The Official Gazette
(EXTRAORDINARY)
OF GUYANA

Published by the Authority of the Government

GEORGETOWN, WEDNESDAY 15TH MAY, 2024

TABLE OF CONTENTS **PAGE**

FIRST SUPPLEMENT

LEGAL SUPPLEMENT

A. **ACTS — NIL**

B. **SUBSIDIARY LEGISLATION —**
REGULATIONS No. 11 of 2024 – The Civil Aviation (General) Regulations 2024 695

C. **BILLS — NIL**

GEORGETOWN, Demerara – Printed and Published every Saturday and on such Extraordinary Days as may be directed by the Government by Guyana National Printers Limited, 1 Public Road, La Penitence, Greater Georgetown.

THE OFFICIAL GAZETTE 15TH MAY, 2024
LEGAL SUPPLEMENT — B

GUYANA No. 11 of 2024

REGULATIONS

Made Under

CIVIL AVIATION ACT 2018

(Act No. 21 of 2018)

IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTIONS 140 AND 147 OF THE CIVIL AVIATION ACT 2018, I MAKE THE FOLLOWING REGULATIONS:-

ARRANGEMENT OF REGULATIONS

REGULATION

PART I

PRELIMINARY

1. Citation.
2. Interpretation.
3. Applicability of Regulations.

PART II

GENERAL

4. Prohibition on persons performing aviation related functions.
5. Display of aviation documents.
6. Replacement of an aviation document.
7. Change of permanent mailing address.
8. Falsification, fraudulent reproduction or alteration of aviation document, etc

PART III

EFFECTS OF SURRENDER, SUSPENSION AND REVOCATION

9. Effect of surrendered, suspended or revoked aviation document.

10. Restriction on reapplication after revocation.

11. Restriction on applications during suspension.

12. Voluntary surrender of aviation document.

PART IV

MEDICAL DEFICIENCIES

13. Restriction on performance due to medical deficiencies.

14. Drug and alcohol testing and reporting.

PART V

OCCURRENCE REPORTING

15. Mandatory and voluntary occurrence reporting.

PART VI

EXEMPTIONS

16. Power to grant exemptions.

17. Application for exemption.

18. Initial review.

19. Evaluation of request.

20. Notification of determination.

21. Extension of validity of exemption.

22. Publication of exemption.

23. Suspension and cancellation of exemptions.

PART VII

MISCELLANEOUS

24. Alternative means of compliance.

25. Extra-territorial effect of regulations.

26. Directives.

27. Grandfather rights.

28. Offences

29. Revocation.

SCHEDULE -Voluntary Surrender of Licence.

PART I

PRELIMINARY

Citation.

1. These Regulations may be cited as the Civil Aviation (General) Regulations 2024.

Interpretation.

2. Unless the context otherwise requires, in these Regulations –

No. 21 of 2018

"Act" means the Civil Aviation Act 2018 or any regulations or requirements made thereunder; and

"notifiable occurrence" means any safety-related event, including any accident, incident or serious incident, or safety related situation, defect or hazard, which endangers or which, if not addressed or corrected, could endanger an aircraft, its occupants, or any other person, and includes –

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

(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 an aircraft, being a defect or malfunctioning endangering, or which if not corrected would endanger, an aircraft or its occupants.

Applicability of Regulations.

3. (1) These Regulations shall apply to all persons –

(a) operating or maintaining –

(i) a Guyana registered aircraft;

(ii) an aircraft, registered in another Contracting State, that is operated in Guyana and maintained in accordance with the standards of the State of Registry of the aircraft, wherever that maintenance is performed; and

(b) who engage in any operations governed by the Act or any regulations or requirements issued under the Act.

(2) Foreign air operators who conduct commercial air transport into, from or within Guyana, shall be governed by the provisions of the operations specification issued to them by the Authority.

PART II

GENERAL

Prohibition on persons performing aviation related functions.

4. A person who performs any aviation related function requiring a licence, rating, authorisation, approval, certificate or other aviation document without having been issued with the licence, rating, authorisation, approval, certificate or other aviation document for the performance of that function commits an offence and is liable on summary conviction to a fine of two million dollars and imprisonment for two years.

