

SAINT LUCIA**No. 25 of 2023****ARRANGEMENT OF SECTIONS***Section*

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I Assent

[L.S.]

ERROL CHARLES,
Acting Governor-General.

December 8, 2023.

SAINT LUCIA

No. 25 of 2023

AN ACT to amend the Civil Aviation Act, Cap. 8.07.

[11th December, 2023]

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the Civil Aviation (Amendment) Act, 2023.

Interpretation

2. In this Act, “principal Act” means the Civil Aviation Act, Cap. 8.07.

Amendment of section 2

3. Section 2 of the principal Act is amended by inserting, in the correct alphabetical sequence, the following new definitions —

““State Safety Programme” means an integrated set of regulations and activities aimed at improving safety that assists in managing aviation safety performance;

“unlawful interference” —

(a) means an act or attempted act to jeopardize the safety of civil aviation and air transport;

(b) includes —

(i) unlawful seizure of an aircraft in flight,

(ii) unlawful seizure of an aircraft on the ground,

(iii) hostage-taking on board an aircraft or on aerodromes,

(iv) intruding with force on board an aircraft, at an airport or on the premises of an aviation facility,

(v) introducing on board an aircraft or at an airport, a weapon or hazardous device or material intended for a criminal purpose, or

(vi) communicating false information to jeopardize the safety of —

(A) an aircraft in flight or on the ground;

- (B) passengers;
- (C) crew;
- (D) ground personnel; or
- (E) the general public, at an airport or on the premises of a civil aviation facility;”.

Amendment of section 4

4. Section 4 of the principal Act is amended —

- (a) by deleting the words “The Minister” where it first occurs and by substituting the words “Subject to sections 10, 11 and 49, the Minister”;
- (b) in paragraph (g), by inserting immediately after the word “immigration” a comma and the word “health”.

Amendment of section 6

5. Section 6 of the principal Act is amended —

- (a) in paragraph (c), by inserting immediately after the word “safety” the words “and security”;
- (b) in paragraph (e), by inserting immediately after the word “safety” the words “and security”.

Amendment of section 7

6. Section 7(2)(a) of the principal Act is amended by inserting immediately after the word “safe” the words “and secure”.

Amendment of section 10

7. Section 10 of the principal Act is amended —

- (a) under subsection (6) —
 - (i) in paragraph (c), by deleting the words “the provision of safety services” and by substituting the words “regulating civil aviation safety and security”,

- (ii) by deleting paragraph (d) and by substituting the following —
 - “(d) be responsible for the approval of aviation security programmes;”,
- (iii) by deleting paragraph (g) and by substituting the following —
 - “(g) inform the Minister with respect to Regulations to be made by the Director General under section 49(1);”,
- (iv) by inserting immediately after paragraph (g) the following new paragraph (h) —
 - “(h) develop and establish a State Safety Programme within Saint Lucia to improve aviation safety oversight and practices.”;
- (b) by inserting immediately after subsection (6), the following new subsection (7) —
 - “(7) The Director General shall act independently and shall not be subject to any influence or directive from any person or authority in exercising any powers or discharging any functions in relation to —
 - (a) the grant, suspension or revocation of civil aviation documents;
 - (b) the issue, suspension or revocation of medical certificates;
 - (c) the issue of a validation permit for a foreign licence;
 - (d) the grant of recognition of a foreign medical assessment or certificate used in a foreign country;
 - (e) the grant of exemptions or deviations or waivers;
 - (f) the enforcement of this Act, Regulations made by the Director General or any other law relating to aviation safety or aviation security.”.

Amendment of section 11

8. Section 11 of the principal Act is amended —

(a) by deleting subsection (1) and by substituting the following

—
“(1) Without limiting section 10(4), where the Director General believes, on reasonable grounds, that safety or security is being or is likely to be compromised, the Director General may, by publication in the *Gazette*, issue directives with respect to the safety or security of an aircraft or the persons or property carried on board an aircraft, or the safety, efficiency or regularity of air navigation.”;

(b) in subsection (2), by deleting the words “as the Minister specifies by regulation” and by substituting the words “as the Director General specifies”.

Amendment of section 13

9. Section 13(2) of the principal Act is amended by inserting immediately after the words “Part 8” the words “and Part 9”.

Amendment of section 31

10. Section 31 of the principal Act is amended by deleting subsection (1) and by substituting the following —

“(1) Where the Minister determines that it is necessary to investigate an aviation occurrence, he or she shall —

(a) appoint an investigator-in-charge, who shall have the duties set out in subsection (2); or

(b) delegate the whole or any part of the conducting of the investigation to another State or to a regional accident and incident investigation organization, by mutual arrangement and consent.”.

