

JAMAICA

No.12 — 2026

I assent,

[L.S.]

Sgd. P.L. Allen

Governor-General.

29th day of June 2026

AN ACT to Amend the Civil Aviation Act.

[30th day of June 2026]

BE IT ENACTED by the Parliament of Jamaica, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Civil Aviation (Amendment) Act, 2026, and shall be read and construed as one with the Civil Aviation Act (hereinafter referred to as the principal Act) and all amendments thereto. Short title,
and
construction.
2. The principal Act is amended by deleting, wherever it appears— Amendment
of principal
Act.
 - (a) the words “with or without hard labour”; and

- (b) the word “Investigator-in-charge” and substituting therefor, in each case, the word “Investigator-in-Charge”.

Amendment
of section 2
of principal
Act.

3. Section 2 of the principal Act is amended—

- (a) in subsection (1)—

- (i) by deleting the definition of “aerodrome” and substituting therefor the following definition—

““aerodrome” means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;”;

- (ii) in the definition of “aircraft”, by inserting next after the words “and includes” the words “an unmanned aircraft and”;

- (iii) by deleting the definition of “aviation document” and substituting therefor the following definition—

““aviation document” in respect of any person, undertaking or thing, means any licence, certificate or any other document granted or issued under, or pursuant to, any provision of this Act or any regulations made hereunder;”;
and

- (iv) by inserting in their correct alphabetical sequence the following definitions—

““air operator office” means a place where operations are administered in respect of civil aviation functions regulated under this Act;

“approved maintenance organization” or
“AMO” means an organization that

performs maintenance on aircraft, engine, propeller or parts thereof, approved by the Authority, in accordance with this Act;

“Article 83 *bis* agreement” means an arrangement within the meaning of Article 83 or Article 83 *bis* of the Chicago Convention for the lease, charter or interchange of an aircraft or any similar arrangement by an operator whose principal place of business or permanent residence is in another State Party;

“Article 83 *bis* of the Chicago Convention” means the amendment effected to the Chicago Convention by the Protocol relating to an amendment to the Convention on International Civil Aviation, signed at Montreal on 6 October, 1980;

“authorization”, in relation to an air service licence or permit, means the authorized terms or variation of the terms of an air service licence or permit to include any changes in the fleet of aircraft;

“authorized air operator” in relation to an interchange, means an air operator issued or granted a licence, permit, approval or authorization to fly or operate an aircraft for air transport services on routes linked by an interchange;

“document” means, in addition to a document in writing, anything in which

information of any description is recorded;

“interchange” in relation to Article 83 *bis*, means a flight that is a regularly scheduled, single-plane through service linking a route of one authorized air operator at the interchange point to a route of a second authorized air operator, with the same aircraft being crewed by and under the operational control of the respective authorized air operator;

Fifth
Schedule.

“Kingston Flight Information Region” means the area specified in the Fifth Schedule;

“national of a Member State” has the meaning assigned to it by paragraph 5(a) of Article 32 of the Revised Treaty of Chaguaramas establishing the Caribbean Community signed in Bahamas on July 5, 2001, as is in force in relation to Jamaica;

“obstacle restriction area” in relation to an aerodrome, means the obstacle limitation surfaces as defined within the air space above and around the land of an aerodrome;

“principal place of business” means the head office, registered office or other office of the organization from which, or within which, the principal financial functions are performed and operational control of the activities of the organization exercised;

“principle of exception” means the prescribed grounds on which safety data or safety information collected, stored or analysed under this Act may, for purposes other than maintaining or improving safety, be made available by the Authority;

“safety” means the state in which risks associated with aviation activities, related to, or in direct support of the operation of aircraft, are reduced and controlled to an acceptable level;

“safety data” means a defined set of facts or set of safety values collected from various aviation-related sources, which is used to maintain or improve safety;

“safety information” means safety data processed, organized or analysed in a given context so as to make it useful for safety management purposes;

“State Party” means a sovereign state, country or territory that is a party to the Chicago Convention;

“surveillance” means the activities through which State Parties proactively verify, through inspections and audits, that the holders of air service licences or permits, certificates, authorizations and approvals continue to meet the established requirements and function at the level of competency and safety required by the State Party;

“unmanned aircraft” means an aircraft that is piloted remotely by an operator utilizing an unmanned aircraft system;

“unmanned aircraft system” means, in relation to an unmanned aircraft—

- (a) its associated remote pilot station;
- (b) the required command and control links;
- (c) any other components of the system; and
- (d) where the context requires, includes the unmanned aircraft;” and

- (b) by inserting next after subsection (2) the following subsection—

“(3) In this Act, unless the context otherwise requires, terms and expressions not defined in the Act, shall have the same meaning as in the Chicago Convention and the Annexes thereto, as the case may require.”.

Insertion of
new section
2A in
principal Act.

4. The principal Act is amended by inserting next after section 2 the following section—

“Power of
Minister to
amend
defined
words and
statutory
definitions.

2A. The Minister may, by order amend defined words or the definitions of any defined word, in this Act, as necessary, for consistency with the text of the Chicago Convention or any Annex thereto relating to international standards and recommended practices (being an Annex adopted in accordance with the Convention) and any amendment of the Convention or any such Annex made in accordance with the Convention.”.

5. Section 3 of the principal Act is amended—

Amendment
of section 3
of principal
Act.

(a) in subsection (2)—

(i) in paragraph (i), by inserting next after sub-paragraph (C) the following sub-paragraphs—

“(D) developing and implementing, oversight systems and management systems, including the development of programmes and management strategies related to aviation safety and security;

(E) establishment of aviation safety and security reporting schemes, including mandatory and voluntary reporting schemes;”;

(ii) by inserting next after paragraph (m), the following paragraphs—

“(ma) for regulating compliance with and prescribing procedures and standards for actions directed by air navigation operators and for the interception of aircraft;

(mb) for the regulation of aerial works;

(mc) for the regulation of—

(A) unmanned aircraft systems to be operated from, within or over Jamaica;

(B) the pilot, operator or person having charge of an unmanned aircraft;

(C) operations associated with the use of an unmanned aircraft system and unmanned aircraft

from, within or over Jamaica;”;
and

- (b) in subsection (3), by deleting paragraph (a) and substituting therefor the following paragraph—

“(a) in respect of the breach of any provisions thereof, provide penalties in excess of the penalty provided in section 29(1)(b) of the Interpretation Act, so, however, that such penalties—

- (i) in the case of summary conviction before a Parish Court, shall not exceed a fine of five million dollars or imprisonment for a term of three years;
- (ii) in the case of conviction on indictment before a Circuit Court in respect of a term of imprisonment, shall not exceed a term of seven years;”.

Insertion of
new sections
3A, 3B and
3C in
principal Act.

6. The principal Act is amended by inserting next after section 3 the following sections—

“Article 83
bis of the
Chicago
Convention.

3A. Where an aircraft is registered in Jamaica and that aircraft is operated pursuant to an Article 83 *bis* agreement by an operator whose principal place of business or permanent residence is in another State Party—

- (a) the Minister may give such directions to the Authority as he considers appropriate in accordance with section 6B; and
- (b) the Authority may, transfer, in accordance with section 7A, all or any part of its functions to another civil aviation authority, as the Authority determines necessary or relevant to the Article 83 *bis* agreement.

Protection of
safety and
security data
and infor-
mation.