Display of aviation documents.

5. (1) A person required by the Act to have an aviation document shall have it in his physical possession or readily accessible in the aircraft or at his work site when exercising the privileges of the aviation document.

(2) A person under subregulation (1), shall produce the aviation document for inspection by the Director-General or a person authorised by the Director-General upon request, or within a time to be determined by the Director-General or the authorised person.

(3) A holder of an Air Operator Certificate shall prominently display the certificate in a place in the facility that is accessible to the public.

(4) The holder of an Approved Maintenance Organisation Certificate or Approved Training Organisation Certificate shall prominently display that certificate in a place accessible to the public in the principal business office of the approved organisation.

(5) A person who fails to comply with this regulation commits an offence and is liable on summary conviction to a fine of one million dollars and imprisonment for six months.

Replacement of aviation documents.

6. (1) The holder of an aviation document shall, within thirty days, make a written application to the Authority in the prescribed form for a replacement of the document where the holder –

(a) changes the holder's name;

(b) changes the holder's permanent address; or

(c) discovers that the aviation document is lost, damaged or destroyed.

(2) A person applying for the replacement of an aviation document under subregulation (1) shall –

(a) pay the prescribed fee; and

(b) provide such documentary evidence as may be required by the Authority in support of the application including where applicable the current aviation document or a notarized copy of a marriage certificate, court order or other document verifying a relevant change in name or address.

(3) Where the Director-General is satisfied that an applicant has met all the requirements for the replacement of an aviation document, the Director-General may issue a replacement aviation document to the applicant.

Change of permanent mailing address.

7. A person who is the holder of an aviation document issued by the Director-General, who has made a change of the person's permanent mailing address, shall not, after thirty days from the date of the change, exercise the rights and privileges of the aviation document unless the person has notified the Authority in writing of the new permanent mailing address, or current residential address where the permanent mailing address includes a post office box number.

Falsification, fraudulent reproduction

8. (1) A person shall not make or cause to be made any –

(a) fraudulent or intentionally false statement in relation to

or alteration of aviation document, etc

any aviation document, logbook, record, report or application required by the Act or any regulations or requirements made under the Act;

(b) fraudulent, or intentionally false entry in any aviation document, logbook, record or report or application used to show compliance with the Act, or any regulations or requirements made under the Act; or

(c) reproduction or alteration for fraudulent purposes of any aviation document, logbook, record or report or application used to show compliance with the Act, or any regulations or requirements made under the Act.

(2) Any person who contravenes the provisions of this regulation commits an offence and liable on summary conviction to a fine of three million dollars and imprisonment for two years and the Director-General may revoke or suspend the person's aviation documents.

PART III

EFFECTS OF SURRENDER, SUSPENSION AND REVOCATION

Effect of surrendered, suspended or revoked aviation document.

9. (1) An aviation document issued by the Director-General shall cease to have effect where it is surrendered, suspended or revoked.

(2) A holder of any aviation document issued under the Act which has been suspended or revoked shall immediately or as soon as practicable return the aviation document to the Authority.

(3) Where an aviation document issued by the Authority has

been revoked, the Director-General may cause a notice of such revocation to be published in two daily newspapers in Guyana.

Restriction on reapplication after revocation.

10. A person whose aviation document has been revoked shall be ineligible for any aviation document of the same or similar type for one year from the date of revocation unless otherwise deemed eligible, under exceptional circumstances by the Director-General.

Restriction on applications during suspension.

11. A person whose aviation document has been suspended shall be ineligible for any other aviation document during the period of suspension, unless otherwise deemed eligible, under exceptional circumstances. by the Director-General.

Voluntary surrender of aviation document.

12. The holder of an aviation document issued under the Act may voluntarily surrender it for –

(a) cancellation; or

(b) in the case of a license, issuance of a lower grade licence, a licence with limitations or another licence with specific ratings deleted,

and shall submit a signed statement in the form set out in the Schedule.

Schedule.

PART IV

MEDICAL DEFICIENCIES

Restriction on performance due to medical deficiencies.

