carrying dangerous goods except as prescribed by the Minister in Schedule 18.

79. (1) An aircraft shall not carry any munitions of war unless —

Munitions of war.

- (a) such munitions of war are carried with the written permission of the Minister and in accordance with any conditions relating thereto; and
- (b) the pilot in command of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any such munitions of war on board or suspended beneath the aircraft and any conditions of the permission of the Minister.

(2) Notwithstanding paragraph (1) of this regulation it shall be unlawful for an aircraft to carry any weapon or munitions of war in any compartment or apparatus to which passengers have access.

(3) It shall be unlawful for a person to carry or have in his possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage thereon any weapon or munitions of war unless —

- (a) the weapon or munitions of war —
 - (i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereon;
 - (ii) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and
 - (iii) in the case of a firearm, is unloaded; and
- (b) particulars of the weapon or munitions of war have been furnished by that passenger or by the consignor to the operator before the flight commences; and
- (c) without prejudice to paragraph (1) of this regulation the operator consents to the carriage of such weapon or munitions of war by the aircraft.

(4) Nothing in this regulation shall apply to any weapon or munitions of war taken or carried on board an aircraft in The Bahamas registered in a country other than The Bahamas, if the weapon or munitions of war, as the case may be, may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

(5) For the purposes of this regulation a “munitions of war” means any weapon, ammunition or article containing an explosive or any noxious liquid, gas or other thing which is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article.

PART XIA - AVIATION SERVICES - CERTIFICATION AND OPERATIONS

Flight Procedures
Services.
S.I. 99/2013.

79A. A person or organisation must comply at all times with the operating and technical standards and requirements for certification and operation set out in Schedule 22 where such person or organisation, as applicable —

- (a) provides services for the design and maintenance of instrument flight procedures;
- (b) seeks certification to provide instrument flight procedures services;
- (c) provides required instrument flight procedures services; or
- (d) administers the required instrument flight procedures services on behalf of an organisation.

Aeronautical
Information
Services
S.I. 99/2013.

79B. A person or organisation must comply at all times with the operating and technical standards and requirements for certification and operation set out in Schedule 23 where such person or organisation, as applicable —

- (a) provides required aeronautical information services for Bahamas aviation;
- (b) seeks certification to provide aeronautical information services; or
- (c) administers the required aeronautical information services on behalf of an organisation.

79C. A person or organisation must comply at all times with the operating and technical standards and requirements for certification and operation set out in Schedule 24 where such person or organisation, as applicable —

- (a) provides a required air traffic service in the Nassau Flight Information Region (FIR);
- (b) seeks certification to provide air traffic services; or
- (c) administers the required air traffic services on behalf of an organisation.

Air Traffic Services.
S.I. 99/2013.

79D. A person or organisation must comply at all times with the operating and technical standards and requirements for certification and operation set out in Schedule 25 where such person or organisation, as applicable —

- (a) provides required aeronautical telecommunications services and facilities;
- (b) seeks certification to provide aeronautical telecommunications services and facilities; or
- (c) administers the required aeronautical telecommunications services on behalf of an organisation.

Aeronautical Telecommunications Services.
S.I. 99/2013.

79E. A person or organisation must comply at all times with the operating and technical standards and requirements for certification and operation set out in Schedule 26 where such person or organisation, as applicable —

- (a) provides required meteorological services for international aviation;
- (b) seeks certification to provide meteorological services for aviation; or
- (c) administers the required meteorological services for aviation on behalf of an organisation.

Aviation Meteorological Services.
S.I. 99/2013.

PART XII GENERAL

80. (1) Every 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

Accident reporting and investigation.

involved in, observes or knows of an airplane accident shall make the report to the Minister as prescribed in Schedule 19.

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

(3) Each person will comply with the necessary steps of accident investigation of Schedule 19 as requested by the Minister or an authorised person assigned to investigate the accident.

Foreign
operators.
S.I. 118/2010.

