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

GUYANA No. 8 of 2024

REGULATIONS

Made under

THE CIVIL AVIATION ACT 2018

(Act No. 21 of 2018)

IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTIONS 46(2), 140(1)(i), 142 AND 147 OF THE CIVIL AVIATION ACT 2018, I MAKE THE FOLLOWING REGULATIONS:-

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PART I

PRELIMINARY

Citation.

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

Interpretation.

2. In these Regulations –

"aircraft maintenance organisation" or "AMO" means an organisation engaging, with the approval of the Authority, in any stage of maintenance of aircraft, aircraft components or aircraft materials, or in training activities associated with the maintenance;

"airworthy" means the status of an aircraft, aircraft engine, aircraft propeller or other aircraft part when it conforms to its approved design and is in a condition for safe operation;

"Certificate of Airworthiness" means a certificate issued by the Authority under regulation 6, certifying that an aircraft complies with the design aspects of the appropriate airworthiness requirements of the State of Design;

"Certificate of Maintenance Review" means a certificate issued by an engineer or an AMO under regulation 15;

"maintenance" means the performance of tasks on an aircraft, aircraft engine, aircraft propeller or associated part required to ensure the continuing airworthiness of an aircraft, aircraft engine, aircraft propeller or associated part including any one or combination of the following –

(a) overhaul;

(b) inspection;

(c) replacement;

(d) defect rectification; and

(e) the embodiment of a modification or repair;

"prescribed by the Authority" means prescribed by the Authority under section 142;

"Requirements of the Authority" means requirements prescribed by the Authority, pursuant to section 142, with respect to airworthiness;

"State of Design" means the state having jurisdiction over the organisation responsible for the type design of an aircraft, aircraft engine or aircraft propeller;

"State of Registry" means the State on whose register an aircraft is entered;

"type design" means the set of data and information necessary to define an aircraft, aircraft engine or aircraft propeller type for the purpose of an airworthiness determination;

"type certificate" means a certificate issued by a Contracting State to define the design of an aircraft, aircraft engine or aircraft propeller type and to certify that the design meets the appropriate airworthiness requirements of that State.

PART II

AIRWORTHINESS

Type Certification.

3. (1) A person shall not operate, nor cause to be operated, an aircraft in or over Guyana unless –

(a) the aircraft, and its relevant aeronautical products, meet the relevant airworthiness codes and environmental standards issued by one of the following –

(i) the Federal Aviation Administration (FAA) in the United States of America;

(ii) Civil Aviation Authority (CAA) in the United Kingdom;

(iii) the European Union Aviation Safety Agency (EASA); or

(iv) the Department of Transport (DOT) in Canada; and

(b) the person has, in accordance with subregulation (2), applied for and is the holder of, in respect of that aircraft and its relevant aeronautical products, a Letter of Acceptance for Type Certificate for the type certificate issued by the relevant aviation authority in the State of Design of the aircraft for the type and model of aircraft.

(2) A person seeking a Letter of Acceptance for Type Certificate with respect to an aircraft, and its relevant aeronautical products, shall submit an application, in writing and with the relevant fee, to the Authority –

(a) in the form; and

(b) with the relevant documents in support of the application,

as prescribed in the Requirements of the Authority.

(3) A person who operates, or caused to be operated, an aircraft within Guyana in breach of subregulation (1)(a) or (b), commits an offence and is liable on summary conviction to a fine of three million dollars and to imprisonment for two years.

Restriction on flight of aircraft.

4. (1) A person shall not fly an aircraft nor cause an aircraft to be flown in or over Guyana, other than an aircraft for which a Flight Permit has been issued under regulation 12, unless –

(a) the aircraft ~~it~~ is airworthy;

(b) there is in force in respect of that aircraft a Certificate of Airworthiness duly issued under the law of the country in which the aircraft is registered; and

(c) the conditions subject to which the certificate referred to in paragraph (b) was issued are complied with.

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of three million dollars and to imprisonment for two years.

Application for Certificate of Airworthiness.

5. An owner of an aircraft seeking to obtain, with respect to that aircraft, a Certificate of Airworthiness shall submit an application, in writing, along with the prescribed fee, to the Authority –

(a) in the form; and

(b) with the documents in support of that application,

prescribed in the Requirements of the Authority.

Issuance of Certificate of Airworthiness.