13. (1) A person who holds a valid medical certificate issued under the Act, or any regulations made under the Act shall not act in the capacity for which that medical certificate is required where the person –

(a) knows or has suspicion of any medical condition that would make him unable to meet the requirements for holding the medical certificate; or

(b) is taking medication or receiving other treatment for a medical condition that results in him being unable to meet the requirements for holding the medical certificate.

(2) A person who holds a licence issued under the Act, the issuance or validity of which requires a medical certificate, shall immediately inform the Authority where the person –

(a) is pregnant and becomes aware of the pregnancy;

(b) has any decrease in medical fitness of a duration of more than twenty days; or

(c) has any decrease in medical fitness which –

(i) requires continued treatment with prescribed medication; or

(ii) has required hospital treatment.

Drug and alcohol testing and reporting.

14. (1) Where a person performs, or is scheduled to perform, any function requiring a licence, certificate, rating, or authorisation under the Act and fails a drug or alcohol test, the Director-General may –

(a) not grant to that person any licence, certificate, rating, or authorisation for a period no longer than one year; or

(b) suspend or revoke the person's licence certificate, rating, or authorisation.

(2) Subject to the provisions of the Act, where a person is convicted for the violation of any national or international statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of illegal narcotic drugs, marijuana, or depressant or stimulant drugs or substances, the Director-General may –

(a) deny that person any licence, certificate, rating, or authorisation for a period of up to one year after the date of final conviction; or

(b) suspend or revoke the person's licence, certificate, rating, or authorisation issued under the Act for such period as the Director-General deems fit.

(3) Where a person who refuses to submit to a drug or alcohol test, when requested by the Authority or its authorised representative, or refuses to furnish or to authorise the release of the test results requested by the Authority, the Director-General may –

(a) deny the person any licence, certificate, rating,

or authorisation for a period no longer than one year after the date of that refusal; or

(b) suspend or revoke the person's licence, certificate, rating, or authorisation issued under the Act.

PART V

OCCURRENCE REPORTING

Mandatory and voluntary occurrence reporting.

15. (1) Subject to the provisions of this regulation, a person who is the owner, operator or pilot-in-command of an aircraft registered in Guyana or carries on the business of maintaining, repairing or overhauling such an aircraft or any equipment or part of that aircraft, or signs a certificate of release to service in respect of that aircraft or performs a function for which the person requires an air traffic controllers licence or is the holder of an aviation document for an aerodrome shall –

(a) immediately or as soon as practicable, make, or cause to be made, a report to the Authority of any notifiable occurrence of which the person knows and which is of such a description as specified in any regulations or requirements issued by the Authority, in accordance with those regulations or requirements;

(b) provide to the Authority, within such time and by such means as the Authority may specify, information in the person's possession or control relating to the notifiable occurrence reported under paragraph (a).

(2) The operator of an aircraft shall, if the operator has reason

to believe that a report has been or will be made in pursuance of this regulation, preserve any data from a flight data recorder or a combined cockpit voice recorder or flight data recorder relevant to the notifiable occurrence for fourteen days from the date on which a report of that occurrence is made to the Authority or for such longer period as the Authority may in a particular case direct:

Provided that the record may be erased if the aircraft is outside Guyana and it is not reasonably practicable to preserve the record until the aircraft reaches Guyana.

(3) A person involved in, or who has observed or is aware of, any accident or incident that may affect aviation safety shall notify the Authority of the accident or incident.

(4) A pilot-in-command, flight crew member or other relevant entity shall report the following safety information to the Authority in a manner prescribed by the Authority –

(a) aviation accidents as soon as possible but within 24 hours from the time of the accident;

(b) serious incidents as soon as possible but within 48 hours from the time of the serious incident; and

(c) incidents as soon as possible but within 72 hours from the time of the incident,

and other safety related occurrences as per the schedule agreed with the Authority.

(5) A person who has observed or is aware of any hazard or discrepancy that may affect aviation safety may notify the Authority.

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

(7) The Director-General shall establish a mandatory occurrence reporting system to facilitate the collection of information on actual or potential safety deficiencies.

