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WEDNESDAY 15TH MAY, 2024

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

GUYANA No. 5 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 140, 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 (Operations) Regulations 2024.

Interpretation.

2. (1) In these Regulations-

"AOC" means Air Operator Certificate;

"EDTO" means Extended Diversion Time Operations;

"MEL" means Minimum Equipment List;

"MMEL" means Master Minimum Equipment List;

"MNPS" means Minimum Navigation Performance Specifications;

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

"RVSM" means Reduced Vertical Separation Minimum;

(2) A word, phrase or expression used in these Regulations, but not defined in them nor in the Act, shall have the meaning assigned to it in the Civil Aviation (General) Regulations 2024.

(3) For the purposes of these Regulations an aircraft shall be deemed to fly for "commercial purposes" or be a "commercial aircraft" if hire, remuneration or reward is given or promised for the carriage of passengers or cargo in the aircraft on that flight.

Application.

3. These regulations shall apply to-

(a) all operations by airmen certified in Guyana while operating Guyana registered aircraft;

(b) all operations of foreign registered aircraft by Guyana AOC holders; and

(c) all operations of aircraft within Guyana's territory by airmen, or AOC holders, of a foreign State.

PART II

AIR OPERATORS' CERTIFICATES

Certification and surveillance of operators.

4. The Authority shall establish –

(a) a system for certification and continued surveillance of air operators to ensure compliance with these Regulations and the Requirements of the Authority in respect of aircraft operations and maintenance; and

(b) a programme of surveillance for operations by a foreign operator within the territory of Guyana,

and may take appropriate action when necessary to preserve safety.

Issue of air operators' certificates.

5. (1) The Authority shall issue an Air Operator Certificate, including an operations' specifications, to any person who intends to engage in commercial air transport operations if the Authority is satisfied that –

(a) the applicant has adequate financial resources or financial arrangements to support the proposed

operations;

(b) the applicant is competent, having regard in particular to the applicant's previous experience, or the previous experience of its owners, directors and senior management in the case of a body corporate; and

(c) the applicant's –

(i) organisation;
(ii) method of control and supervision of flight operations;
(iii) training programme;
(iv) leasing arrangements;
(v) ground handling arrangements; and
(vi) maintenance arrangements;

are consistent with the nature and extent of the operations specified and, where applicable, in accordance with the Requirements of the Authority.

(2) The Authority shall issue an operations' specifications as part of the AOC which shall be in the form, and contain at least the list of information, as set out in the Requirements of the Authority.

(3) The Authority may issue the AOC subject to the applicant meeting the requirements in these Regulations and the Requirements of the Authority and any conditions as the Authority thinks fit and the AOC shall remain in force for two years subject to renewal under subregulation (4).

(4) The Authority shall renew an air operator's AOC once every two years if the air operator maintains the requirements as outlined in these Regulations.

(5) The AOC issued by the Authority shall be in the form set out in the Requirements of the Authority and shall contain the following information –

(a) the State of the Operator and the issuing Authority;
(b) the number of the AOC and its expiration date;
(c) the operator's registered name, and trading name (if different), and address of the principal place of business;
(d) the date of issue and the name, signature and title of the Authority representative;
(e) the principal place of operation, telephone and fax details, including the country code, and emails;
(f) the contact details such as telephone and fax numbers, including the country code, and the email address of the operational management to be contacted without undue delay;
(g) a controlled document containing the contact details include the telephone and fax numbers, including the country code, and the email address;
(h) the reference to the civil aviation regulations;
(i) the issuance date of the AOC in the format of dd-mm-yyyy;
(j) the title, name, and signature of the Authority's representative; and
(k) the official stamp or seal of the Authority may be

applied on the AOC.

(6) A person shall not engage in commercial air transport operations without an AOC issued by the Authority.

(7) A person who contravenes subregulation (6) commits an offence and is liable on summary conviction to a fine of three million dollars and to imprisonment for two years.

Suspension, revocation or amendment of the AOC, and appeal.

6. (1) The Director-General may suspend, revoke or amend the AOC, including the associated operations specifications if –

(a) the Director-General determines that the safety in the air operations and public interest is jeopardized;

(b) the air operator fails to comply with these Regulations or the Requirements of the Authority or any directives, guidelines or provisions of a manual made under section 142;

(c) in the case of an amendment, the AOC holder applies for an amendment and the Director-General determines that the safety in operations and public interest are met; or

(d) in the case of an amendment, the Director-General stipulates in writing that an emergency exists requiring immediate amendment in the public interest with respect to safety in operations and

such an amendment is effective without stay on the date the AOC holder receives notice.

(2) An AOC holder may appeal, in accordance with section 73, the suspension, revocation or amendment but shall comply with the suspension, revocation or amendment until the appeal process is completed and the suspension, revocation or amendment is withdrawn.

(3) Amendments made by the Director-General, other than emergency amendments, shall become effective thirty days after notice to the AOC holder of the amendment.

(4) An AOC holder applying for an amendment shall do so at least thirty days prior to the intended date of the amendment.

Recognition of AOC of another Contracting State.

7. The Authority shall recognise as valid an AOC issued by another Contracting State whose level of compliance is at least equal to the applicable ICAO standards for such certification.

Operations in defined portions of airspaces.

8. (1) An air operator shall not operate –

(a) an aeroplane in defined portions of airspace where –

(i) Minimum Navigation Performance Specifications (MNPS) are prescribed, including Required Navigation Performance, RNP or Area Navigation (RNAV); or

(ii) a Reduced Vertical Separation Minimum (RVSM) of 1000 feet is applied between FL 290 and FL 410; or

(b) a helicopter where MNPS is prescribed;

unless approved to do so by the State of Operator or where applicable, in accordance with the Requirements of the Authority.

(2) Where an air operator wishes to operate an aeroplane or helicopter under the conditions set out in subregulation (1), the air operator shall submit an application to the Authority in the form prescribed in the Requirements of the Authority.

(3) A person operating an aircraft registered in Guyana in Reduced Vertical Separation Minimum (RVSM) airspace, Extended Diversion Time Operations (EDTO), Category II and III operations, and Performance Based Navigation (PBN) and Authorization Required (AR), shall do so in accordance with these Regulations and the Requirements of the Authority.

Approval for operations in RVSM airspace.

9. (1) The Director-General may grant approval for an air operator or an operator of an aircraft registered in Guyana to operate an aeroplane in Reduced Vertical Separation Minimum (RVSM) airspace where the Director-General is satisfied that –

(a) the aeroplane is provided with equipment in accordance with the Requirements of the Authority.

(b) the vertical navigation performance capability of the aeroplane satisfies the Requirements of the Authority;

(c) the operator has instituted appropriate procedures for his aeroplane in respect to continued airworthiness practices and

programmes; and

(d) the operator has instituted appropriate flight crew procedures for operations in Reduced Vertical Separation Minimum (RVSM) airspace.