6. (1) The Authority shall issue in respect of an aircraft a Certificate of Airworthiness if the Director-General is satisfied that the aircraft is fit to fly having regard to -

(a) any type certificate issued in respect of the category of aircraft, except in respect of any special category aircraft;

(b) satisfactory evidence that the aircraft complies with the design aspects of the appropriate airworthiness requirements in respect of its type certificate;

(c) the construction, workmanship and materials of the aircraft, and of any equipment carried in the aircraft considered necessary for the airworthiness of the aircraft;

(d) the results of flying trials, and such other tests of the aircraft as the Director-General may require; and

(e) compliance with the relevant noise certification standards, prescribed in the Requirements of the Authority.

(2) The Director-General shall specify on every Certificate of Airworthiness any conditions under which the aircraft shall be flown and

the operational category for which the aircraft has been certified from the list below –

(a) "transport category (passenger)", for any purpose;

(b) "transport category (cargo)", for any purpose other than the public transport of passengers;

(c) "aerial work category", for any purpose other than public transport;

(d) "private category", for any purpose other than public transport, aerial work or special category; and

(e) "special category", for any purpose, other than public transport, which the Certificate of Airworthiness may specify, but not including the carriage of passengers unless expressly permitted.

Validity of Certificate of Airworthiness.

7. A Certificate of Airworthiness issued by the Authority in respect of an aircraft shall be valid for one year and shall cease to be in force –

(a) if the aircraft, any part of the aircraft or such of its equipment as is necessary for the continued airworthiness of the aircraft is maintained, removed or replaced, otherwise than in a manner, or with material and components of a type, approved by the Authority either generally or in relation to a class of aircraft or to the particular aircraft;

(b) from the commencement of an inspection of the

aircraft or any such equipment referred to in paragraph (a), and, where the inspection proves the aircraft airworthy, until the completion of the inspection, being an inspection –

(i) made for the purpose of ascertaining whether the aircraft remains airworthy;

(ii) classified as mandatory by the Authority; and

(iii) required by a maintenance programme and procedures approved by the Authority in relation to that aircraft;

(c) from the commencement of any maintenance of the aircraft, parts of the aircraft or of any such equipment referred to in paragraph (a), and until the completion of that maintenance;

(d) if the aircraft has sustained damage of such a nature that the Director-General deems the aircraft no longer airworthy as defined by the Requirements of the Authority; and

(e) if the operator of the aircraft causes any airworthiness directive issued by the State of Design, or any mandatory service bulletin issued by the manufacturer, to be contravened.

Damage to aircraft.

8. (1) When an aircraft registered in a foreign country has sustained damage within Guyana, the Director-General shall determine

whether the damage is of a nature which renders the aircraft no longer airworthy as defined by the appropriate airworthiness Requirements of the Authority with respect to its type certificate, and where it is determined to be no longer airworthy, the Authority shall immediately advise the appropriate authorities, in the State of Registry of the aircraft, of its determination with all relevant details.

(2) In the case of an aircraft registered in Guyana, where the damage is sustained or ascertained when the aircraft is in the territory of another State, a person shall not fly that aircraft if the authorities of the other State prohibit any further flight of the aircraft.

Renewal of Certificate of Airworthiness.

9. (1) A Certificate of Airworthiness may be renewed for a period of one year.

(2) A holder of a Certificate of Airworthiness issued under these Regulations seeking a renewal of that certificate, shall submit, with the relevant fee and not less than thirty days before the expiry of the certificate, an application to the Authority –

(a) in the form; and

(b) with the documents in support of that application,

as may be determined by the Authority.

(3) The Authority shall renew a Certificate of Airworthiness if the Director-General is satisfied that the aircraft is used and flown in compliance with these Regulations and the Requirements of the Authority.

Airworthiness directives.

10. In the interest of safety, the Authority may issue airworthiness directives requiring that an aircraft registered in Guyana, aircraft engine,

aircraft propeller or component be modified or undergo special inspections.

Export Certificate of Airworthiness.

11. (1) The Authority may issue to an applicant an Export Certificate of Airworthiness, in respect of an aircraft registered in Guyana, certifying that the aircraft confirms with its type design and acceptable airworthiness status.