(8) The Director-General shall establish a voluntary reporting system which –

(a) is non-punitive; and

(b) affords protection to persons submitting voluntary reports;

to facilitate the collection of information that may not be captured by a mandatory incident reporting system.

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

(10) The Authority shall prescribe the form and manner of reporting an accident, incident, or occurrence.

(11) The Director-General shall publish details of occurrences which may present a significant risk to aviation safety on the website of the Authority.

(12) The Director-General may suspend or revoke the aviation document, or impose conditions on the aviation document, of a person who contravenes the provisions of subregulations (1), (2),

(3), (4) or (9).

PART VI

EXEMPTIONS

Power to grant exemptions.

16. The Director-General may grant, for the prescribed fee, a non-transferable exemption, valid for a period of no longer than one year, from any civil aviation requirement made under the Act where, in the estimation of the Director-General, the circumstances so warrant, and the safety of civil aviation will not be compromised by the granting of the exemption.

Application for exemption.

17. (1) A person seeking an exemption under these Regulations shall apply to the Director-General in writing, and with the relevant fee, at least sixty days in advance of the proposed effective date of the exemption or such shorter period as the Director-General may allow in exceptional circumstances.

(2) In an application for an exemption, an applicant shall —

(a) state the name and address of the applicant;

(b) state the requirement from which the exemption is requested;

(c) explain the interests of the applicant in the exemption requested, including the nature and extent of the exemption requested and a description of each person or thing to be covered by the exemption;

(d) include an aeronautical or safety study, or a risk assessment, and any other information or

document supporting the application;

(e) explain why the applicant believes that the exemption should be granted, including the reasons why it would not be possible or desirable to comply with the requirement which is the subject of the application, as well as the extent to which the exemption may affect aviation safety;

(f) include a summary of the application which shall contain a reference to the requirement from which exemption is requested and a brief description of the general nature of the exemption requested; and

(g) include information regarding any alternate means of complying with the requirement which meets an equivalent level of safety as that intended by the requirement.

(3) The Director-General shall, unless the circumstances of the exemption otherwise dictate, process an application for an exemption within fourteen working days from the date of submission.

(4) Where an application for exemption cannot be processed within fourteen working days, the Director-General shall notify the applicant and in the case of urgent exemptions adjust the applicable fee.

Initial review.

18. (1) The Director-General shall review each application for accuracy and compliance with regulation 17 and –

(a) where the application is not compliant with

regulation 17, the Director-General shall notify the applicant and take no further action until the applicant complies;

(b) where the application appears to comply with regulation 17 and the Director-General determines that a review of its merits is justified, the Director-General may –

(i) publish, for the benefit of potentially affected parties, a detailed summary of the application for their comment; and

(ii) specify the date by which comments shall be received by the Director-General for consideration.

Evaluation of request.

19. (1) Where the Director-General is satisfied that the application complies with regulation 17, the Director-General shall conduct a technical evaluation of the request.

(2) In determining whether to grant an exemption pursuant to these Regulations, the Director-General shall take into consideration –

(a) whether an exemption would be in the public interest;

(b) after a technical evaluation, whether the applicant's proposal would provide a level of safety equivalent to that established by the requirements;

(c) if the applicant seeks to operate under the exemption outside of Guyana airspace, whether a grant of the

exemption would contravene any applicable ICAO Standards and Recommended Practices;

(d) comments received from interested parties concerning the proposed exemption;

(e) the recommendation of the Manufacturer or the State of Manufacturer;

(f) redundancy of the systems in consideration;

(g) adequate safety risk assessment and safety; and

(h) measure of safety risk mitigation to ensure the equivalent level of safety.

(3) The Director-General may grant an exemption with any conditions or limitations as the Director-General deems fit.

(4) Where it appears to the Director-General that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Director-General may deny the exemption on that basis.

Notification of determination.

20.(1) The Director-General shall notify an applicant by letter, and publish a detailed summary, of its evaluation and decision to grant or deny an application and shall specify the duration of the exemption and any conditions or limitations to the exemption.

Extension of validity of exemption.