3B.—(1) The Authority shall, in accordance with prescribed requirements, accord protection to safety and security data captured by, and safety and security information derived from surveillance, safety and security reporting systems and sources related to aviation activities.

(2) Subject to section 3C, where the Authority is satisfied that the principle of exception applies, the Authority shall not make available to any person or use safety data, safety information, security data and security information collected, stored or analysed, for purposes other than maintaining or improving aviation safety and security.

(3) Notwithstanding subsection (2), the Authority shall not be prevented from using safety data, safety information, security data or security information to take any preventive, corrective or remedial action that is necessary to maintain or improve aviation safety and security.

(4) The Authority shall take necessary measures, including the promotion of a culture of safety and security, to encourage safety and security reporting through established safety and security reporting systems.

Exceptions
to protection
of safety and
security data,
etc.

3C.—(1) Where the principle of exception applies, safety data, safety information and related sources shall only be made available under section 3B(2) by the Authority, if the Minister, after consultation with the Authority—

- (a) determines that there are facts and circumstances reasonably indicating that the aviation occurrence may have been caused by an act which, if proven to have been committed, constitutes gross

negligence, wilful misconduct or a criminal offence;

(b) after reviewing the safety data or safety information, determines that its release is necessary for—

(i) the proper administration of justice; or

(ii) maintaining or improving safety, and that the benefits of its release outweigh the adverse domestic and international impact such release is likely to have on the future collection and availability of safety data and safety information.”.

Amendment
of section 4
of principal
Act.

7. Section 4(1) of the principal Act is amended by deleting all the words appearing after the words “operator of the aircraft” and substituting therefor the words “commits an offence and is liable on summary conviction before a Parish Court to a fine not exceeding five million dollars or to imprisonment for a term not exceeding three years.”.

Insertion of
new section
4A in
principal Act.

8. The principal Act is amended by inserting next after section 4 the following section—

“Non
compliance
with
interception
of aircraft
action.

4A.—(1) Where the pilot or other person in charge of an aircraft is—

- (a) flying that aircraft within or over the Kingston Flight Information Region;
- (b) flying a Jamaican aircraft, wherever they may be; or
- (c) licensed to fly or operate an aircraft under this Act,

and fails to fly or operate that aircraft in accordance with an interception of aircraft action directed to be taken by an air navigation provider, or does not comply with the standards of conduct required for the operation of the aircraft pursuant to the interception action directed to be taken, the pilot, the operator, any other person in charge of that aircraft and the owner each commits an offence.

(2) A person who commits an offence under subsection (1) is liable—

- (a) in the case of summary conviction before a Parish Court, to a fine not exceeding five million dollars or imprisonment for a term not exceeding five years; or
- (b) in the case of conviction on indictment before a Circuit Court, to a fine or imprisonment for a term not exceeding seven years,

so, however, that in either case, where the offence relates to the illegal landing or illegal take-off of an aircraft, liability on conviction, in respect of a fine, is to a fine not exceeding three times the aggregate value of the aircraft, its engines, accessories and equipment.

(3) For the avoidance of doubt, the air navigation provider referred to in subsection (1), in relation to a Jamaican aircraft or an aircraft piloted or operated by a person holding a licence issued under this Act to fly that aircraft, is the air navigation provider directing the taking of interception of aircraft action, wherever the aircraft is at the time of that direction.”.

9. Section 5 of the principal Act is amended by deleting—

- (a) the marginal note and substituting therefor the following marginal note—

“Interpretation, Part IIA.”;

Amendment
of section 5
of principal
Act.

- (b) the definition of “accident” and inserting therefor the following definitions—

““accident” means an occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which—

- (a) a person is fatally or seriously injured as a result of—

- (i) being in the aircraft;
- (ii) direct contact with the aircraft, any part of the aircraft, including parts which have become detached from the aircraft; or
- (iii) direct exposure to jet blast, except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

- (b) the aircraft sustains damage or structural failure which—

- (i) adversely affects the structural strength, performance or flight

characteristics of the aircraft;
and

- (ii) would normally require major repair or replacement of the affected component,

except for engine failure or damage, when the damage is limited to a single engine (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tyres, brakes, wheels, fairing, panels, landing gear, doors, windcreens, the aircraft skin (such as small dents or puncture holes), or for minor damage to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or

- (c) the aircraft is missing or is completely inaccessible;

“Accident Investigation Authority” means, in relation to Jamaica, the body responsible for accident and serious incident investigations established under section 5AB;”;

- (c) the definition of “accredited representative” and inserting therefor the following definitions—

“ “accredited representative” means a person designated by a State Party, on the basis of his prescribed qualifications, for the purpose of participating in an investigation conducted by another State Party, and in relation to Jamaica, such person appointed under section 5AB(3);

“adviser” means a person appointed by a State Party, on the basis of his prescribed qualifications, for the purpose of assisting its accredited representative;”;

- (d) the definition of “aviation occurrence” and substituting therefor the following definition—

““aviation occurrence” means an accident, a serious incident or any other incident associated with the operation of an aircraft;”;

- (e) the definition of “incident” and substituting therefor the following definition—

““incident” means an aviation occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of the operation of an aircraft;” and

- (f) the definition of “Investigator” and inserting therefor the following definitions—

““Investigator” means a duly qualified person to assist an Investigator-in-Charge appointed under section 5D(3);

“Investigator-in-Charge” means a person charged, on the basis of that person’s qualifications, with the responsibility for the organization, conduct and control of an investigation, and in relation to Jamaica, appointed under section 5AB(3)(a) or section 5C;

“serious incident” means an incident involving circumstances indicating that there was a high probability of an accident associated with the operation of an aircraft which, in the case of a

manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down.”.

10. Section 5A of the principal Act is amended by deleting—

Amendment
of section 5A
of principal
Act.

- (a) the marginal note and substituting therefor the following marginal note—

“Investigation
of aviation
occurrences.”; and

- (b) subsection (2) and substituting therefor the following subsection—

“(2) The sole purpose of an investigation conducted under this Part is to prevent an aviation occurrence and not to apportion responsibility, or to determine culpability or liability for the aviation occurrence.”.

11. The principal Act is amended by inserting next after section 5A the following sections—

Insertion of
new sections
5AB and
5AC in
principal Act.

“Establishment
of Accident
Investigation
Authority.

5AB.—(1) Every accident or serious incident occurring within the Kingston Flight Information Region shall be the subject of an investigation by an Accident Investigation Authority.

(2) Upon the occurrence of an accident or serious incident within the Kingston Flight Information Region, there shall be established a body, to be called the Accident Investigation Authority, respon-

sible for the investigation of the accident or serious incident and the provisions of this section shall have effect with respect to the constitution and operation of the Accident Investigation Authority.

(3) The Accident Investigation Authority shall consist of such number of persons, appointed by the Minister, in writing, as follows—

- (a) an Investigator-in-Charge;
- (b) subject to section 5D, an Investigator or Investigators;
- (c) subject to section 5DA, an accredited representative or accredited representatives;
- (d) subject to section 5DA, an adviser or advisers to an accredited representative;
- (e) an expert in the area relevant to the investigation of the accident or serious incident; and
- (f) any other person or persons with relevant qualifications or expertise as necessary having regard to the circumstances of the accident or serious incident to be investigated.