Amendment of section 32

11. Section 32 of the principal Act is amended —

(a) by inserting immediately after subsection (1), the following new subsection (1A) —

“(1A) The investigator-in-charge —

(a) has unhampered access to and control over —

(i) the scene of the accident in order to protect the aircraft, wreckage or accident site against access by unauthorized persons, pilfering or deterioration,

(ii) all relevant material and evidence including flight recorders and air traffic service records;

(b) has the authority to —

(i) carry out detailed examination of relevant material and evidence without delay,

(ii) conduct interviews with a witness or other person who may contribute to the investigation.”;

(b) in subsection (2), by deleting the words “ICAO Annex 13 Aircraft Accident Investigation” and by substituting the words “Annex 13 of the Chicago Convention for conducting aircraft accident and incident investigations”.

Amendment of section 33

12. Section 33 of the principal Act is amended by —

- (a) deleting the section heading and by substituting the following —

“Protection of investigation records”;

- (b) deleting subsection (1) and by substituting the following —

“(1) The following records that relate to an aviation occurrence being investigated under this Act shall not be disclosed to the public or for purposes other than accident or incident investigation, unless ordered by the court —

- (a) cockpit voice recorder recordings and airborne image recordings;
- (b) while in the custody or control of the investigation authority —
- (i) records from interviews with persons by the investigation authorities in the course of an investigation,
 - (ii) communications between persons having been involved in the operation of the aircraft,
 - (iii) medical or private information regarding persons involved in the accident or incident,
 - (iv) recordings and transcripts of recordings from air traffic control units,
 - (v) analysis of and opinions about information, including flight recorder information, made by the accident investigation authority and accredited representatives in relation to the accident or incident,
 - (vi) the draft final report of an accident or incident investigation.”.

Amendment of section 38

13. Section 38(4) of the principal Act is amended by deleting the words “as the Minister may by regulation prescribe” and by substituting the words “as the Director General prescribes”.

Amendment of section 40

14. Section 40 of the principal Act is amended —

- (a) in subsection (1), by inserting immediately after paragraph (j) the following new paragraph (ja) —

“(ja) willfully commit or attempt to commit an act of unlawful interference that jeopardizes the safety of civil aviation;”;

- (b) in subsection (2), by deleting the words “clauses (a) to (j)” and by substituting the words “paragraphs (a) to (ja)”.

Amendment of section 46

15. The principal Act is amended by deleting section 46 and by substituting the following —

“**46.**—(1) An inspector appointed under section 12 or a person delegated under section 13, when authorized in writing by the Director General, shall at all reasonable times for the purposes of making inspections relating to the oversight and enforcement of this Act or Regulations have access to —

- (a) an aircraft whether or not in flight and to any place where an aircraft has landed including point of origin of any product or goods being, or to be shipped by air, for the purposes of an investigation of matters concerning aviation safety and security;
- (b) an aerodrome and any facility located on the aerodrome and any land, area or premises outside the aerodrome used by businesses that operate at the aerodrome;
- (c) an air navigation services facility;

- (d) an air operator office and any facility related to civil aviation or any premises used for the design, manufacture, distribution, operation, maintenance or installation of aeronautical products;
- (e) a hangar;
- (f) an approved maintenance organization;
- (g) a workshop;
- (h) a ramp;
- (i) a fuel storage facility;
- (j) a cargo handling area; and
- (k) an aviation training organization's facility.

(2) An inspector appointed under section 12 or a person delegated under section 13 shall, when authorized in writing by the Director General, have access to a civil aviation document or record including —

- (a) a manual;
- (b) a certificate;
- (c) an approval;
- (d) an authorization;
- (e) a permit;
- (f) a procedure;
- (g) a technical file;
- (h) a personnel file;
- (i) an airport personnel and aircraft personnel licence;
and
- (j) other civil aviation documents.

(3) In the performance of his or her functions as an inspector or in the performance of his or her delegation, an inspector appointed under section 12 or a person delegated under section 13 has the power to —

- (a) interview a relevant person for the purpose of assessing the implementation of civil aviation requirements and procedures;
- (b) require an entity connected with civil aviation to provide information relevant to an oversight activity or investigation;
- (c) test the effectiveness of civil aviation measures and procedures and performance of civil aviation equipment;
- (d) enforce corrective actions, including, immediate rectification of any deficiencies or apply enforcement measures for compliance with civil aviation requirements;
- (e) seize any property, except an aircraft, found by him or her whether in the aircraft, aerodrome, air navigation facility, hangar, approved maintenance organization, workshop, ramp, fuel storage facility, air operator office, cargo handling area or aviation training organization's facility and to subject that property to tests; and
- (f) require the holder or operator of the aircraft or the person performing the functions of manager of the airport, aerodrome, air navigation facility, hangar, approved maintenance organization, workshop, ramp, fuel storage facility, air operator office, cargo handling area or aviation training organization's facility to furnish him or her with the information and documents as the inspector or delegated person considers necessary.