21. The Director-General may grant, to an applicant who has paid the prescribed fee, an extension to the period of validity of an exemption granted under regulation 20, under such terms and conditions, and for such period not exceeding three months, as the

Director-General may determine.

Publication of exemption.

22. The Director-General shall cause to be published on the official website of the Authority, at regular intervals, the number and nature of exemptions granted pursuant to these Regulations and where an exemption affects a significant population of the aviation community of Guyana, the Director-General shall publish the exemption in the relevant Aeronautical Information Publication.

Suspension and cancellation of exemptions.

23. Notwithstanding anything contained in these Regulations, the Director-General may suspend for a specified time or cancel an exemption granted if the Director-General has reason to believe that the holder of the exemption does not conform to the minimum safety standards or has contravened these Regulations or any conditions of the exemption.

PART VII

MISCELLANEOUS

Alternative means of compliance.

24. The Director-General may, on good cause shown, grant to an applicant for an exemption under PART VI an approval of an alternative means of compliance with any requirement of the Authority submitted with the application under regulation 17 where the Director-General is satisfied that aviation safety will not be jeopardized.

Extra-territorial effect of regulations.

25. Except where the context otherwise requires, the provisions of any regulations made under the Act –

(a) to the extent that they apply, whether by express reference or otherwise, to an aircraft registered in

Guyana, shall apply to the aircraft wherever it may be;

(b) shall apply to an aircraft not registered in Guyana when the aircraft is within Guyana;

(c) to the extent that 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 Guyana, shall apply to such persons and crew wherever they may be; and

(d) to the extent that they prohibit, require or regulate the doing of anything in relation to any aircraft registered in Guyana by other persons shall, where such persons are citizens of Guyana apply to them wherever they may be.

Directives.

26. (1) The Authority may by means of aviation information circulars, notices, aeronautical information publications, notices to airmen, notices of noncompliance and other documents, issue directives not inconsistent with the provisions of the Act or any regulations or requirements issued under the Act, relating to the operation, use, possession, maintenance or navigation of aircraft flying in or over Guyana or of aircraft registered in Guyana.

(2) Any person who without reasonable excuse fails to comply with any directive given to that person under any provision of any regulations or requirements issued under the Act shall be deemed to have contravened that provision.

Grandfather rights.

27. (1) Where a person, or group of persons, authorized, delegated or granted an aviation document by the Authority to perform an aviation related function prior to the issuance of any regulations or requirements under the Act, has performed those functions continuously for at least two years prior to the issuance of those regulations or requirements, but does not fully comply with those regulations or requirements, the Authority may, where in the estimation of the Director-General the circumstances so warrant and the safety of civil aviation will not be compromised, grant to that person or group of persons a non-renewable permission to continue to perform those functions for a period not exceeding two years.

(2) Where a person or group of persons granted a permission under subregulation (1) is required to hold an aviation document to perform those functions, the Authority shall –

(a) grant to each person the relevant aviation document; or

(b) deem as valid each person's aviation document granted prior to the issuance of the regulations or requirements;

for the same period for which the permission is granted as if each person complies fully with the regulations or requirements.

Offences.

28. A person who contravenes a provision of these Regulations, or any regulations or requirements issued under the Act, for which no penalty has been prescribed commits an offence and is liable on summary conviction to a fine of three million dollars and imprisonment for two years.

Revocation.

29. The following regulations are revoked –

(a) Civil Aviation (Air Navigation) Regulations 2001 with the exception of Schedule 5 to the Regulations entitled "Fees to be charged";

(b) Civil Aviation (Air Traffic Services and Rules of the Air) Regulations 2006; and

(c) Civil Aviation (Air Navigation Services) Regulations 2016.

SCHEDULE Reg. 12(2)

VOLUNTARY SURRENDER OF LICENCE

"I… ..... voluntarily surrender my licence for
(State name)
my own reasons, with full knowledge that my .....
.....
(insert name of licence or rating, as appropriate)

may not be reissued to me unless I again pass the tests prescribed for its issuance.

.....
(Signature of Licencee)."

Made this 16th day of May, 2024.

Hon. Juan Edghill, M.P.
Minister of Public Works.