(4) The Minister shall not appoint a person to be a member of the Accident Investigation Authority in a capacity referred to in subsection (3) unless he is satisfied that the person has the relevant qualifications, experience and expertise to be a member of the Accident Investigation Authority.

(5) The Minister shall cause to be published in the *Gazette*—

- (a) a notice advising of the investigation of an accident or serious incident by the

Accident Investigation Authority,
specifying—

- (i) the date and place of the accident or serious incident that is the subject of the investigation;
 - (ii) the names of the members of the Accident Investigation Authority investigating that accident or serious incident as constituted, from time to time, and any change of membership thereof; and
- (b) after conclusion of an investigation referred to in a notice under paragraph (a), a notice stating that the investigation has concluded.

(6) The Accident Investigation Authority shall have independent and unrestricted authority to conduct an investigation into an accident or a serious incident, occurring in the Kingston Flight Information Region, in accordance with Annex 13 to the Chicago Convention.

(7) The notification and investigation of an accident or serious incident, including the provision of any relevant information in relation thereto, shall be conducted in accordance with the responsibilities, rights, obligations, standards, procedures, reporting formats and any other requirements as may be prescribed.

(8) Notwithstanding section 5A(3), an investigation by the Accident Investigation Authority—

- (a) shall be conducted without interference; and
- (b) shall not be subject to the direction or control of any other person or authority.

(9) Accredited representatives and their advisers shall provide the Accident Investigation Authority with all relevant information available to them and shall not disclose the findings of an investigation without the express consent of the Accident Investigation Authority.

(10) Subsection (9) shall not be construed as precluding an accredited representative from reporting to the State Party which designated the accredited representative such information as is necessary to facilitate appropriate safety actions by that State Party.

Power of
Accident
Investigation
Authority.

5AC. The Accident Investigation Authority shall have all the powers of a Commission appointed under the Commissions of Enquiry Act, as regard—

- (a) the regulation of its proceedings;
- (b) the summoning and examination of witnesses; and
- (c) the production of books, plans and documents, and the provisions of sections 11, 11A and 16 of that Act shall apply, with the necessary modifications, to a witness summoned by the Accident Investigation Authority.”.

12. Section 5B of the principal Act is amended by—

Amendment
of section 5B
of principal
Act.

- (a) deleting the marginal note and substituting therefor the following marginal note—

“Establishment
of board of
enquiry,
etc.”;

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

“ (1) The Minister may establish a board of inquiry to review the findings of the reports of an investigation done by the Accident Investigation Authority, where the Minister is dissatisfied with the findings, the manner in which the investigation was conducted or any matter which adversely affected the effectiveness of the investigation.”;

- (c) deleting subsection (2); and

- (d) deleting subsection (6) and inserting therefor the following subsections—

“ (6) The Minister may appoint, by notification published in the *Gazette*, such persons as the Minister thinks suitable, having regard to their qualifications, experience and expertise, to be members of a board of inquiry.

(7) A member of a board of inquiry shall not also be a member or a former member of the Accident Investigation Authority in relation to an accident or serious incident that is the subject of an inquiry by the board of which he is a member.”.

13. The principal Act is amended by repealing section 5C and substituting therefor the following section—

Repeal and
replacement
of section 5C
of principal
Act.

“Investigator
-in-Charge.

5C.—(1) Subject to subsections (4), (5) and (6), an Investigator-in-Charge may be appointed, in writing, by the Authority, to investigate the

circumstances of an incident, other than a serious incident, associated with the operation of an aircraft.

(2) Subject to subsection (3), an Investigator-in-Charge shall have the authority to direct the conduct of the investigation in respect of the incident associated with the operation of an aircraft to which his appointment relates.

(3) The Investigator-in-Charge shall report to the Authority.

(4) The Authority may confirm, or for good cause revoke, in writing, the appointment of an Investigator-in-Charge.

(5) The written notification of the appointment, or the revocation of appointment, as the case may be, of an Investigator-in-Charge shall be published in the *Gazette* within seventy-two hours of notification.

(6) The investigation of an incident associated with the operation of an aircraft shall be conducted in accordance with international best practice and any standards, requirements or procedures as may be prescribed.”.

Repeal and
replacement
of section 5D
of principal
Act.

14. The principal Act is amended by repealing section 5D and inserting therefor the following sections—

“Investigators,
etc.

5D.—(1) An Investigator-in-Charge appointed under section 5C(1) may be assisted in the conduct of an investigation by one or more Investigators appointed under subsection (3).

(2) The Investigator shall report to and be subject to the direction of the Investigator-in-Charge.

(3) The Authority, shall in writing, appoint one or more suitable persons having regard to their qualifications and expertise, to be Investigators.

Accredited
representatives,
advisers, etc.

5DA.—(1) The Minister shall not appoint a person to the Accident Investigation Authority under section 5AB, as an accredited representative unless a State Party requests the participation of its accredited representative on the grounds that the State Party making the request—

- (a) has an interest in the conduct of the investigation as involving foreign aircraft registered to or nationals of that State Party; or
- (b) is providing information, facilities or experts in respect of the investigation of the accident or serious incident.

(2) An accredited representative may be assisted by one or more advisers who shall report to and be subject to the direct supervision of the accredited representative.

(3) For the purposes of appointment to the Accident Investigation Authority under section 5AB, the accreditation of a person as an accredited representative and the acceptance of any appointed adviser to that person shall be effected in accordance with any prescribed qualifications, requirements and procedures.

Rights and
privileges of
Investigator-
in-Charge,
etc.
Third
Schedule.

5DB. Subject to the provisions of any other law, an Investigator-in-Charge, Investigator, accredited representative and adviser shall have the respective rights and privileges set out in the Third Schedule.”.

15. Section 5F of the principal Act is amended—

- (a) by renumbering subsections (1), (2) and (3) as subsections (5), (6) and (7);

Amendment
of section 5F
of principal
Act.

- (b) by inserting immediately before subsection (5), as renumbered, the following subsections—

“ (1) The Accident Investigation Authority shall, without impediment or delay, be permitted—

- (a) access to all evidence of an accident or a serious incident;
- (b) to carry out a detailed examination of all evidence of an accident or a serious incident.

(2) An Investigator-in-Charge appointed under section 5C shall, without impediment or delay, be permitted access to all evidence of an incident associated with the operation of an aircraft and to carry out a detailed examination of such evidence.

(3) Where the Accident Investigation Authority or an Investigator-in-Charge appointed under section 5C has reasonable grounds to believe that any person has in his possession, custody or control any evidence relevant to any investigation being conducted, the Accident Investigation Authority, or the Investigator-in-Charge appointed under section 5C, may serve the person with a written request to produce the evidence.

(4) A person who—

- (a) wilfully or knowingly impedes or delays the examination of any evidence by, on behalf of or at the request of the Accident Investigation Authority or an Investigator-in-Charge appointed under section 5C; or
- (b) without lawful excuse fails to comply with a written request served on him under subsection (3), commits an offence and is liable on summary conviction before a

Parish Court to a fine not exceeding two million dollars.”;

(c) in subsection (5), as renumbered, by deleting the word “may” and substituting therefor the word “shall”;

(d) in subsection (6), as renumbered, by deleting the words “subsection (1)” and substituting therefor the words “subsection (5)”; and

(c) in subsection (7), as renumbered, by—

(i) deleting the words “subsection (1)” and substituting therefor the words “subsection (5)”; and

(ii) inserting immediately after the word “offence” the words “and is liable on summary conviction before a Parish Court to a fine not exceeding two million dollars”.