(4) The Director General or an inspector or a person authorized by the Director General shall, with respect to an applicant seeking the issuance of an aviation document or a holder of an aviation document, be granted unrestricted access to —

- (a) a place;
- (b) an office;
- (c) a hangar;
- (d) a ramp;
- (e) equipment;
- (f) a document;
- (g) a workshop or facility, including, a workshop or facility used for —
 - (i) training,
 - (ii) air navigation services,
 - (iii) maintenance,
 - (iv) fuel storage;
 - (v) cargo handling,

and at any time conduct an inspection, audit or test, to determine that operations are conducted in accordance with prescribed safety, security and other recommended standards.

(5) In subsection (4), “document” includes manuals, certificates, approvals, authorizations, procedures, technical files, personnel files and personnel licences.”.

Amendment of section 49

16. Section 49 of the principal Act is amended —

(a) in subsection (1), by deleting the words “The Minister may make regulations respecting all aspects of civil aviation” and by substituting the words “The Director General may make Regulations respecting all aspects of civil aviation safety and security”;

(b) by deleting subsection (2) and by substituting the following

—
“(2) Without limiting the generality of subsection (1), the Director General may make Regulations with respect to —

(a) requirements no less than —

- (i) the applicable Standards and Recommended Practices of Annex 1 of the Chicago Convention for licensing and supervision of personnel and for the certification and supervision of aviation training organizations,
- (ii) the applicable Standards and Recommended Practices of Annex 2 of the Chicago Convention for rules of the air,
- (iii) the applicable Standards and Recommended Practices of Annex 3 of the Chicago Convention for meteorology and for the certification and supervision of aviation meteorological services providers,
- (iv) the applicable Standards and Recommended Practices of Annex 4 of the Chicago Convention for aeronautical charts and for the certification and supervision of aviation aeronautical charts services providers,
- (v) the applicable Standards and Recommended Practices of Annex 5 of the Chicago Convention for the units of measurements to be used in air and ground operations,

- (vi) the applicable Standards and Recommended Practices of Annex 6 of the Chicago Convention for —
 - (A) international commercial air transport operations including airplanes and helicopters;
 - (B) international general aviation operations including airplanes and helicopters;
 - (C) the certification and supervision of aircraft operators and the conditions under which passengers, goods and cargo may be carried by air;
 - (D) the certification and supervision of approved maintenance organizations,
- (vii) the applicable Standards and Recommended Practices of Annex 7 of the Chicago Convention for the registration of civil aircraft in Saint Lucia,
- (viii) the applicable Standards and Recommended Practices of Annex 8 of the Chicago Convention for certifying the airworthiness of a civil aircraft and for adopting international airworthiness standards for aeronautical products,
- (ix) the applicable Standards and Recommended Practices of Annex 9 of the Chicago Convention for securing the efficiency and regularity of the operations of air navigation and the safety and security of an aircraft and a person and property carried on board the aircraft and persons and property on the ground,
- (x) the applicable Standards and Recommended Practices of Annex 10 of the Chicago Convention for aeronautical telecommunication and for adopting international standards for aeronautical telecommunication products,

- (xi) the applicable Standards and Recommended Practices of Annex 11 of the Chicago Convention for air traffic control, the certification and supervision of air traffic control services providers and control of the airspace above Saint Lucia,
- (xii) the applicable Standards and Recommended Practices of Annex 12 of the Chicago Convention for search and rescue operations and for search and rescue service providers,
- (xiii) the applicable Standards and Recommended Practices of Annex 13 of the Chicago Convention for conducting aircraft accident and incident investigations,
- (xiv) the applicable Standards and Recommended Practices of Annex 14 of the Chicago Convention for licensing and supervision of aerodromes and heliports,
- (xv) the applicable Standards and Recommended Practices of Annex 15 of the Chicago Convention for aeronautical information services and the certification and supervision of aeronautical information services providers,
- (xvi) the applicable Standards and Recommended Practices of Annex 16 of the Chicago Convention for aircraft noise and aircraft engine emissions,
- (xvii) the applicable Standards and Recommended Practices of Annex 17 of the Chicago Convention for aviation security, the certification and supervision of aviation security services providers,
- (xviii) the applicable Standards and Recommended Practices of Annex 18 of the Chicago Convention for —
 - (A) the safe transport of dangerous goods by air;