80A. (1) The pilot and the operator shall permit an Inspector authorised by the Government of The Bahamas at any time without prior notice to board any foreign aircraft operated in The Bahamas and to inspect the documents and manuals required by Schedule 20.

(2) Failure by the foreign operator to permit the inspection may cause the authorised person to interfere and detain the aircraft, crew members, passengers and cargo.

(3) All documents, manuals and records must be provided by the foreign operator in compliance with Schedule 20, the ICAO Annex Standards and Recommended Practices.

(4) The pilot and foreign operator must ensure that —

- (a) the aircraft is operated within the airworthiness standards documents;
- (b) the crew members are qualified within the minimum requirements for the flight; and
- (c) the aircraft is operated within the structural performance and mass and balance limitations.

(5) If the authority determines that the requirements in regulation 80A(4) have not been complied with, a Prevent Flying Order will be issued.

(6) The authority shall immediately notify the foreign operator if a case of non-compliance occurs by a foreign operator or its personnel concerning —

- (a) a serious safety issue;
- (b) ICAO Annex Standard; or
- (c) laws, regulations and procedures that apply to The Bahamas territory or airspace.

(7) No foreign person or operator shall bring into The Bahamas any dangerous goods on an aircraft unless a notice was issued prior concerning the presence and type of dangerous goods.

(8) No foreign person or operator shall base a foreign registered aircraft in The Bahamas past thirty days unless they have notified the authority in writing providing —

- (a) the aircraft registration number;
- (b) the aircraft make, model and series;
- (c) the aircraft serial number;
- (d) the aerodrome of the aircraft;
- (e) the operator's address; and
- (f) a recent copy of the aircraft insurance papers.

(9) The foreign operator shall comply with the security requirements applicable to the foreign air operators concerning commercial air transport in The Bahamas as outlined in Schedule 20.

(10) A foreign operator shall not operate an aircraft in The Bahamas unless he holds operations specifications issued to him by the authority.

(11) No foreign person or operator may conduct any commercial air transportation operations involving the emplaning of passengers at one aerodrome in The Bahamas and deplaning those same passengers at another aerodrome in The Bahamas.

81. (1) The Minister may prescribe fees for the issue, validation, renewal, extension or variation of any certificate, licence or other document (including the issue of a copy thereof), or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of these Regulations. Fees.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the said provisions the applicant may be required before the

application is entertained to pay the whole or to deposit a portion of the fee or fees so chargeable if, after such payment or deposit has been made the application is withdrawn by the applicant or otherwise ceases to have effect or is refused by the Minister, the Minister may, subject as hereinafter provided, refund the amount of such payment or deposit. Where the amount paid or deposited is wholly or to any extent attributable to a fee chargeable in respect of an investigation which would have been carried out in connection with the application if it had not been so withdrawn or ceased to have effect or been refused but which has not been carried out by reason only of such withdrawal, cesser or refusal, the Minister may refund the amount so attributable or, in a case where an investigation has been partially completed, so much of that amount as in the opinion of the Minister is reasonable having regard to the stage to which the investigation has progressed at the time of such withdrawal, cesser or refusal:

Provided that, if in any case the amount deposited by the applicant is not sufficient to cover the fee, as ultimately assessed, chargeable in respect of any investigation in so far as the same has been carried out at the time when the application is withdrawn by him or otherwise ceases to have effect or is refused by the Minister the amount representing the balance of such fee shall be payable by the applicant.

Validation of documents.

82. The Minister shall be able to make reasonable requirements regarding the validation of licences, certificates, approvals, designations, and authorizations issued by another Contracting State. Such requirements will be provided in Schedule 1.

Extra-territorial effect of these Regulations.

83. Except where the context otherwise requires, the provisions of these Regulations —

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in The Bahamas, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply as aforesaid to other aircraft shall apply to such other aircraft when they are within The Bahamas;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the

doing of anything by persons in, or by any of the crew of any aircraft registered in The Bahamas, shall apply to such persons and crew, wherever they may be; and

- (d) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any aircraft registered in The Bahamas by other persons shall, where such persons are citizens of The Bahamas apply to them wherever they may be.