(2) The Director-General shall consult with the State of Operator or the State of Registry as appropriate, in respect of an aeroplane in subregulation (1) above, to ensure that adequate provisions exist for receiving reports on height-keeping performance as issued by the Caribbean and South American Monitoring Agency (CARSAMMA).

(3) The Authority shall take immediate corrective action for individual aircraft, or aircraft type groups, identified in a report as not complying with the height-keeping requirements for the operation in airspace where RVSM is applied.

(4) An operator shall ensure that a minimum of two aircraft of each aircraft type grouping shall have their height-keeping performance monitored at least once every two years or within intervals of one thousand flight hours per aircraft, whichever period is longer.

(5) Where, under subregulation (4), an aircraft type grouping consists of a single aircraft, monitoring of that aircraft shall be accomplished within the specified time period.

(6) The Director-General may amend, suspend, or revoke an air operator's AOC, or aviation document of any other operator, who conducts operations in RVSM airspace without the required approval

from the Authority, and may, in the case of an aircraft not registered in Guyana or where Guyana is not the State of Operator, notify the State of Registry or the State of Operator of non-compliance with these Regulations.

(7) The Authority shall accept the RVSM certification of the aircraft or group of aircraft granted by the State of Design as reflected in the type certificate, including any amended type certificate or supplemental type certificate, and the aircraft flight manual.

MNPS operations.

10. (1) An operator of an aircraft registered in Guyana shall not conduct operations in MNPS airspace unless –

(a) the operations are approved by the Director-General;

(b) the aircraft is provided with navigation equipment which continuously provides indication to the flight crew of adherence to or departure from the intended track to the required degree of accuracy at any point along that track; and

(c) the aircraft is provided with navigation equipment which will enable it to operate in accordance with the prescribed navigation specifications; and

(d) the operations are conducted in accordance with the Requirements of the Authority.

(2) The Director-General may grant approval for operations based on Performance Based Navigation (PBN) - Authorization Required (AR) navigation specifications to –

(a) air operators; and

(b) operators of aircraft registered in Guyana.

(3) The Director-General may grant approval for operation in defined airspace where, based on a Regional Air Navigation Agreement, MNPS is defined, or in airspace where Required Surveillance Performance (RSP) specification is defined for Performance-Based Surveillance, where he is satisfied that –

(a) the aircraft is provided with equipment in accordance with the Requirements of the Authority;
(b) the navigation and surveillance performance capability of the aeroplane satisfies the Requirements of the Authority;
(c) the operator has instituted appropriate procedures for his aeroplane in respect to continued airworthiness practices and programmes;
(d) the operator has information relevant to the aeroplane navigation specification capabilities and the aeroplane Required Surveillance Performance (RSP) specification capabilities listed in the flight manual or other aeroplane documentation approved by the State of Design or the State of Registry and are included in the MEL;
(e) the operator has instituted appropriate flight crew procedures for operations in Performance Based Navigation (PBN) - Authorization Required (AR) airspace;
(f) the operator has established and documented flight

crew qualification and proficiency requirements in accordance with the appropriate navigation and RSP specifications;

(g) the operator has developed a training programme for relevant personnel consistent with the intended operations;

(h) the operator has established an appropriate maintenance procedure to ensure continued airworthiness in accordance with the appropriate navigation specifications; and

(i) the operator has established and documented normal and abnormal procedures, including contingency procedures.

Category II and category III operations.

11. An operator shall not conduct Category II or Category III operations unless –

(a) in the case of category II operations, each aeroplane concerned is certified for operations with a decision height below 200 feet but not lower that 100 feet and an Runway Visual Range not less than 300 meters;

(b) in the case of category III operations, each aeroplane concerned is certified for operations with a decision height below 100 feet, or no decision height and an RVR less than 300 meters or no Runway Visual Range limitations;

(c) the operations are approved by the Authority;

(d) the flight crew consists of two pilots; and

(e) the decision height is determined by a radio altimeter.

Extended Diversion Time Operations.

12. (1) For international operations, an operator shall not conduct EDTO operations with an aircraft with two or more turbine engines unless approved by the Director-General in accordance with the Requirements of the Authority.

(2) The Authority may grant an air operator approval to operate an aircraft with more than two turbine engines with EDTO maximum diversion times greater than the threshold time of 180 minutes.

(3) The Authority shall accept the EDTO certification of an aircraft granted by its State of Design as reflected in the type certificate data sheet, the aircraft flight manual or aircraft flight manual EDTO supplement, and the EDTO Configuration, Maintenance and Procedures document.

Electronic Flight Bags.

13. (1) An operator shall not operate an Electronic Flight Bag (EFB) on board an aircraft unless the operator has been granted approval to do so by the Director-General in accordance with the appropriate airworthiness requirements and the criteria for the safe operation of the aircraft.

(2) An air operator shall not operate an EFB on board an aircraft unless the pilot-in-command or operator has ensured that the EFB does not affect the performance of the aircraft systems or

equipment or the ability to operate the aircraft, and that, in the case of a portable EFB, it is located on the flight deck and controlled by the flight crew or, as applicable, in the cabin and controlled by the cabin crew during all flight operations.

Single Engine Turbine at night or IMC.

14. An air operator shall not operate a single engine turbine aircraft in IFR conditions or at night unless the air operator is issued a specific approval by the State of the Operator in accordance with the appropriate airworthiness requirements and the criteria for the safe operation of an aircraft.

Approval of training programmes.

15. Subject to such conditions as it thinks fit, the Authority, may –

(a) approve or accept any flight crew, cabin crew, and flight dispatcher training programmes or instructions including initial, recurrent, transition (conversion), requalification, upgrade, recency of experience, familiarization, differences, human factors, and other specialized training;

(b) approve or accept, a person or training organization to conduct such examinations or tests as may be required;

(c) approve or accept a person or training organization to provide or conduct any course of training or instruction;

(d) approve a person or training organization to conduct tests and furnish reports.

Instruments and equipment.

16. (1) A person shall not operate an aircraft unless the aircraft is equipped with –

(a) the instruments;

(b) the communication, navigation, and surveillance equipment which will enable it to proceed in accordance with –

(i) its operational flight plan including plans for operations over water; and

(ii) the requirements of air traffic services; and

(c) any other operations derived equipment,

in accordance with the Requirements of the Authority.

(2) Prior to operating in airspace or along routes where navigation specification for Performance-Based Navigation (PBN) has been prescribed, an operator shall ensure that –

(a) the aircraft is provided with navigation equipment which will enable it to operate in accordance with the prescribed navigation specifications;

(b) the information relevant to the aircraft navigation specification capabilities is listed in the flight manual or other documentation approved by the State of the Design or State of Registry;

(c) the equipment relevant to the aeroplane navigation specification capabilities is included in the MEL.

(3) Prior to operating in defined portions of airspace where, based on a Regional Air Navigation Agreement, Minimum Navigation Performance Specifications (MNPS) are prescribed, the operator shall ensure that –

(a) the aircraft is provided with navigation equipment which will enable it to continuously provide indications to the flight crew of adherence to or departure from the intended track to the required degree of accuracy at any point along that track;

(b) the information relevant to the aircraft navigation specification capabilities is listed in the flight manual or other documentation approved by the State of the Design or State of Registry;

(c) the equipment relevant to the aeroplane navigation specification capabilities is included in the MEL.