16. Section 5G of the principal Act is amended—

Amendment
of section 5G
of principal
Act.

(a) by deleting the marginal note and substituting therefor the following marginal note—

“Production
and use of
information,
etc.”;

(b) in subsection (1), by deleting—

(i) the words “an on-board recording” and substituting therefor the words “any information or the contents of any document”; and

(ii) the words “to produce the recording” and substituting therefor the words “to produce the document”;

(c) in subsection (2), by inserting immediately after the word “offence” the words “and is liable on summary conviction

before a Parish Court to a fine not exceeding two million dollars”;

- (d) by deleting subsection (3);
- (e) in subsection (4), by deleting the words “The contents of any on-board recording” and substituting therefor the words “Information or the contents of any document”; and
- (f) in subsection (5)—
 - (i) in paragraph (d), by deleting the word “and”;
 - (ii) in paragraph (e), by deleting the full stop and substituting therefor a semi-colon; and
 - (iii) by inserting next after paragraph (e), the following paragraphs—
 - “(f) maintenance personnel; and
 - (g) flight dispatchers.”.

Amendment
of section 5H
of principal
Act.

17. Section 5H of the principal Act is amended by deleting—

- (a) the words “in respect of an aviation occurrence” and substituting therefor the words “appointed to the Accident Investigation Authority in respect of an accident or serious incident”; and
- (b) the words “such occurrence” and substituting therefor the words “such accident or serious incident”.

Insertion of
new sections
5HA and
5HB in
principal Act.

18. The principal Act is amended by inserting next after section 5H, the following sections—

“Collection
and disposal
of aircraft
wreckage.

5HA.—(1) Upon the conclusion of an investigation under this Part, the wreckage of an aircraft or any parts thereof, shall be collected from its place of storage for disposal by the operator or the owner of the aircraft in accordance with prescribed procedures and requirements.

(2) The wreckage of an aircraft or any parts of the wreckage of an aircraft shall not be

collected from storage for disposal, unless the Investigator-in-Charge, or in the absence of the Investigator-in-Charge, the Authority authorizes the collection of the wreckage by a notice in writing, issued in the prescribed form.

(3) Where the Investigator-in-Charge issues a notice referred to in subsection (2), the Investigator-in-Charge, shall cause a copy of such notice to be delivered to the Authority.

(4) The operator or owner of the wrecked aircraft shall cause the wreckage of the aircraft, or any parts of the wreckage, as the case may be, to be collected from the place where it was stored within thirty days after the date of the notice issued under subsection (2), or such longer period as the Investigator-in-Charge or in the absence of the Investigator-in-Charge, the Authority may approve.

(5) Where the operator or owner of an aircraft fails to collect the wreckage, or any parts of the wreckage, from storage within thirty-days as required under subsection (4), the Investigator-in-Charge or in the absence of the Investigator-in-Charge, the Authority may, after giving notice to the owner or operator of the wrecked aircraft in accordance with subsection (6), cause the wreckage to be collected from storage and arrange for its disposal.

(6) Where the Investigator-in-Charge or in the absence of the Investigator-in-Charge, the Authority intends to collect and dispose of the wreckage of an aircraft, the Investigator-in-Charge or the Authority, as the case may be, shall give notice in the prescribed form to the operator or owner of the wrecked aircraft that has failed to collect the wreckage as required.

(7) The operator or the owner of the wrecked aircraft shall reimburse the Investigator-in-Charge or

the Authority, as the case may be, for all expenses incurred by the Investigator-in-Charge or Authority for the collection and disposal of the wreckage of an aircraft, or any parts of the wreckage.

Recovery as a civil debt, etc., without prejudice to other remedies.

5HB. All sums payable to reimburse the Investigator-in-Charge or the Authority for the expenses incurred for the collection and disposal of the wreckage of an aircraft, or any parts of the wreckage, may be recovered as a civil debt, before a Parish Court, without limitation of amount, at any time within seven years after the sum becomes payable.”.

Repeal of section 5I of principal Act.

19. The principal Act is amended by repealing section 5I.

Amendment of section 5J of principal Act.

20. Section 5J of the principal Act is amended—

(a) in subsection (1), by inserting next after the word “Jamaica” the words “, the Kingston Flight Information Region”;

(b) in subsection (2)—

(i) in paragraph (d), by deleting the words “; and” and substituting therefor a semi-colon; and

(ii) by renumbering paragraph (e) as a paragraph (f) and inserting next after paragraph (d), the following paragraph—

“(e) for the removal from any place, storage, collection and disposal of the wreckage of an aircraft, or any parts of the wreckage of an aircraft that is or was the subject of an investigation of an aviation occurrence; and”; and

(c) in subsection (3), by deleting paragraphs (a) and (b) and substituting therefor the following paragraphs—

“(a) in the case of summary conviction before a Parish Court, a fine not exceeding three million dollars

or imprisonment for a term not exceeding three years.

- (b) in the case of conviction on indictment before a Circuit Court, a fine or imprisonment for a term not exceeding five years.”.

21. The principal Act is amended by inserting next after section 5J the following sections—

Insertion of
new sections
5K, 5L and
5M in princi-
pal Act.

“Prohibited
disclosures.

5K.—(1) Subject to subsection (4), the Accident Investigation Authority, the Authority and every person having an official duty in connection with the conduct of an investigation of an aviation occurrence shall regard and deal with as secret and confidential all information or any document disclosed to them during the execution of or relating to the exercise of functions under this Act.

(2) Subject to subsection (4), every person who had an official duty or was employed to the Authority or in relation to the Accident Investigation Authority or an Investigator-in-Charge appointed under section 5C shall maintain, after such duty or employment was terminated, the secrecy and confidentiality of all information or any document relating to the execution of or to the exercise of functions under this Act.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction before a Parish Court to a fine not exceeding one million dollars or to imprisonment for a term not exceeding one year.

(4) A person referred to in subsection (1) or (2) shall not be liable for an offence under subsection (3) if the disclosure of the information, or the contents of any document—

- (a) was required or necessary in the discharge of the person’s official duties under this

Act, and was in conformity with those duties;

- (b) was made pursuant to an order of a court;
- (c) is required or permitted under any other law; or
- (d) is required to discharge an obligation binding on Jamaica under the Chicago Convention or any Annex thereto, an Article 83 *bis* agreement or other international civil aviation agreement.

(5) Subject to subsection (6), a person who participates in the conduct of an investigation of an aviation occurrence, including officers, employees or agents providing any administrative, storage and security services in relation to the conduct of the investigation by the Accident Investigation Authority or an Investigator-in-Charge appointed under section 5C, shall not disclose or otherwise make available to any person the documents referred to in subsection (6) except for the purposes of the investigation unless, it is determined by a court that—

- (a) the interests of justice require the disclosure; and
- (b) the consequences of not making the disclosure outweigh any adverse domestic or international impact which such disclosure may have on—
 - (i) civil aviation in Jamaica; or
 - (ii) the discharge of an obligation binding on Jamaica by virtue of it being party to the Chicago Convention, any Annex thereto, an Article 83 *bis* agreement or other international civil aviation agreement.