84. The Minister may direct that such of the provisions of these Regulations having effect thereunder as may be specified in the direction shall have effect as if reference in those provisions to aircraft registered in The Bahamas included references to the aircraft specified in the direction, being an aircraft not so registered but for the time being under the management of a person who, or of persons each of whom, is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in The Bahamas.

Application to aircraft not registered in Bahamas.

85. The Minister may issue a waiver from any of the requirements of the Schedules made under these Regulations when the provision for that waiver is contained in the applicable Schedule.

Waivers.

86. The Minister may issue a deviation from any of the requirements of the Schedules made under these Regulations to any grouping of persons, aircraft, or type of operation subject to such conditions as he determines where the requirement is found not to be consistent with relevant aviation safety standards for that particular grouping and it would be in the public interest to issue such deviation.

Deviations.

87. The Minister may issue an exemption from any of the requirements under these Regulations or any Schedules made thereunder to any individual, aircraft, or company subject to such conditions as he thinks fit where the applicant can show that it is in the public interest, an equivalent level of safety can be maintained, and such exemption will not be inconsistent with relevant aviation safety standards.

Exemptions.

Power to prohibit or restrict flying.

88. (1) Where the Minister deems it necessary in the public interest to prohibit flying by reason of —

- (a) the intended gathering or movement of a large number of persons;
- (b) the intended holding of an aircraft race or contest or of an exhibition in flying; or
- (c) national defence or any other reason affecting the public interest, the Minister may make directions prohibiting, restricting or imposing conditions on flight —
 - (i) by any aircraft, whether or not registered in The Bahamas, in any airspace over The Bahamas;
 - (ii) by aircraft registered in The Bahamas, in any other airspace, being airspace in respect of which the Government of The Bahamas has in pursuance of international arrangements undertaken to provide navigation services for aircraft.

(2) Directions made under this regulation may apply either generally or in relation to any class of aircraft.

Ultra-small aircraft.

89. The provisions of these Regulations shall not apply to or in relation to —

- (a) any balloon which at any stage of its flight is not more than 2 meters in any linear dimension including any basket or other equipment attached to the balloon;
- (b) any kite weighing not more than 2 kg;
- (c) any other aircraft weighing not more than 7 kg without its fuel; or
- (d) any parascending parachute.

Transitional provisions.

90. (1) Subject to the following paragraphs of this regulation any person who on the date these Regulations come into operation holds a licence, certificate or authorization validly issued under the laws, rules or regulations in force on that date for the registration, operation or maintenance of an aircraft shall be deemed to hold a licence in accordance with these Regulations for twelve months from the date these Regulations come into operation, unless his original licence, certificate or

authorizations expires prior to the end of that twelve month period in which case his deemed licence under these Regulations shall expire on the same date.

(2) Within two months from the date these Regulations come into operation, every person claiming to be the holder of a licence, certificate or authorizations under paragraph (1) shall supply to the Flight Standards Inspectorate full details of his licence, certificate or authorizations and may notify its request for a new licence under these Regulations failing which his deemed licence shall expire forthwith.

(3) Where the Flight Standards Inspectorate, having reviewed any licence, certificate or authorizations notified to it under paragraph (2), is satisfied that such authorizations certificate or licence had been validly issued under the laws, rules or regulations in force at the commencement, of these Regulations, the Inspectorate shall, within six months of the date of such notification issue a licence to that person to register, operate or maintain an aircraft or aerodrome for at least the unexpired term of the original authorizations or licence but otherwise subject to conditions duly determined by the Flight Standards Inspectorate.

(4) If the Flight Standards Inspectorate is not satisfied, for any reason, that a licence, certificate or authorization notified to it under paragraph (2) was validly issued or that person is still qualified to hold the document, it shall so notify the person concerned and the document in question shall expire on the date of notification.

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