(4) Prior to operating in defined portions of airspace where, based on a Regional Air Navigation Agreement, a reduced Vertical Separation Minimum (RVSM) of 300 m (1000 ft) is applied between FL 290 and FL 410 inclusive, an operator shall ensure that the aeroplane is provided with –

(a) sufficient navigation equipment to ensure that, in the event of the failure of one item of equipment at any stage of the flight, the remaining equipment will enable the aeroplane to

continue to navigate in accordance with its flight plan; and

(b) equipment capable of –

(i) indicating to the flight crew the flight level at which the aircraft is being flown;

(ii) automatically maintaining a selected flight level;

(iii) providing an alert to the flight crew when a deviation, exceeding ± 90 m (300 ft), occurs from the selected flight level;

(iv) automatically reporting pressure-altitude.

(5) An operator shall ensure that any equipment carried in or on an aircraft is carried in compliance with these Regulations and the relevant Requirements of the Authority and is securely installed or stowed.

(6) An operator shall ensure that any equipment installed or carried in an aircraft is maintained so as not to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

(7) An operator shall ensure that each aircraft operated by that operator is maintained in an airworthy condition in accordance with the Requirements of the Authority with respect to airworthiness and any airworthiness directives issued by an Authority; and shall ensure that the Certificate of Airworthiness remains valid.

(8) The operator of an aircraft shall not operate the aircraft unless maintenance on the aircraft, including on any associated engine, propeller, or part, is carried out, in the case of an air operator,

by an Approved Maintenance Organization in accordance with the air operator's maintenance control manual and, in the case of other operators, by a person or organization authorised by the State of Registry and shall ensure that -

(a) the maintenance is performed in accordance with the maintenance programme; and

(b) there is a maintenance release in relation to the maintenance carried out.

(9) When the maintenance is not carried out by an AMO, the person or organisation carrying out the maintenance shall cause the maintenance release to be completed and signed by a person licensed in accordance with regulations made under the Act with respect to personnel licensing and with the relevant Requirements of the Authority.

(10) An air operator shall submit to the Authority its maintenance control manual for approval and the Authority may approve the air operator's maintenance control manual in accordance with the Requirements of the Authority.

(11) The air operator shall ensure that the maintenance control manual takes into consideration human factor principles.

(12) The Authority may approve a maintenance programme submitted by the air operator in accordance with the Requirements of the Authority or, in the case of an aircraft not registered in Guyana, accept the maintenance programme approved by the State of Registry.

(14) An operator shall maintain aircraft maintenance records in accordance with the Requirements of the Authority, and shall in the event of a temporary change of operator, make these records available to the new operator, or in the event any permanent change of operator, the records shall be transferred to the new operator.

(15) An operator shall ensure that all modifications and repairs comply with the airworthiness Requirements of the Authority.

Minimum equipment requirements.

17. (1) The Authority may, subject to such conditions as it sees fit, grant in respect of any aircraft or class of aircraft registered in Guyana permission to an air operator for a pilot-in-command to commence a flight notwithstanding that any required instrument or item of equipment, including radio apparatus, is not carried, or is not in a fit condition for use, in accordance with the provisions of subregulation (2)(c).

(2) An air operator shall not cause a flight of an aircraft registered in Guyana to commence 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 any permission granted under subregulation (1) which has been granted to the operator;

(b) unless in the case of an aircraft to which regulation 21 applies, the flight and operations manuals

required thereby contain the particulars in a notice issued by the Authority pursuant to these Regulations; and

(c) in accordance with a MEL approved by the Authority in accordance with the Requirements of the Authority 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.

(3) An air operator shall submit to the Authority, for its approval, a MEL for each aircraft or aircraft type based on the relevant MMEL for that aircraft or aircraft type.

PART III

OPERATION OF AIRCRAFT

Operations manual.

18. (1) An air operator shall -

(a) provide the Authority with a copy of the air operator's operations manual, and all amendments to it, and such material as the Authority may require, for the review, acceptance and, where required, approval of the Authority; and

(b) make available to all of the air operator's operations personnel the approved operations manual and all

amendments thereto.

(2) The operator of an aircraft to which this regulation applies, shall submit prior to the commencement of operation by that aircraft, a copy of the whole of the operations manual for the time being in effect in respect of the aircraft, and the operator shall not cause, the aircraft to commence operation until the operations manual has been approved by the Authority.

(3) The operator of an aircraft to which this regulation applies shall cause any amendment or addition to the operations manual to be furnished to and approved by the Authority before they come into effect:

Provided that where an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously relate, that the operator shall not cause the aircraft to be flown for the purpose of air transport service until the amendment or addition has been furnished to and approved by the Authority.

(4) An operator shall make such amendments or additions to the operations manual as the Authority may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

Training programme.

19. (1) An air operator shall develop a training programme in accordance with the Requirements of the Authority and ensure that the training programme is kept up-to-date.

(2) An air operator shall furnish the Authority with the training programme and all amendments or additions to the training programme for approval before they come into effect and shall not

fly, or cause to be flown, any aircraft to which the training programme or any amendment or addition relates, before that approval.

(3) An air operator shall make such amendments or additions to the training programme as the Authority may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

Air operator's responsibilities.

20. (1) The air operator of an aircraft registered in Guyana shall not permit the aircraft to be operated commercially without first

(a) designating from among the flight crew a pilot to be the pilot-in-command of the aircraft for the flight;

(b) satisfying himself by every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion therefrom are adequate for the safe navigation of the aircraft; and

(c) satisfying himself by every reasonable means that the aerodromes at which he is intended to take off or land and any alternate aerodrome at which a landing may be made are suitable for the purpose and in particular are adequately manned and equipped to ensure the safety of the aircraft and its passengers:

(d) as part of its safety management system, assessing

the level of rescue and firefighting service (RFFS) protection available, if applicable, at an aerodrome intended to be specified in the operational flight plan in order to ensure that an acceptable level of protection is available for the type and size of aircraft intended to be used.

(2) An operator of an aircraft registered in Guyana shall not permit any person to be a member of the crew of the aircraft during any flight for the purpose of commercial operations unless the person has had the training, experience, practice and periodical tests as may be specified in the Requirements of the Authority in respect of the duties which the person is to perform and unless the operator is satisfied that the person is competent to perform the person's duties, and in particular, to use the equipment provided in the aircraft for that purpose.

(3) An operator shall maintain, preserve, and where requested by an authorized person, produce and furnish to that person information respecting records relating to the matters in subregulation (2).

Loading of commercial aircraft.

21. (1) An air operator shall not cause or permit an aircraft to be loaded or any load to be suspended therefrom for a flight except under the supervision of a flight operations officer or flight dispatcher whom the operator has caused to be furnished with written instructions as to the distribution and securing of the load so as to ensure that -

(a) the load may safely be carried on the flight; and

(b) any conditions subject to which the Certificate of Airworthiness in force in respect of the aircraft was issued or rendered valid, being conditions relating to the loading of the aircraft, are complied with.