(6) The documents referred to in subsection (5) are as follows—

- (a) documents received, obtained or collected by—
 - (i) the Accident Investigation Authority during the course of the investigation of an accident or serious incident; and
 - (ii) an Investigator-in-Charge appointed under section 5C during the course of the investigation of an incident (other than a serious incident) associated with the operation of an aircraft;
- (b) all communications between and statements taken from persons involved in the operation of the aircraft that is the subject of the investigation;
- (c) medical and health reports, test results, other medical and personal information of persons involved in the accident, serious incident or incident associated with an aircraft;
- (d) cockpit voice recordings of the aircraft which is the subject of the investigation and transcripts of those recordings;
- (e) cockpit airborne images of persons directly involved in the investigation;
- (f) air traffic control recordings and transcripts of those recordings; and
- (g) automatically recorded data.

Interfering
with investi-
gation.

5L.—(1) A person who refuses to—

- (a) discharge a responsibility that directly relates to or impacts the conduct or outcome of an investigation; or
- (b) provide information or assistance in response to a request or instruction of the Accident Investigation Authority or an Investigator-in-Charge appointed under section 5C, commits an offence.

(2) A person who impedes, obstructs, misleads or interferes with the conduct of an investigation commits an offence.

(3) A person who—

- (a) threatens, coerces or otherwise discourages any person from providing information or assistance to the Accident Investigation Authority or an Investigator-in-Charge appointed under section 5C;
- (b) tampers with any notification, statement, recommendation, finding or report relating to an accident, serious incident or incident; or
- (c) tampers with any evidence that documents (whether by sketches, descriptive notes, photographs or otherwise) the site of an accident or serious incident, or incident associated with the operation of an aircraft,

commits an offence.

(4) A person who commits an offence under subsection (1), (2) or (3) is liable on summary conviction before a Parish Court to a fine not exceeding three million dollars or to imprisonment for a term not exceeding one year.

Interference
with wreck or
wreckage site
prohibited.

5M.—(1) Subject to subsection (3), no person shall, without lawful excuse or authority, disturb or interfere with the site of an aircraft accident, the aircraft wreckage or any part thereof, human or animal remains, mail or cargo of a wrecked aircraft.

(2) A person who contravenes subsection (1) commits an offence and is liable—

- (a) on summary conviction before a Parish Court to a fine not exceeding three million dollars or to imprisonment for a term not exceeding one year;
- (b) on conviction on indictment before a Circuit Court to a fine or to imprisonment for a term not exceeding seven years.

(3) Subsection (1) shall not apply to actions taken by persons—

- (a) authorized by law to secure the wreckage site, to take custody of the aircraft wreckage, mail, or cargo, thereof, or, to rescue and remove persons or animals;
- (b) to rescue and remove persons as reasonably necessary in the interests of preserving human life, human safety or to administer medical treatment;
- (c) to rescue and secure live animals as reasonably necessary in the interests of public safety, animal safety or to administer veterinary treatment;
- (d) to secure firearms or any dangerous cargo which if unsecured may pose a risk to public safety or national security;
- (e) to preserve the aircraft accident site, to protect the wreckage or other property from further damage; or
- (f) in the interests of public safety or the security of the public.”.

Amendment
of section 6A
of principal
Act.

22. Section 6A of the principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (b)—

(A) by deleting sub-paragraph (iii) and substituting therefor the following—

“(iii) registration, certification and oversight of aerodromes, aerodrome operators and aerodrome service providers;”;

(B) by deleting sub-paragraph (iv) and substituting therefor the following—

“(iv) developing, issuing, publishing and distributing aviation safety and security standards, plans and programmes and monitoring the implementation and administration of such standards, plans and programmes;”;

(C) by deleting sub-paragraph (v);

(D) in sub-paragraph (vi), by inserting next after the word “safety” the words “and security”;

(E) in sub-paragraph (vii), by deleting the word “and”; and

(F) by inserting next after sub-paragraph (viii) the following sub-paragraphs—

“(ix) certification and oversight of air navigation service providers;

(x) certification and oversight of aircraft maintenance service providers;

- (xi) certification and oversight of aviation trainers and aviation training facilities; and
 - (xii) certification and oversight of aviation security providers;”;
- (ii) in paragraph (c)—
 - (A) in sub-paragraph (i), by deleting the words “licences and permits; and” and substituting therefor the words “licences, permits and authorizations;”;
 - (B) in sub-paragraph (ii), by inserting next after the words “charges;” the word “and”; and
 - (C) by inserting next after sub-paragraph (ii) the following sub-paragraph—
 - “(iii) air navigation service providers;”;
- (iii) in paragraph (d), by deleting the words “section 3 or 8” and substituting therefor the words “section 3, 8 or 9”;
- (iv) in paragraph (f), by deleting the full stop and substituting therefor a semi-colon; and
- (v) by inserting next after paragraph (f), the following paragraphs—
 - “(g) to provide air navigation services, aviation safety and oversight in order to discharge or facilitate the discharge of an obligation binding on Jamaica by virtue of an Article 83 *bis* agreement;
 - (h) to regulate the reduction of aviation carbon dioxide emissions; and
 - (i) to cooperate with—
 - (i) the Accident Investigations Authority and an Investigator-in-Charge appointed under section

5C, respectively, in the conduct of an investigation of an aviation occurrence; and

- (ii) any board of inquiry established under section 5B to review the findings of the reports of an investigation.”; and

- (b) by inserting next after subsection (1) the following subsections—

“ (1A) Where the Authority has issued an aviation safety and security standard, plan or programme for implementation and administration pursuant to subsection (1)(b)(iv), and the person who is responsible for such implementation or administration has failed to so implement or properly administer such standard, plan or programme, the Authority—

- (a) may issue a directive, in writing, to that person; and
- (b) shall include in the directive issued under paragraph (a), such terms and conditions for the guidance of that person to enable the implementation or proper administration of the aviation safety and security standard, plan or programme, as the case may be.

(1B) Notwithstanding the functions conferred on the Authority with respect to aviation safety and security, the Authority shall not—

- (a) conduct investigations of accidents or serious incidents; or
- (b) in any manner, direct or influence investigations conducted by an Investigator-in-Charge appointed under section 5C or the Accident Investigation Authority.”.

23. Section 6B of the principal Act is amended—

Amendment
of section 6B
of principal
Act.

- (a) in the marginal note, by inserting immediately after the word “interests,” the words “for Article 83 *bis*”;
- (b) in subsection (2)—
 - (i) in paragraph (f), by—
 - (A) inserting immediately after the word “pollution” the words “, carbon dioxide”;
 - and
 - (B) deleting the full stop and substituting therefor a semi-colon;
 - (ii) by inserting next after paragraph (f), the following paragraph —
 - “(g) subject to subsection (3), in order to discharge or facilitate the discharge of an obligation binding on Jamaica by virtue of it being a party to an Article 83 *bis* agreement.”; and
- (c) by inserting next after subsection (2), the following subsection—
 - “(3) The Minister may give directions to the Authority under subsection (2)(g) if the Minister is satisfied that—
 - (a) an aircraft is registered in Jamaica and that aircraft is operated pursuant to an Article 83 *bis* agreement;
 - (b) such direction is necessary in order to discharge or to facilitate the discharge of an obligation binding on Jamaica by virtue of it being party to an Article 83 *bis* agreement with the State of the principal place of business, or in the absence of such place, the place of permanent residence of the operator;
 - and

- (c) the Article 83 *bis* agreement has been registered in accordance with Article 83 *bis* of the Chicago Convention.”.