(2) An owner of an aircraft seeking to obtain, with respect to that aircraft, an Export Certificate of Airworthiness shall submit an application, in writing, along with the prescribed fee, to the Authority –

(a) in the form; and

(b) with the documents in support of that application,

prescribed in the Requirements of the Authority.

(3) An Export Certificate of Airworthiness does not grant the holder permission to fly the aircraft.

(4) An Export Certificate of Airworthiness shall be valid for a period not exceeding sixty days and may be issued subject to ~~such~~ any condition as the Director-General thinks fit.

Flight Permit and Certificate of Fitness for Flight.

12. (1) The Authority may issue a Flight Permit, with any conditions or limitations the Director-General deems fit, for the flight, in or over Guyana, of an aircraft that is non-compliant with applicable airworthiness Requirements of the Authority but that is, in the opinion of the Director-General, capable of safe flight for the purposes of flying –

(a) to a base where repairs, modifications, maintenance, or inspections are to be performed, or to a point of storage;

(b) for testing after performed assembly, repairs, modifications, or maintenance;

(c) for exporting or importing the aircraft; or

(d) for evacuating the aircraft from areas of impending danger.

(2) The Director-General, when forming an opinion under subregulation (1), shall take into consideration, and be guided by, the details of a valid Certificate of Fitness for Flight issued in respect of the aircraft.

(3) A Certificate of Fitness for Flight shall be issued by an appropriately rated aircraft maintenance engineer or an AMO with respect to an aircraft for which exists no valid Certificate of Airworthiness, certifying that the aircraft is safe for use, within a period indicated, for a flight for which a Flight Permit may be granted.

(4) A Certificate of Fitness for Flight shall –

(a) not be granted for a period exceeding seven days;

(b) be granted for that one flight only; and

(c) not be valid for flight outside the State.

PART III

INSPECTION AND MAINTENANCE

Maintenance of aircraft.

13. (1) An operator shall not fly, or cause to be flown, an aircraft registered in Guyana unless –

(a) the aircraft, together with its operational and emergency equipment and radio station necessary for its intended flight, is maintained in accordance with –

(i) a maintenance programme; and

(ii) procedures,

recommended by the aircraft manufacturer and approved by the Authority;

(b) all airworthiness directives issued by the Authority, or the equivalent of those directives issued by the relevant authorities in the State of Design of the aircraft, and all mandatory service bulletins issued by the manufacturer, have been complied with;

(c) the aircraft operational and emergency equipment and radio station necessary for its intended flight are serviceable;

(d) any modifications or repairs performed on the aircraft have been approved by the Authority;

(e) there is in force a Certificate of Maintenance Review issued in respect of the aircraft;

(f) there is available in the aircraft for use of the flight crew –

(i) a flight manual, applicable to the model of aircraft and its configuration; or

(ii) other approved document,

in a form approved by the Authority, containing the limitations within which the aircraft is considered airworthy, and such additional instructions and information relating to performance and for the safe operation of the aircraft, as may be necessary to show compliance with these Regulations, and the Requirements of the Authority;

(f) where applicable, duplicate inspections of all vital points, flight controls and propulsive systems have been carried out and details of the inspections have been recorded in keeping with the Requirements of the Authority.

(2) An operator of an aircraft, shall ensure that –

(a) an aircraft registered in Guyana is maintained and periodically inspected in accordance with –

(i) the requirements of the approved data relevant to the aircraft and the aircraft manuals issued by the manufacturer; and

(ii) the maintenance programme approved by the Authority;

(b) all airworthiness directives and mandatory service bulletins are complied with; and

(c) an organisation, approved by the Authority under

regulation 15, maintains the aircraft –

(i) in an airworthy condition; and

(ii) in accordance with the approved maintenance programme.

(3) A person who contravenes subregulation (1) or (2) commits an offence and is liable on summary conviction to a fine of three million dollars and to imprisonment for two years.

Certificate of Release to Service.

14. (1) If an aircraft registered in Guyana or any part of the aircraft or any of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified or maintained, or has been inspected under these Regulations, an operator of the aircraft shall not fly that aircraft unless there is in force a Certificate of Release to Service issued in accordance with this regulation and the Requirements of the Authority:

Provided that if a repair or replacement of a part of the aircraft or its equipment is carried out when the aircraft is at such a place that it is not reasonably practicable -

(a) for the repair or replacement to be carried out in such a manner that a Certificate of Release to Service can be issued; or

(b) for such certificate to be issued while the aircraft is at that place,

an operator may fly the aircraft under a Flight Permit issued by the Authority under regulation 22 to a place at which such a certificate can be

issued, under such conditions and limitations as the Director-General may impose.