- (B) prohibiting the carriage by air of dangerous goods; and
 - (C) the certification and supervision of organizations that undertake to transport dangerous goods by air,
- (ix) the applicable Standards and Recommended Practices of Annex 19 of the Chicago Convention for implementation of the State Safety Programme as well as acceptance and supervision of safety management systems for aviation organizations;
- (b) the general aviation operations within the territory and airspace of Saint Lucia that may be subject to conditions, limitations and restrictions to ensure safety and security of civil aviation;
- (c) the fees to be paid with respect to —
- (i) the issue, validation, renewal, extension or variation of any aviation document,
 - (ii) undergoing a prescribed examination,
 - (iii) testing, or
 - (v) any other matter for which it appears to the Minister to be expedient to charge a fee;
- (d) the matters to ensure that the foreign operators operating in Saint Lucia comply with the safety and security requirements of Regulations made under this section;
- (e) the designation by the Director General of inspectors and appropriately qualified persons to perform any of the functions under this Act where the functions do not include self-regulation;
- (f) the grant of exemptions, deviations or waivers from Regulations made under this section on such terms and conditions as specified;

- (g) the conferring of powers, on persons as may be specified, relating to the enforcement of any condition or prohibition including powers to examine, take samples of, seize and detain any goods and to require a passenger carrying baggage or a package containing goods to open the baggage or package for inspection and to produce any document;
 - (h) the provision of regulatory safety oversight in keeping with Article 83 *bis* of the Chicago Convention over foreign air operators which are engaged in commercial air transport operations in the form of charters, leases and interchange arrangements;
 - (i) examinations and tests to be undertaken and the form, custody, production, cancellation, suspension, endorsement and surrender of any document;
 - (j) the steps related to aircraft flying over areas of Saint Lucia where flying is prohibited by the Regulations;
 - (k) the imposition of penalties for offences against the Regulations including —
 - (i) the suspension or revocation of —
 - (A) a certificate;
 - (B) a licence;
 - (C) an authorization,
 - (ii) a fine not exceeding fifty thousand dollars or imprisonment for a term not exceeding two years.”;
- (c) by inserting immediately after subsection (2), the following new subsections (3) and (4) —
- “(3) In this section a reference to “goods” includes a reference to mail or animals.

(4) Regulations made under this section are subject to a negative resolution of Parliament.”.

Amendment of section 50

17. Section 50(1) of the principal Act is amended by deleting the words “The Minister may make regulations” and by substituting the words “Subject to section 49, the Minister may make Regulations”.

Amendment of section 51

18. Section 51(1) of the principal Act is amended by inserting immediately after the word “Regulations” the words “made by him or her”.

Amendment of section 52

19. Section 52 of the principal Act is amended by —

- (a) inserting the designation (1), immediately before the words “The Minister may make Regulations”;
- (b) deleting the full stop at the end of paragraph (k) and by substituting a semi-colon;
- (c) inserting immediately after paragraph (k), the following new paragraphs (l), (m), (n) and (o) —
 - “(l) for matters relating to the minimum amount of liability insurance required of owners and operators of aircraft;
 - (m) for matters relating to national emergencies;
 - (n) for matters he or she is responsible for with respect to fees payable, the amount of the fees and the person by whom the fees are to be paid and authorizing the refund of fees in prescribed circumstances;
 - (o) for the issuance and administration of air service licences and permits that may be subject to conditions, limitations and restrictions, to national and foreign operators where the national and foreign operators use aircraft for commercial purposes.”;

(d) inserting immediately after subsection (1) the following new subsections (2) and (3) —

“(2) The Minister may make Regulations exempting, on such terms and conditions as may be specified in the Regulations, a person, an aircraft of such description, a flight, an aerodrome, a facility or a service from the application of Regulations made under this section.

(3) An exemption made under subsection (2) may be granted to a person, aircraft of such description, flight, aerodrome, facility or service whether or not a civil aviation document has been issued under this Act.”.

Amendment of section 53

20. Section 53(1) of the principal Act is amended by deleting the words “The Minister” and by substituting the words “The Director General”.

Repeal of section 54

21. Section 54 of the principal Act is repealed.

Repeal of section 55

22. Section 55 of the principal Act is repealed.

Passed in the House of Assembly this 24th day of November, 2023.

CLAUDIUS J. FRANCIS,
Speaker of the House of Assembly.

Passed in the Senate this 28th day of November, 2023.

ALVINA REYNOLDS,
President of the Senate.