Amendment
of section 6C
of principal
Act.

24. Section 6C of the principal Act is amended by deleting subsection (4) and substituting therefor the following subsection—

- “ (4) For the purposes of subsection (3), the “prescribed rate” means such rate as the Minister with responsibility for the public service may, by order, prescribe.”.

Insertion of
new heading
and sections
6N to 6T in
principal Act.

25. The principal Act is amended by inserting next after section 6M the following heading and sections—

“ PART IIC—*Air Service Licences, Permits
and Authorizations*

Air service
licence, *etc.*

6N.—(1) Subject to subsection (2), an aircraft shall not be used in Jamaica by any person—

- (a) for plying, while carrying passengers or goods for reward, on such journeys or classes of journeys (whether beginning and ending at the same point or different points);
- (b) for such flying undertaken for the purpose of any trade or business,

except under the authority of and in accordance with an air service licence, a permit or an authorization granted under this Act.

(2) The Authority shall grant air service licences, permits and authorizations, subject to such terms and conditions, in accordance with the requirements of this Act.

(3) An authorization—

- (a) shall not be granted by the Authority except in relation to a current air service licence or permit;
- (b) notwithstanding paragraph (a), shall not be granted by the Authority in relation to a

current air service licence or permit during any period in which that licence or permit is suspended under section 6Q;

- (c) shall be deemed to be a term of the air service licence or permit in relation to which the authorization is granted; and
- (d) may be granted by the Authority subject to such conditions, if any.

(4) The Authority shall consider applications for any air service licences, permits or authorizations, in accordance with any matter prescribed under section 8.

(5) Where the Authority considers it appropriate to facilitate the commencement of operations for the purposes specified in subsection (1)(a) and (b), the Authority may, during the period of the Authority's consideration of an application referred to in subsection (4), grant a provisional air service licence or permit, subject to such terms and conditions, if any, and such provisional air service licence or permit shall have effect until the determination of the relevant application by the Authority, unless revoked prior thereto, so, however, that, the grant of a provisional air service licence or provisional air service permit shall not confer a right on the holder thereof to the grant of an air service licence or air service permit.

(6) Sections 6P and 6Q shall not apply to a provisional air service licence or permit.

Variation of
air service
licence, etc.

6O.—(1) The Authority may vary the terms and conditions of any air service licence or permit or the conditions of any authorization, granted under section 6N, on an application by the holder thereof, or on its own determination having regard to any change in circumstance of which the Authority has notice relevant to the grant of the air service licences, permits or authorizations.

(2) Where the Authority proposes to vary the terms and conditions of an air service licence or permit or an authorization on its own determination, it shall notify the holder thereof, in writing, stating the reasons therefore, at least seven days prior to effecting the variation.

(3) Notwithstanding subsection (2), where the Authority varies the terms and conditions of an air service licence, a permit or an authorization on its own determination due to a threat to aviation safety or security, the variation may be made with immediate effect and the holder thereof shall be notified, in writing, by the Authority.

Renewal of
air service
licence, etc.

6P.—(1) Subject to section 6N(5), the Authority may renew an air service licence or permit or an authorization, granted under section 6N(2), on the same terms and conditions thereof on an application by the holder thereof.

(2) Section 6N(4) shall apply to the Authority's consideration of an application for renewal of an air service licence or permit or an authorization.

Suspension of
air service
licence, etc.

6Q.—(1) Notwithstanding section 9A(4)(a) and subject to sections 6N(6) and 6S, the Authority may suspend an air service licence or permit or an authorization, for such period and subject to such terms and conditions, if satisfied that—

- (a) the holder of the air service licence, permit or authorization, as the case may be, has failed to operate the air transport services to which the air service licence, permit or authorization relates, with sufficient regularity to the satisfaction of the Authority;

- (b) the holder of the air service licence, permit or authorization, as the case may be, has acted in contravention of—
 - (i) the terms and conditions, if any, of the applicable air service licence, permit or authorization; or
 - (ii) the requirements of this Act;
- (c) the risk of the contravention in relation to aviation safety and security and the implications of the contravention in relation to any obligation under the Chicago Convention does not warrant revocation of the air service licence, permit or authorization under section 6R; or
- (d) the contravention is capable of being remedied to the satisfaction of the Authority within the period of the suspension and,

in the circumstances it is appropriate to suspend the air service licence, permit or authorization.

(2) The Authority may reduce or extend the period of the suspension of an air service licence or permit or an authorization.

Revocation
of air service
licence, etc.

6R.—(1) Subject to section 6S, the Authority may revoke an air service licence, a permit or an authorization, on the grounds specified in section 6Q(1)(a), (b) or (d), if satisfied that—

- (a) in the case of a suspension—
 - (i) the contravention which is the basis on which the licence, permit or authorization was suspended under section

6Q(1)(a) and which was capable of being remedied, has not been remedied to the satisfaction of the Authority within the period of the suspension; or

- (ii) any of the terms or conditions of the suspension have not been met;
- (b) the contravention is incapable of being remedied;
- (c) the holder of the licence, permit or authorization, or any person acting on his behalf, has made a false statement, whether wilfully or otherwise, in an application made to the Authority; or
- (d) owing to the circumstances, consequences or likely consequences of the contravention, and notwithstanding section 6Q, revocation of the licence, permit or authorization is warranted.

(2) For the avoidance of doubt, where the contravention and the circumstances of the case may constitute grounds for suspension or revocation, section 6Q shall not be construed as obliging the Authority to first suspend an air service licence, a permit or an authorization before exercising the power to revoke under subsection (1)(b).

Procedure for
suspension or
revocation of
air service
licence, *etc.*

6S. Before suspending or revoking an air service licence or permit or an authorization, under section 6Q or 6R, the Authority shall—

- (a) subject to paragraphs (b) and (c), hold a private enquiry;

- (b) not less than seven days prior to the holding of a private enquiry, give an opportunity to the holder of the licence, permit or authorization to make representation to the Authority on the proposed suspension or revocation, within such specified period, not being less than seven days, as the Authority may determine; and
- (c) give the holder thereof prior notice, in writing, in the prescribed form, of the Authority's intention to suspend or revoke an air service licence or permit or an authorization, and the notice shall—
 - (i) state the grounds upon which it is proposed to revoke or suspend the licence, permit or authorization;
 - (ii) state the date proposed for the holding of a private enquiry;
 - (iii) subject to paragraph (b), specify the period within which any representation to the Authority is to be made prior to the private enquiry; and
 - (iv) include any other information necessary.

Publication
of notice of
grant, etc.

6T. Where the Authority grants, varies, suspends or revokes an air service licence or permit or an authorization, the Authority shall cause to be published, in the prescribed form and manner, a notice of the decision of the Authority.”

Amendment
of section 7
of principal
Act.