(2) An air operator shall cause the instructions mentioned in subregulation (1) to indicate the weight of the aircraft prepared for service, that is to say the empty weight of the aircraft and the weight of such additional items in or on the aircraft as the operator thinks fit to include; and shall cause the instructions to indicate the additional items included in the weight of the aircraft prepared for service, and show the position of the centre of gravity of the aircraft at that weight.

(3) An operator of an aircraft shall not cause or permit the aircraft to be loaded in contravention of the instructions referred to in subregulation (1).

(4) A flight operations officer or flight dispatcher supervising the loading of the aircraft shall, before the commencement of the flight, prepare and sign a load sheet in duplicate conforming to the requirements under subregulations (1) and (2), and shall, unless the flight operations officer or flight dispatcher is the pilot-in-command of the aircraft, submit the load sheet for examination by the pilot-in-command of the aircraft who shall sign his name thereon.

(5) An air operator shall ensure that one copy of the load sheet is carried in the aircraft until the flights to which it relates have been completed and that one copy of that load sheet and of the instructions referred to in this regulation is preserved, until the expiration of a period of three months.

(6) The air operator of an aircraft shall not cause or permit baggage to be carried in the passenger compartment of the aircraft unless the baggage can be properly secured and, in the case of an aircraft capable of seating more than 30 passengers, the baggage does not exceed the capacity of the spaces in the passenger compartment approved by the Authority for the purpose of stowing baggage unless carried in accordance with the terms of a written permission granted by the Authority, subject to any conditions the Authority thinks fit.

Commercial operation conditions.

22. (1) A person shall not fly an aircraft in meteorological conditions specified in the Requirements of the Authority, or at night, for commercial purposes except in accordance with the Requirements of the Authority in respect of its weight and related performance.

(2) An air operator or pilot-in-command shall base his assessment of the capability of an aircraft to comply with subregulation (1) on the information as to its performance contained in the Certificate of Airworthiness and if the information given therein is insufficient for that purpose the assessment shall be based on the best information available to the air operator or pilot-in-command of the aircraft.

(3) A person flying an aircraft over water for commercial purposes shall fly it, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the aircraft to reach a place at which it can safely land at a height sufficient to enable it to do so –

(a) if it has one engine only, in the event of the failure of that engine; or

(b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the Certificate of Airworthiness relating to the aircraft.

Aerodrome operating minima for aircraft registered in Guyana.

23. (1) An air operator shall establish and include in the air operator's operations manual, aerodrome operating minima for every aerodrome of departure and landing and every alternate aerodrome to be used in operations and in the case of helicopter operations, operating minima for each heliport or landing location to be used in their operations.

(2) The Authority may approve the method used by the operator for the determination of the aerodrome operating minima.

(3) Unless specifically approved by the State of Aerodrome, the aerodrome operating minima and/or the operations minima for heliports or landing locations established by the air operator shall not be lower than that established by the State of Aerodrome.

(4) A person shall not cause an aircraft to take-off from or land at any aerodrome in Guyana in contravention of the specified aerodrome operating minima, or in the case of helicopters, the operating minima for the heliport or landing location, or the specific instructions issued by the Authority.

Aerodrome operating minima for aircraft not registered in Guyana.

24. (1) A person shall not fly or cause to be flown in or over Guyana an aircraft registered in a country other than Guyana unless the operator thereof shall have furnished the Authority with such

particulars as the Authority may from time to time have required relating to the aerodrome operating minima specified by the operator in relation to aerodromes in Guyana for the purpose of limiting their use by the aircraft for take-off or landing, including any instructions given by the operator in relation to such aerodrome operating minima.

(2) A person shall not fly or cause to be flown an aircraft in subregulation (1) in or over Guyana unless the operator shall have made such amendments or additions to the aerodrome operating minima so specified and any instructions so given as the Authority may require for the purpose of ensuring the safety of the aircraft or the safety, efficiency or regularity of air navigation.

(3) A person shall not cause an aircraft registered in a country other than Guyana to take-off from or land at any aerodrome in Guyana in contravention of the specified aerodrome operating minima, or in the case of helicopters, the operating minima for the heliport or landing location, or the specific instructions issued by the Authority.

Aerodrome operating minima for aircraft.

25. (1) This regulation shall apply to non-commercial aircraft operations.

(2) A person shall not cause an aircraft when making a descent at an aerodrome to a runway in respect of which there is a published instrument approach procedure to descend from a height of 1000 feet above the aerodrome if the relevant Runway Visual Range for that runway is at the time less than the specified minimum for landing.

(3) A person shall not cause an aircraft when making a descent to a runway in respect of which there is a published instrument

approach procedure to –

(a) continue an approach to landing on such a runway by flying below the relevant specified decision height; or

(b) descend below the relevant specified minimum descent height,

unless in either case from such height the specified visual reference for landing is established and is maintained.

(4) In this regulation, "specified" in relation to aerodrome operating minima, means such particulars of aerodrome operating minima as have been published in respect of the aerodrome or if the relevant aerodrome operating minima have not been published such minima as are ascertainable by reference to the published method for calculating aerodrome operating minima.

Pre-flight action by pilot-in-command of aircraft.

26. A pilot-in-command of an aircraft operating in Guyana shall reasonably satisfy himself before the aircraft takes off -

(a) that pre-flight action for flights away from the vicinity of an aerodrome, and for all IFR flights, include –

(i) a careful study of available current weather reports and forecasts that may affect the flight taking into consideration fuel requirements;

(ii) an alternative course of action if the flight cannot be completed as planned;

(iii) actions that ensure the safe operation of the aircraft and the safety of all crew members, passengers and cargo on board, from the moment the engines are started, and –

(A) in the case of an aeroplane, the aeroplane is ready to move for the purpose of taking off until it comes to a rest and the engine is shut down; and

(B) in the case of a helicopter, when the engine and rotor blades are stopped;

(iv) compliance with the checklists, verifying the journey logbook and completion of general declaration, specified in the Requirements of the Authority.

(b) that the equipment required by or under these Regulations to be carried in the circumstances of the intended flight is carried and is in a fit condition for use;

(c) that the flight may commence under and in accordance with the terms of a permission granted to the operator;

(d) that the aircraft is in every way fit for the intended flight, and that where a certificate of maintenance release is required to be in force, such certificate is in force and will not cease to be in force during the

intended flight;

(e) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;

(f) in the case of an aircraft, taking into account any delays that are expected in flight, that sufficient fuel and oil are carried to enable it to complete the intended flight;

(g) that, in accordance with the Requirements of the Authority, a safe margin has been allowed for contingencies, and, in the case of a flight for commercial purposes, the instructions in the operations manual relating to fuel and oil have been complied with;

(h) in the case of an aircraft, that having regard to the performance of the aircraft in the conditions to be expected on the intended flight, and to any obstructions at the places of departure and intended destination and on the intended route, that it is capable of safely taking off, reaching and maintaining a safe height thereafter, and making a safe landing at the place of intended destination; and

(i) that any pre-flight check system established by the operator and set forth in the operations manual or elsewhere has been complied with by each member

of the crew of the aircraft.