(2) All maintenance carried out on an aircraft registered in Guyana, its components or equipment, including radio apparatus, shall be carried out by –

(a) the holder of a maintenance engineer's licence;

(b) the holder of a maintenance authorization; or

(c) an AMO.

(3) A person or organisation listed in subregulation (2)(a), (b) or (c) shall –

(a) carry out the work mentioned in subregulation (2) in all respects –

(i) in accordance with the design to which the aircraft was constructed, including such modifications as have been approved for embodiment in the aircraft or in accordance with the approved data relevant to the aircraft; and

(ii) using materials appropriate to the design to which the aircraft was constructed; ~~and~~

(b) where that person is satisfied with the work done and that the aircraft is airworthy, issue a Certificate of Release to Service in accordance with subregulation (1);

and

(c) record the details and particulars of the work done in the relevant log books.

(4) A Certificate of Release to Service shall certify –

(a) that the aircraft or any part thereof or its equipment has been overhauled, repaired, replaced, modified or maintained, in a manner and with material of a type approved by the Authority 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 include particulars of the work done; or

(b) in relation to any inspection required by the Authority, that the aircraft or the part of the aircraft or its equipment, has been inspected in accordance with the Requirements of the Authority and that any consequential repair, replacement or modification has been carried out as required in subparagraph (a).

Certificate of Maintenance Review.

15. (1) A person shall not fly, or cause to be flown, an aircraft registered in Guyana unless there is in force a Certificate of Maintenance Review issued in respect of the aircraft in accordance with this regulation and the Requirements of the Authority.

(2) A Certificate of Maintenance Review shall be issued by an engineer appropriately licenced and type-rated in at least two categories or by an AMO, certifying –

(a) that all maintenance tasks have been accomplished as per the maintenance program and procedures for the aircraft and equipment approved by the Authority;

(b) that all airworthiness directives and mandatory service bulletins have been complied with within the prescribed time periods; and

(c) that all defects recorded in the aircraft technical log have been rectified or deferred in accordance with the prescribed procedures.

Reporting of service difficulties.

16. (1) An operator or pilot-in-command of an aircraft registered in Guyana or person who carries on the business of maintaining such an aircraft, or any equipment or part of the aircraft shall report to the Authority any failures, malfunctions and defects as prescribed by the Requirements of the Authority.

(2) An operator of an aircraft registered in Guyana –

(a) in the case of aeroplanes weighing over 5,700kg maximum certificated take-off mass; and

(b) in the case of helicopters, weighing over 3,175 kg maximum certificated take-off mass,

or person who carries on the business of maintaining such an aircraft, or any equipment or part of the aircraft shall report to the Authority, and the organisation responsible for the type design, modification or repair of the aircraft or the equipment or part, any failures, malfunctions and defects as prescribed by the Requirements of the Authority.

Approval of maintenance organisations.

17. (1) An aircraft maintenance organization (AMO) shall not engage in aircraft maintenance in Guyana, nor the maintenance, outside of Guyana of aircraft registered in Guyana, without the approval of the Authority.

(2) An AMO seeking to engage in the maintenance of aircraft in Guyana, or aircraft registered in Guyana, shall submit an application to the Authority for a Certificate of Approval –

(a) in the form;

(b) with the fee; and

(c) with the documents in support of the application,

as prescribed by the Authority.

(3) The Authority may issue a Certificate of Approval, inclusive of a Scope of Approval with the appropriate ratings, to an AMO seeking to engage in the maintenance of aircraft in Guyana where that organisation demonstrates compliance with –

(a) the maintenance procedure manual of the maintenance organisation and subsequent amendments to that manual approved by the Authority;

(b) any safety management regulations and Requirements of the Authority with respect to facilities, resources, qualified personnel, tools and equipment, data and documentations, and systems of quality control.

(4) The Authority may issue a Certificate of Approval, along with a

Scope of Approval with appropriate ratings, to an AMO outside of Guyana seeking to engage in the maintenance of aircraft registered in Guyana where that organisation proves to be in possession of a Certificate of Approval, or its equivalent, along with a Scope of Approval, issued by the relevant authorities of the State in which the organisation is located.