26. Section 7 of the principal Act is amended—

- (a) in subsection (1), by deleting—
 - (i) the words “air transport licences or permits” and substituting therefor the words “air service licences or permits”; and
 - (ii) all the words after the word “regulations” and substituting therefor the words “made under section 8”;
- (b) by deleting subsection (2);
- (c) in subsection (4), by deleting—
 - (i) the words “air transport licence or permit” and substituting therefor the words “air service licence or permit”;
 - (ii) the words “who is not either”; and
 - (iii) paragraphs (a) and (b) and substituting therefor, respectively, the following paragraphs—
 - “(a) who is not either—
 - (i) a Jamaican citizen;
 - (ii) a national of a Member State;
or
 - (iii) a body incorporated in Jamaica,
being a body which in the
opinion of the Authority is
substantially owned and
controlled by persons who are
citizens of Jamaica; or
- (b) in respect of an airline—
 - (i) that does not have its principal
place of business in Jamaica;
and

- (ii) over which the Authority does not maintain regulatory control.”;
- (d) in subsection (5), by deleting—
 - (i) the words “air transport licence or permit” and substituting therefor the words “air service licence or permit”; and
 - (ii) all the words after the words “otherwise direct,” and substituting therefor the words “apply the provisions of any regulations made under section 8”; and
- (e) by deleting subsections (6) and (7).

27. The principal Act is amended by inserting next after section 7 the following section—

Insertion of
new section
7A in
principal Act.

“Transfer by
Authority,
Article 83
bis, etc.

- 7A.—(1) The Authority may, by order, transfer—
- (a) subject to subsection (2), all or any part of its functions under this Act to the relevant civil aviation authority of the State Party of the principal place of business, or in the absence of such place, the place of permanent residence of an operator; and
 - (b) with the approval of the Minister and subject to subsection (3), any of its functions under sections 6A and 7—
 - (i) to any member or officer of the Authority or any public officer;
 - (ii) for the purposes of section 6A(1)(g), to the competent civil aviation authority of a State Party, specified in the order and thereupon, or from such date as may be specified in the

order, the person so specified shall have power to perform such functions.

(2) The Authority shall not transfer its functions under subsection (1)(a) unless the Authority is satisfied that—

- (a) an aircraft is registered in Jamaica and that aircraft is operated pursuant to an Article 83 *bis* agreement;
- (b) the transfer of the Authority's functions is necessary in order to discharge or to facilitate the discharge of an obligation binding on Jamaica by virtue of it being party to an Article 83 *bis* agreement with the State Party of the principal place of business, or in the absence of such place, the place of permanent residence of the operator; and
- (c) the Article 83 *bis* agreement referred to in paragraph (b) has been registered in accordance with Article 83 *bis* of the Chicago Convention.

(3) Notwithstanding the terms of the Article 83 *bis* agreement, the Authority shall not transfer its functions in respect of Jamaican aircraft or assume responsibility in respect of a foreign aircraft if the Authority has determined that the transfer in respect of a foreign registered aircraft or the assumption of responsibility is not in compliance with an obligation under the Chicago Convention or the Article 83 *bis* agreement binding on Jamaica.

(4) The Authority shall not transfer any of its functions under subsection (1)(b), unless the Authority is satisfied that the person to whom the functions are

to be transferred has the qualifications and expertise necessary to perform the functions the Authority intends to transfer to that person.

(5) A transfer under subsection (1)(a) and, with the approval of the Minister, a transfer under subsection (1)(b), shall be revocable by the Authority, by order.

(6) A transfer made under this section shall not prevent the performance of any function by the Authority.”.

28. Section 8 of the principal Act is amended—

Amendment
of section 8
of principal
Act.

(a) in subsection (1)—

- (i) by deleting the words “licence or permit” wherever they appear, and substituting therefor in each case, the words “licence or permit or an authorization”;
- (ii) by deleting the words “licences or permits” and substituting therefor the words “licences, permits or authorizations”;
- (iii) by deleting paragraph (a);
- (iv) in paragraph (b), by deleting the words “and, subject to subsection (2) of section 7, as to” and substituting therefor the words “or the terms and conditions thereof varied and”;
- (v) in paragraph (d), by deleting the words “(including conditions as to fares, freight or other charges to be charged by the holder of the licence or permit),”;
- (vi) in paragraph (g), by deleting the word “prescribed,” and substituting therefor the word “prescribed;” and

(vii) by inserting next after paragraph (g), the following paragraphs—

- “(h) for the implementation of co-operative arrangements for air transport, including code sharing;
- (i) for the protection of consumer rights, including the transparent treatment of consumers in respect of flight delays, cancellations and denied boarding;
- (j) prescribing requirements for the lease or hire of aircraft by or from the holder of an air service licence, permit or authorization; and
- (k) to impose standards and requirements for insurance to cover the risk of injury and death of passengers and the legal liability in relation to that risk,”; and

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

“(2) Regulations made under this section may provide penalties in excess of the penalty provided in section 29(1)(b) of the Interpretation Act, so, however, that such penalties shall not exceed—

- (a) in the case of a first offence, a fine not exceeding three million dollars or to imprisonment for a term not exceeding one year;
- (b) in the case of a second or subsequent offence, a fine not exceeding five million dollars or to imprisonment for a term not exceeding two years.”.

29. Section 9 of the principal Act is amended—

Amendment
of section 9
of principal
Act.

- (a) in subsection (2), by deleting all the words after the words “not exceeding a fine of” and substituting therefor the words “three million dollars”; and
- (b) in subsection (3), by deleting all the words after the words “this subsection” and substituting therefor the words “that person is liable on summary conviction before a Parish Court to a fine not exceeding three million dollars or to imprisonment for a term not exceeding one year”.

30. Section 9A of the principal Act is amended—

Amendment
of section
9A of
principal Act.

- (a) by deleting subsection (2) and inserting therefor the following subsections—

“ (2) An Inspector may inspect—

- (a) any aircraft, including unmanned aircraft, whether in-flight or not;
- (b) unmanned aircraft systems;
- (c) flight operation areas and the storage sites for unmanned aircraft systems;
- (d) aerodromes, airports, ramps, fuel storage facilities, cargo handling areas and air navigation service related facilities that are not used exclusively for state aircraft;
- (e) aviation maintenance facilities, maintenance organizations, including approved maintenance organizations, hangars, workshops, including those providing aviation related maintenance services;
- (f) any facility for aviation training or aviation-related training, including training facilities for—
 - (i) air navigation, air traffic controller training, communications, navigation and surveillance training;

- (ii) flight dispatchers, aircraft engineering, mechanical or maintenance technical training; and
 - (iii) airport or aerodrome operations management, aviation security or any aviation-related training;
- (g) any air operator offices and the operations of civil airmen or persons operating in aviation for the purpose of aviation safety and security; and
- (h) any aviation documents, books, reports, records, specifications or other document relevant to an inspection conducted in respect of the aircraft, and any operations and facilities which may be inspected under this subsection.

(2A) An Inspector may require the production of any document relevant to an inspection conducted in respect of or which is prescribed to be kept in relation to the matters specified in subsection (2).”;

- (b) in subsection (3)(b), by inserting immediately after the words “aviation safety” the words “and security”; and
- (c) by deleting subsection (4) and inserting therefor the following subsections—

“ (4) The Authority may do any of the following—

- (a) proceed to suspend or revoke any aviation document in accordance with this Act or any regulations made hereunder;

- (b) direct the operator or person having charge of the aircraft concerned not to permit the aircraft to conduct a flight;
- (c) direct the owner, operator or any other person having charge of any aircraft, unmanned aircraft system, aerodrome, airport, storage site, flight operation area, hanger, workshop or any other place or thing referred to in subsection (2) to cease and desist from engaging in such activities as the Authority may specify;
- (d) take the necessary steps to detain any aircraft, unmanned aircraft system or equipment until the operator or person having charge of the aircraft, unmanned aircraft system or equipment has complied with such conditions as may be specified in the direction.