Pilots to remain at controls.

27. (1) The pilot-in-command of an aircraft registered in Guyana, being an aircraft or glider, shall cause one pilot to remain at the controls at all times while the aircraft is in flight and –

(a) if it is required under these Regulations that the aircraft is to carry two pilots, the pilot-in-command shall cause both pilots to remain at the controls during take-off and landing; and

(b) if the aircraft carries two or more pilots and is engaged on a flight for commercial purposes, the pilot-in-command shall remain at the controls during take-off and landing.

(2) Each pilot at the controls shall secure himself or herself in the pilot's seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness except that during take-off and landing a safety harness shall be worn.

Survival suits.

28. An operator shall ensure that each member of the crew of an aircraft registered in Guyana, and forming part of that operator's operations, is equipped with a survival suit.

Duties of pilot-in-command.

29. (1) The pilot-in-command of an aircraft shall be responsible for the safety of all crew members, passengers and cargo on board the aircraft when the doors are closed.

(2) The pilot-in-command shall also be responsible for the operation and safety of the aircraft from the moment the aircraft is

ready to move for the purpose of taking off until the moment it finally comes to rest at the end of the flight and the engines used as primary propulsion units are shut down and rotor blades stopped, if applicable.

(3) The pilot-in-command shall ensure that the checklists are complied with in detail.

(4) The pilot-in-command shall be responsible for notifying the nearest appropriate authority by the quickest available means of any accident or serious incident involving the aeroplane, resulting in serious injury or death of any person or substantial damage to the aircraft or property.

(5) The pilot-in-command shall report all known or suspected defects in the aircraft, to the operator, at the termination of the flight.

(6) The pilot-in-command shall be responsible for the journey log book or the general declaration.

Operation of radio in aircraft.

30. (1) A person shall not operate the radio station in an aircraft, whether or not the aircraft is in flight, except –

(a) in accordance with the conditions of a licence issued in respect of that station under the law of the country in which the aircraft is registered; and

(b) if the person is duly licensed or otherwise permitted to operate the radio station under that law.

(2) Whenever an aircraft is in flight in such circumstances that it is required by or under this regulation to be equipped with radio communications apparatus, the air operator in respect of that aircraft

shall ensure that a continuous radio watch is maintained by a flight crew member listening to the signals transmitted upon the frequency notified, or designated by a message received from an appropriate aeronautical radio station, for use by that aircraft:

Provided that -

(a) the radio watch may be discontinued or continued on another frequency to the extent that a message as referred to above so permits; and

(b) the watch may be kept by a device installed in the aircraft if -

(i) the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and

(ii) that station is notified, or in the case of a station situated in a country other than Guyana, otherwise designated as transmitting a signal suitable for that purpose.

(3) Whenever an aircraft is in flight in such circumstances that it is required by or under this regulation to be equipped with radio or radio navigation equipment, the air operator in respect of that aircraft shall ensure that a member of the flight crew operates that equipment in such a manner as he may be instructed by the appropriate air traffic control unit or as may be notified in relation to any notified airspace in which the aircraft is flying.

(4) A person shall not operate the radio station in an aircraft so as to cause interference which impairs the efficiency of aeronautical

telecommunications or navigational services.

Minimum navigation performance.

31. A person shall not fly, or cause to be flown, an aircraft registered in Guyana in airspace specified for the purposes of this regulation unless –

(a) it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability;

(b) the navigation systems required by paragraph (a) are approved by the Authority and installed and maintained in a manner approved by the Authority;

(c) the operating procedures for the navigation systems required by paragraph (a) are approved by the Authority; and

(d) the equipment is operated in accordance with the approved procedures while the aircraft is being flown in the airspace.

Use of flight recorders and preservation of records.

32. (1) The pilot-in-command of an aircraft shall ensure –

(a) that the flight data recorders and voice data recorders installed on the aircraft are operated continuously from the time pre-start checks commence until the end of securing the aircraft checklist; and

(b) flight data recorders are not at any time disabled, switched off, or erased during flight.

(2) An air operator shall ensure, to the extent possible, in the event the aircraft becomes involved in an accident or serious incident, that all related flight recorder records and, if necessary, the associated flight recorders, are preserved in safe custody pending their disposition as determined in accordance with the Requirements of the Authority.

(3) An air operator of an aircraft shall at all times, subject to the provisions of regulation 58, preserve -

(a) the last twenty-five hours of recording made by any flight data recorder required by or under these Regulations to be carried in an aircraft; and

(b) a record of not less than one representative flight, that is to say, a recording of a flight made within the last twelve months which includes a take-off, climb, cruise, descent, approach to landing and landing, together with a means of identifying the record with the flight to which it relates,

and shall preserve such records for such period as the Authority may in a particular case direct.

(4) On any flight of a helicopter on which a cockpit voice recorder or a flight data recorder or a combined cockpit voice recorder or flight data recorder is required to be carried, the person flying the helicopter shall ensure that it is always in use from the time the rotors first turn for the purpose of taking off until the rotors are next stopped.

(5) An air operator of a helicopter shall at all times, subject to

regulation 58, preserve -

(a) the last eight hours of recording made by any flight data recorder required by or under these Regulations to be carried in the helicopter;

(b) in the case of a combined cockpit voice recorder or flight data recorder required by or under these Regulations to be carried in a helicopter either -

(i) the last eight hours of recording; or

(ii) the recording of the last five hours, or the duration, of the last flight, whichever is the greater, (hereinafter referred to in this regulation as the 'required recording'), together with an additional period of recording for either -

(A) the period immediately preceding the required recording; or

(B) such period or periods as the Authority may require generally or in any particular case or class of cases.

(6) An air operator shall ensure that the additional recording retained pursuant to subregulation (5)(b)(ii), together with the required recording, add up to a total period of eight hours and shall be retained in accordance with arrangements approved by the Authority.

(7) The Authority shall grant approvals for the purposes of this

regulation in writing and subject to such conditions as the Director-General thinks fit.

Towing of gliders.

33. (1) A person shall not use an aircraft in flight for the purpose of towing a glider unless –

(a) the Certificate of Airworthiness issued or rendered valid in respect of the towing aircraft under the law of the country in which that aircraft is registered includes an express provision that it may be used for that purpose; and

(b) the length of the combination of towing aircraft, tow rope and glider in flight does not exceed 150 metres.

(2) A person my shall not act as a tow pilot for a glider unless that person has at least a private pilot certificate with a category rating for the tow aircraft.

Towing, picking up and raising of persons and articles.

34. (1) Subject to the provisions of this regulation, a person shall not use an aircraft in flight over Guyana, by means external to the aircraft, to tow any article, other than a glider, 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) A person shall not use an aircraft to launch or pick up tow ropes, banners or similar articles other than at an aerodrome.