(5) With the exception of certificates issued with a limited duration, Certificates of Approval issued by the Authority shall be valid for one year, in the first instance, with the possibility of renewals, for a period of two years, being issued if the AMO remains in compliance with these Regulations and the relevant airworthiness Requirements of the Authority.

(6) A Certificate of Approval issued by the Authority to the AMO shall contain the following –

(a) the name, title and signature of the person issuing the certificate;

(b) the name and registered address of the aircraft maintenance organisation;

(c) the approval reference number assigned by the Authority to the aircraft maintenance organisation;

(d) the date of current issue;

(e) the expiration date;

(f) the scope of approval, in relation to aircraft, component or specialized maintenance, and to the type of aircraft and components covered by the approval; and

(g) each location of the maintenance facilities.

(7) An AMO shall notify the Authority of any changes to the organisation's scope of work, location or personnel nominated in accordance with the Requirements of the Authority.

(8) An AMO shall ensure that all maintenance personnel receive initial and continued training appropriate to their assigned tasks and responsibilities.

Approval of AMO training.

18. Without prejudice to any other provision of these Regulations, the Authority may, subject to such conditions as the Director-General thinks fit –

(a) approve any course of training or instruction offered by an AMO to AMO personnel;

(b) authorise a person within an AMO to conduct such examinations or tests as it may specify;

(c) approve a person to provide or conduct any course of training or instruction offered by an AMO to AMO personnel; and

(d) approve a person within an AMO as qualified to furnish reports to it.

Maintenance authorizations.

19. (1) The Authority may issue to a person a Letter of Authorization for Maintenance, subject to such conditions as the Director-General may consider appropriate, conferring upon that person the right to exercise inspection or maintenance privileges, including special inspections, welding, non-destructive testing and weight and balance

calculations, that are defined in the Letter of Authorization for Maintenance.

(2) A Letter of Authorization for Maintenance shall be valid for such period as shall be specified in the Letter and may be renewed by the Authority from time to time.

(3) The holder of a Letter of Authorization for Maintenance shall not be entitled by virtue of the Letter of Authorization for Maintenance to exercise the privileges of an aircraft maintenance engineer's licence and in particular shall not be authorized to sign or issue a Certificate of Maintenance Review issued under regulation 15 or Certificate of Fitness for Flight issued under regulation 12 unless expressly authorised by the Authority in that Letter of Authorization for Maintenance.

Aircraft weight schedule.

20. (1) Every aircraft registered in Guyana shall be weighed, and the position of its centre of gravity determined, at such times and in the manner as the Authority may require.

(2) Upon the aircraft being weighed, the operator of the aircraft shall prepare, in accordance with the Requirements of the Authority, a weight schedule showing –

(a) the weight of the aircraft when empty together with the weight of unusable fuel, oil and other fluids in the aircraft and of the items of equipment as are indicated in the weight schedule, or such other weight as may be approved by the Authority in the case of that aircraft; and

(b) 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 Authority in the case of that aircraft.

(3) 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.

Access and inspection for airworthiness.

21.(1) The Authority may cause any inspection, investigation, test, experiment or flight trial to be done as the Director-General deems necessary and any person authorised in writing by the Director-General to do it, may at any reasonable time inspect any part of, or any material intended to be incorporated in or used in the manufacture or repair of any part of, an aircraft or its equipment or any related documents and may for ~~that~~ the purpose of inspecting any of those items go upon any aerodrome or enter any place where any of those items is found.

(2) The Director-General or any authorised person shall have the right of access at all reasonable times -

(a) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which it has power, under the Act, to demand, or for the purpose of detaining the aircraft;

(b) to any place, whether public or private, where an aircraft is located for the purpose of inspecting the aircraft or any document which the Authority or such person has power to demand or for the purpose of detaining the

aircraft; and

(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 commercial operation of an aircraft shall not be unduly prejudiced by the exercise of the right of access under this regulation.

PART IV

MISCELLANEOUS

General penalty

22. A person who contravenes a provision of these Regulations or the Requirements of the Authority for which no penalty is prescribed shall be liable on summary conviction to a fine of three million dollars and to imprisonment for two years, and the suspension or revocation of any related aviation document.

Made this 15th day of May, 2024.

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