Dropping of animals and articles.

35. (1) A person shall not use an aircraft to drop articles or animals, whether or not attached to a parachute, 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 granted under regulation 37, a person shall not use an aircraft flying over Guyana to drop articles or animals, whether or not attached to a parachute, to the surface:

Provided that this subregulation 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 ballast in the form of fine sand or water;

(d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or the provisions of these Regulations;

(e) the dropping at an aerodrome of tow ropes, banners, or similar articles towed by aircraft;

(f) 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 Authority and in accordance with any conditions subject to which that permission may have been given;

(g) 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 Authority 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.

36. (1) A person shall not be dropped or be permitted to jump to the surface from an aircraft flying over Guyana except under and in accordance with the terms of a written permission granted by the Authority under this regulation.

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

(3) Notwithstanding the grant of a permission under

subregulation (1), a person shall not be dropped or be permitted to jump to the surface from an aircraft in flight so as to endanger persons or property.

(4) A person shall not use an aircraft 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 written permission granted by the Authority under this regulation.

Issue of aerial application certificates.

37. (1) A person shall not use an aircraft 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 subregulation (2).

(2) The Authority shall grant an aerial application certificate to an applicant if it is satisfied that the person is fit and competent to hold the certificate, having regard in particular to the applicant's previous conduct, experience, equipment, organisation, staffing and other arrangements to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in subregulation (1).

(3) The Authority may grant the certificate subject to such conditions as the Director-General 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, and the certificate shall, subject to the provisions of regulation 38, remain in force for the period specified in the certificate.

(4) A person shall not engage in agricultural aircraft operations without an aerial application certificate issued by the Authority and, as applicable a commercial agricultural aircraft operator certificate or a private agricultural aircraft operator certificate for those operations.

(5) In a public emergency, a person conducting agricultural aircraft operations in accordance with the relevant part of the Requirements of the Authority may, to the extent necessary, deviate from the operating rules in the Requirements of the Authority for relief and welfare activities approved by an agency of the Regional or a local government.

(6) Each person who, under the authority of this regulation, deviates from a rule in the Requirements of the Authority shall, within 10 days after the deviation send to the Authority a complete report of the aircraft operation involved, including a description of the operation and the justifications for it.

(7) Every applicant for, and holder of, an aerial application certificate shall –

(a) make available to the Authority for its approval 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;

(b) make available to the Authority for its approval and to every member of his operating staff after that approval, any amendments of or additions to the manual;

(c) make such amendments of or additions to the manual as the Authority may require.

Flights over any foreign country.

38. (1) Where an aircraft is registered in Guyana, or operated by an operator whose principal place of business or permanent residence is in Guyana, and is being flown over a foreign country, the operator or pilot-in-command of the aircraft shall –

(a) not allow the aircraft to be used for purpose which is prejudicial to the security, public order or public health of, or to the safety of, air navigation in relation to that country;

(b) comply with any directions given by the appropriate aeronautical authorities of that country unless the lives of persons on board or the safety of the aircraft would thereby be endangered.

(2) A person shall not be deemed to contravene –

(a) subregulation (1)(a) if the person neither knew nor suspected that the aircraft was being or was to be used for a prejudicial purpose referred to in subregulation (1)(a); or

(b) subregulation (1)(b) if the person neither knew nor suspected that directions were being given by the appropriate aeronautical authorities referred to in subregulation (1)(b).

(3) The operator or pilot-in-command shall comply with subregulation (1)(b) without prejudice to any other requirement to comply with directions of an aeronautical authority.

(4) In this regulation "appropriate aeronautical authorities" includes any person, whether a member of a country's military or civil authorities, authorised under the law of the foreign country, in which the aeronautical authorities are found, to issue directions to aircraft flying over that country.

Carriage of weapons and of munitions of war.

39. (1) A person shall not while on board an aircraft carry on or about their person a deadly or dangerous weapon, either concealed or unconcealed.

(2) An operator may permit a person to transport a weapon, in accordance with the operator's approved security programme or security measures if –

(a) the weapon is unloaded; and

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(b) both the weapon and ammunition are securely stowed in a place inaccessible to any person during the flight.

(3) Officials or employees of the State, or crew members who are authorised to carry weapons or ammunition on board the aircraft in domestic flights shall do so in accordance with an approved

security programme and the pilot-in-command shall be notified by the operator as to the number of armed persons and the location of their seats.

(4) The persons identified in subregulation (3) may not carry weapons aboard an international flight unless there is prior agreement between all States in which the operation will be either conducted or overflown.

(5) A person shall not carry any munitions of war on an aircraft unless –

(a) such munitions of war are carried with the written authorization of the Commissioner of Police and the Guyana Revenue Authority 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, quantity and location of any such munitions of war on board or suspended beneath the aircraft and any conditions of the permission of the Commissioner of Police.

(6) Notwithstanding subregulation (5) a person shall not cause an aircraft to carry any weapon or munitions of war in any compartment or apparatus to which passengers have access.

(7) A person shall not 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) 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

(b) without prejudice to subregulation (5) of this regulation, the operator consents to the carriage of such weapon or munitions of war by the aircraft.

(8) Nothing in this regulation shall apply to any weapon taken or carried on board an aircraft registered in a country other than Guyana and flying in or over Guyana, if the weapon 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.

(9) For the purposes of this regulation "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.

(10) An air operator conducting operations including flights to Guyana -

(a) shall not transport weapons of war or munitions of war by air unless an approval to do so has been granted by all States concerned;

(b) shall not transport unloaded firearms unless prior

approval has been granted by all States concerned that such weapons of war or munitions of war may be transported;

(c) shall ensure that weapons of war and munitions of war transported on an aircraft are stowed in the aircraft in a place which is inaccessible to passengers during flight; and

(c) shall ensure that the pilot-in-command is notified before the flight begins of the details and location on board the aeroplane or helicopter of any weapons of war and munitions of war that are intended to be carried.

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

Carriage of dangerous goods.

40. (1) The Authority shall monitor and enforce compliance with the Requirements of the Authority, the provisions of Annex 18 to the Chicago Convention, the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the Dangerous Goods Certification and Surveillance Manual and is authorised to submit, to ICAO, variations with respect to the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air on behalf of Guyana where necessary.

(2) Any person who offers or accepts dangerous goods for commercial air transport in violation of the Requirements of the Authority, the provisions of Annex 18 to the Chicago Convention or

any part of the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air, or violates any duty imposed thereunder, commits an offence and shall be liable to a penalty of three million dollars.

Method of carriage of persons.

41. (1) A person shall not be in or on any part of an aircraft in flight which is not a part designed for the accommodation of persons and in particular a person shall not be on the wings or undercarriage of an aircraft.

(2) A person shall not be in or on any object, other than a glider or aircraft, towed by or attached to an aircraft in flight:

Provided that a person may have temporary access to -

(a) any part of an aircraft for the purpose of taking any action necessary for the safety of the aircraft or of any person, animal or goods therein; and

(b) any part of an aircraft in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.

Exits and break-in markings.

42. An air operator shall, with respect to each aircraft in that air operator's operations that is registered in Guyana, ensure that every exit therefrom and every internal door in the aircraft is in working order, and that during take-off and landing and during any emergency, every such exit and door is kept free of obstruction and shall not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers and is clearly marked in a manner as specified in

the Requirements of the Authority.

Imperilling safety of any person or property.

43. (1) A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property.

(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.

Drunkenness in aircraft.

44. (1) A person shall not permit the boarding or serving of any person, except a medical patient under proper care, on an aircraft who is or appears to be intoxicated or who demonstrates, by manner or physical indications, that that person is under the influence of alcohol or a drug.

(2) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting –

(a) be under the influence of alcohol or a drug to such an extent as to impair his capacity so to act, or

(b) consume alcohol within a minimum period of eight hours prior to reporting for duty.

(3) A person who contravenes subregulation (1) or (2) commits an offence and is liable to a fine not exceeding one million dollars.

Authority of pilot-in-command of aircraft.

45. A person in an aircraft registered in Guyana 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 and the pilot-in-command shall be entitled to authorise the restraining, by a cabin crew member or any person on board the aircraft, of any passenger who is in breach of any of the provisions of regulations 43, 44(1) or 47(1).

Stowaways.

46. A person shall not secrete himself or herself for the purpose of being carried in an aircraft without the consent of either the operator or the pilot-in-command thereof or of any other person entitled to give consent.

Safeguarding against acts of unlawful interference.

47. (1) A person shall not interfere in any manner with the performance of the duties of a member of the flight crew of an aircraft in Guyana.

(2) A commercial aircraft registered in Guyana that has a flight crew compartment separate from the passenger compartment and fitted with a door separating the two compartments shall have a lock on that door which is operated from within the flight crew compartment.

(3) The holder of an AOC issued in Guyana shall provide the flight crew with a checklist to be followed in searching for a bomb or other device when a threat of the presence of a bomb on the aircraft is suspected.

(4) The holder of an AOC issued in Guyana shall establish and maintain a security programme and a training programme designed to assist flight crew members to minimise the consequences of acts of unlawful interference.

(5) The pilot-in-command of an aircraft registered in Guyana which is subjected to an act of unlawful interference shall submit, as

soon as practicable, a full report on the incident to the Authority and to such other authority as the Authority may designate.

(6) The pilot-in-command of an aircraft which is being subjected to unlawful interference shall endeavour to notify the appropriate air traffic services unit of the interference, together with such information regarding deviation from the current flight plan as will enable the air traffic services unit to minimise the risk of conflict with other aircraft.

(7) An operator shall, immediately upon receiving information that an act or suspected act of unlawful interference has been committed, notify the Authority.

(8) 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.

Remotely piloted aircraft.

48. (1) A person or organisation shall not operate Remotely Piloted Aircraft unless under the Authority of and in accordance with the terms of any law in respect of Remotely Piloted Aircraft Systems.

(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.

PART IV

AIRCREW FATIGUE AND FLIGHT LIMITATIONS

Application and interpretation of this Part.

49. (1) This Part shall apply in relation to any aircraft registered in Guyana which is engaged on a flight for commercial purposes but shall not apply in relation to a flight made only for the purpose of

instruction in flying given by or on behalf of a flying club or flying school, or a person who is not an air transport undertaking.

(2) In this Part, except where the context otherwise requires –

(a) "flight duty period", in relation to any person, means a continuous period of duty which includes a flight or series of flights together with all duties that a flight crew member may be required to carry out from the moment that he reports at his place of employment on the day of the flight until he is relieved of his duties, having completed the flight or series of flights as a member of the crew thereof;

(b) "day" means a continuous period of twenty-four hours beginning at midnight co-ordinated universal time.

(3) For the purposes of this Part, a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

Fatigue of crew – operator's responsibilities.

50. (1) The operator of an aircraft shall not cause or permit that aircraft to make a flight unless -

(a) the operator has established a scheme for the regulation of flight duty and minimum periods for every person flying in that aircraft as a member of its crew in accordance with the provisions of Annex

to the Chicago Convention;

(b) the scheme is approved by the Authority subject to such conditions as it thinks fit and has been made available to every person flying in that aircraft as a member of its crew; and

(c) the operator has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aircraft as a member of its crew.

(2) The operator of an aircraft shall not cause or permit any person to fly therein as a member of its crew if the operator knows or has reason to believe that the person is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue while the person is so flying as may endanger the safety of the aircraft or of its occupants.

(3) Following a flight duty time assignment, an operator shall provide a crew member with the greater of either a rest period –

(a) at least as long as the preceding duty period; or

(b) such as to allow the crew member to have a minimum of eight hours of sleep opportunity in suitable accommodation,

and any additional rest period required by these Regulations.

(4) The operator of an aircraft shall not cause or permit any

person to fly therein as a member of its flight crew unless the operator has in his possession an accurate and up-to-date record in respect of that person and in respect of the twenty-eight days immediately preceding the flight showing -

(a) all his flight duty periods; and

(b) brief particulars of the nature of the functions performed by him in the course of his flight duty periods.

(5) The record referred to in subregulation (4) shall, subject to the provisions of regulation 58, be preserved by the operator of the aircraft until a date twelve months after the flight referred to in that subregulation.

Fatigue Risk Management System.

51. (1) An AOC holder shall implement a Fatigue Risk Management System (FRMS) to manage fatigue-related safety risks which, for a minimum, shall -

(a) include and incorporate scientific principles, knowledge and best practices;

(b) identify fatigue-related safety hazards and the resulting risks on an ongoing basis;

(c) ensure that remedial actions, necessary to effectively mitigate the risks associated with the hazards, are implemented promptly;

(d) provide for continuous monitoring and regular assessment of the mitigation of fatigue risks achieved by such actions; and

(e) provide for continuous improvement to the overall

performance of the FRMS.

(2) An air operator shall establish maximum values for flight times or flight duty periods and duty period, and minimum values for rest periods. These values shall be based on scientific principles and knowledge, subject to safety assurances processes acceptable to the Authority.

(3) The Director-General may –

(a) approve the FRMS of an air operators;

(b) mandate a decrease in maximum values and an increase in minimum values, in the event that the FRMS data indicates that these values are too high or too low, respectively; and

(c) approve any increase in maximum values or decrease in minimum values, only after evaluating the submitted justification for such changes, based on accumulated FRMS experience and fatigue-related data.

(4) An air operator may integrate its FRMS into its Safety Management System (SMS).

Fatigue of crew – responsibilities of crew.

52. (1) A person shall not act as a member of the crew of an aircraft if the person knows or suspects that the person is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

(2) A person shall not act as a member of the flight crew of an aircraft unless the person has ensured that the operator of the aircraft is aware of the person's flight duty periods during the period of thirty days preceding the flight.

Flight hours and flight duty hours.

53. A person shall not act as a member of the flight crew of an aircraft registered in Guyana except in accordance with the Requirements of the Authority with respect to flight hours and flight duty hours.

PART V

DOCUMENTS AND RECORDS

Documents to be carried.

54. (1) A person shall not fly an aircraft in or over Guyana unless it carries the documents which it is required to carry under the law of the country in which it is registered.

(2) A person flying an aircraft registered in Guyana shall ensure that, when in flight, the aircraft carries the documents specified in the Schedule.

Schedule

Cosmic radiation records to be kept.

55. The operator of a public transport aircraft registered in Guyana shall, in respect of any flight by that aircraft during which it may fly at an altitude of more than 49,000 feet, keep a record in a manner specified by the Authority of the total dose of cosmic radiation to which the aircraft is exposed during the flight together with the names of the members of the crew of the aircraft during the flight.

Production of documents and records.

56. (1) The pilot-in-command of an aircraft shall, within a reasonable time after being requested to do so by an authorised

person, produce or cause to be produced to that person –

(a) the certificates of registration and airworthiness in force in respect of the aircraft;

(b) the licences of its flight crew; and

(c) such other documents as the aircraft is required by regulation 54 to carry when it is in flight.

(2) The operator of an aircraft registered in Guyana, or the pilot-in-command of the aircraft, shall, within a reasonable time after being requested to do so by an authorised person, produce or cause to be produced to that person such documents or records as may have been requested by that person being documents or records which are required, by or under these Regulations, to be in force or to be carried, preserved or made available and which are related to flight operations or maintenance.

(3) The holder of a licence granted or rendered valid by the Authority or a medical certificate shall, within a reasonable time after being requested to do so by an authorised person, produce or cause to be produced to that person the licence, including any certificate of validation but the requirements of this subregulation shall be deemed to have been complied with, except in relation to licences required by regulation 54 to be carried in the aircraft or kept at an aerodrome, if the licence requested is produced within twenty four hours after the request has been made to the Authority.

(4) A person required to keep a personal flying logbook (electronic or otherwise) shall, within a reasonable time after being requested to do so by an authorised person, produce it or cause it to be

produced to the authorised person reflecting two years of entries ending at the last entry.

Power to inspect and copy documents and records.

57. An authorised person shall have the power to inspect and copy any certificate, licence, log book, document or record which the authorized person has the power under the Act to require to be produced.

Preservation of documents.

58. A person required by these Regulations to preserve any document or record by reason of being the operator of an aircraft shall, if the person ceases to be the operator of the aircraft, continue to preserve the document or record as if the person had not ceased to be the operator, and in the event of the person's death the duty to preserve the document or record shall fall upon the person's personal representative:

Provided that if -

(a) another person becomes the operator of the aircraft the first-mentioned operator, or his or her personal representative shall deliver to that other person upon demand the certificates of maintenance release and compliance, the log books, the weight schedule and any record made by a flight data recorder and preserved in accordance with regulation 32(2);

(b) an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person, the first-mentioned operator or his or her personal representative shall

deliver to that other person upon demand the log book relating to that engine or propeller; or

(c) any person in respect of whom a record has been kept by the first mentioned operator in accordance with regulation 50(5) becomes a member of the flight crew of a commercial aircraft registered in Guyana and operated by another person, the first-mentioned operator or his or her personal representative shall deliver those records to that other person upon demand,

and it shall be the duty of that other person to deal with the document or record delivered to that other person as if the other person were the first-mentioned operator.

PART VI

MISCELLANEOUS

Airmen and operators to comply with local and foreign laws.

59. (1) Airmen and operators certified by the Authority shall comply with these Regulations when operating outside of Guyana's territory, except when such compliance would result in violation of the laws of the State in which the operation is conducted.

(2) When operating in a foreign State, air operators shall ensure their flight crews and other operational personnel are familiar with the relevant laws, regulations and procedures of that State and ensure they observe the laws, regulations and procedures applicable to the performance of their respective functions prescribed for the areas traversed and for the aerodromes or heliports to be used and the related air navigation facilities.

Notification of non-compliance of foreign operator.

60. (1) The Director-General shall immediately notify a foreign operator and, if the issue warrants it, the civil aviation authority of the foreign operator, when-

(a) the Director-General identifies that a foreign operator has failed or is suspected of failing to comply with applicable laws, regulations and procedures; or

(b) a similar serious safety issue arises with that operator that affects safety.

(2) In cases under subregulation (1), where the civil aviation authority of the State of the Operator is different from the civil aviation authority of the State of Registry, the civil aviation authority of the State of Registry shall also be notified, if the issue falls within the responsibilities of that State and justifies a notification.

(3) In the case of notification to the States provided for in this regulation, if the issue and its resolution warrant it, the Authority shall engage the civil aviation authority of the State of the Operator and of the State of Registry, as applicable, concerning the safety standards maintained by the operator.

General penalty.

61. A person who contravenes a provision of these Regulations, or the Requirements of the Authority made in respect of them, 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.

SCHEDULE reg. 54

DOCUMENTS THAT MUST BE CARRIED BY AIRCRAFT REGISTERED IN GUYANA

1. Documents to be carried by aircraft registered in Guyana are as follows –

(1) on a flight for the commercial purposes of public transport: documents A, B, C, D, E, F, H, K, L and, if the flight is international air navigation, documents G and I;

(2) on a flight for the purpose of aerial work: documents A, B, C, E, F, K, L and, if the flight is international air navigation, documents G and I;

(3) on a private flight, being international air navigation: documents A, B, C, G, I and K.

2. For the purposes of this Schedule –

document "A" means the licence in force in respect of the aircraft radio station installed in the aircraft;

document "B" means the certificate of airworthiness in force in respect of the aircraft,

Provided that, with the permission in writing of the Authority, which may be granted subject to such conditions as it thinks fit, an aircraft to which regulation 18 applies need not carry the flight manual as part of this document;

document "C" means the licences of the members of the flight crew of the aircraft;

document "D" means one copy of the load sheet, if any, required by regulation 21 in respect of the flight;

document "E" means one copy of each certificate of maintenance review, if any, in force in respect of the aircraft;

document "F" means the technical log, if any, in which entries are required to be made;

document "G" means the certificate of registration in force in respect of the aircraft;

document "H" means the operations manual, if any, required by regulation 18 to be carried on the flight;

document "I" means a copy of the notified procedures to be followed by the pilot in command of an intercepted aircraft, and the notified visual signals for use by intercepting and intercepted aircraft;

document "J" means the permission, if any, granted in respect of the aircraft pursuant to regulation 17;

document "K" means a certificate or document attesting to the noise certification of the aircraft;

document "L" means Air Operator Certificate and corresponding Operations Specifications:

Provided that, with the permission in writing of the Authority, which may be granted subject to such conditions as it thinks fit, an aircraft to which regulation 18 applies need not carry such a permission if it carries an operations manual which includes the particulars prescribed by the Authority;

"International air navigation" means any flight which includes passage over the territory of any country other than Guyana.

Made this 15th day of May, 2024.

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Hon. Bishop Juan A. Edghill, MP.
Minister of Public Works