(5) A person who, having been directed by the Authority—

- (a) under subsection (4)(b) or (c), continues to act in contravention of the Authority's direction; or
- (b) acts to hinder or obstruct steps taken under subsection (4)(d) to detain any aircraft, unmanned aircraft system or equipment,

commits an offence and is liable on summary conviction before a Parish Court to a fine not exceeding three million dollars or to a term of imprisonment not exceeding one year.

(6) A direction under subsection (4)(b) or (c)—

- (a) may be made, subject to such terms and conditions, if any, or withdrawn by the Authority or modified in such manner as the Authority determines appropriate having regard to the circumstances of the case; and
- (b) shall be given, in writing, in such prescribed form and manner, if any.”.

Repeal and replacement of section 9B of principal Act.

31. The principal Act is amended by repealing section 9B and substituting therefor the following—

“Right of access to conduct inspection.

9B. An Inspector shall have the right of access at all reasonable times to any aircraft or premises for the purpose of conducting an inspection under section 9A.”.

Insertion of new sections 9C, 9D and 9E in principal Act.

32. The principal Act is amended by inserting next after section 9B the following sections—

“Inspection of unmanned aircraft systems.

9C. For the avoidance of doubt, for the purposes of sections 9A and 9B, aircraft, in relation to an unmanned aircraft, is to be construed as including—

- (a) the associated remote pilot station;
- (b) the required command and control links; and
- (c) any other components of the unmanned aircraft system.

Duty to record and report on inspections.

9D. An Inspector shall keep records in respect of the conduct of any inspection or the production of any document under this Act and make reports to the Director-General, in such manner, as may be prescribed.

Offence of
obstructing
Inspector.

9E.—(1) A person shall not—

- (a) wilfully hinder or obstruct an Inspector;
- (b) without lawful excuse, fail to comply with any requirements of an Inspector; or
- (c) without lawful excuse, fail to produce any document requested by an Inspector to be produced,

in the execution of duties or exercising powers conferred under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction before a Parish Court to a fine not exceeding three million dollars or to a term of imprisonment not exceeding one year.”.

33. Section 10(4) of the principal Act is amended by deleting all the words after the words “subsection (3)” and substituting therefor the words “commits an offence and is liable on summary conviction before a Parish Court to a fine not exceeding three million dollars or to imprisonment for a term not exceeding one year.”.

Amendment
of section 10
of principal
Act.

34. Section 11(6) of the principal Act is amended by deleting all the words after the words “by virtue of subsection (3)” and substituting therefor the words “commits an offence and is liable on summary conviction before a Parish Court to a fine not exceeding one million dollars or to imprisonment for a term not exceeding six months.”.

Amendment
of section 11
of principal
Act.

35. The principal Act is amended by inserting next after section 11, the following sections—

Insertion of
new sections
11A, 11B and
11C in
principal Act.

“Obstacles
in airspace
around
aerodrome
prohibited.

11A.—(1) Subject to the provisions of this Act and any regulations made hereunder, the airspace above the land in the vicinity around, abutting or adjacent to, an aerodrome shall be maintained free of obstacles—

- (a) to enable the safe conduct of operations at the aerodrome; and

(b) to prevent the aerodrome being rendered unusable by the presence of obstacles in the airspace of the aerodrome.

(2) Excepting visual and non-visual navigational aids, no person shall add, install, erect or locate any objects, within the obstacle restriction area of an aerodrome, without the authorization of the Authority.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction before a Parish Court to a fine not exceeding three million dollars or to a term of imprisonment not exceeding one year.

(4) For the avoidance of doubt, in this section “obstacle” shall not be construed as referring to an object added, installed, erected or located, in accordance with the provisions of this Act.

Directive to remove object from obstacle restriction area.

11B. The Authority may issue a directive to a person to immediately remove an object from the obstacle restriction area of an aerodrome.

Prevention of danger posed by animals at aerodrome.

11C. The proprietor or operator of an aerodrome shall take or cause to be taken such measures, precautions and procedures to prevent the danger posed by and to safeguard the operations and use of an aerodrome, including its roads, approaches, apparatus, facilities, equipment and buildings, from the activities or presence of animals, in accordance with this Act and any other law.”.

Amendment of section 12 of principal Act.

36. Section 12 of the principal Act is amended—

(a) in subsection (4), by deleting—

(i) the words “(subsection (5))” and substituting therefor the words “(subsection (6))”; and

- (ii) the second paragraph;
- (b) by renumbering subsections (5) and (6) as subsections (6) and (7), respectively; and
- (c) by inserting next after subsection (4), the following subsection—

“ (5) A person who—

- (a) contravenes the provisions of subsection (4), commits an offence and is liable on summary conviction before a Parish Court to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months;
- (b) wilfully obstructs a person in the exercise of any of the powers conferred by an order under subsection (1) commits an offence and is liable on summary conviction before a Parish Court to a fine not exceeding two hundred thousand dollars.”.

37. Section 12A(2) of the principal Act is amended by deleting all the words after the words “subsection (1)” and substituting therefor the words “commits an offence and is liable on summary conviction before a Parish Court to a fine not exceeding two million dollars or to imprisonment for a term not exceeding one year.”.

Amendment
of section
12A of
principal Act.

38. Section 14 of the principal Act is amended by deleting all the words after the word “he” and substituting therefor the words “commits an offence and is liable on summary conviction before a Parish Court to a fine not exceeding five hundred thousand dollars”.

Amendment
of section 14
of principal
Act.

39. Section 16D of the principal Act is amended—

- (a) in paragraph (b), by inserting immediately after the word “safety” the words “or security”; and
- (b) by deleting the words “shall be liable” and substituting therefor the words “commits an offence and is liable”; and

Amendment
of section
16D of
principal
Act.

(c) by deleting the words “or to both such fine and imprisonment”.

Amendment
of section 18
of principal
Act.

40. Section 18(3) of the principal Act is amended by deleting the words “a country or territory which is a party to the Chicago Convention” and substituting therefor the words “a State Party”.

Amendment
of section 19
of principal
Act.

41. The principal Act is amended by deleting section 19 and substituting therefor the following section—

“Application
of Act to
state
aircraft.

19.—(1) Subject to subsection (2), sections 3, 4, 4A, 5, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23 and 25, shall not apply to state aircraft;

(2) The Minister may, by order,

apply to any aircraft referred to in subsection (1), with or without modification, any of the said sections, or any regulations, including orders, made under the sections specified in subsection (1).”.

Amendment
of section
19A of
principal Act.

42. Section 19A of the principal Act is amended—

(a) in subsection (1)(e), by inserting immediately after the word “safety”, wherever it appears, in each case, the words “and security”; and

(b) in subsection (3)—

- (i) in paragraph (a) by deleting the words “in a Resident Magistrate’s Court” and substituting therefor the words “before a Parish Court”; and
- (ii) by deleting paragraph (b) and substituting therefor the following—

“(b) on conviction on indictment before a Circuit Court to a fine or to imprisonment for a term not exceeding five years.”.

43. The principal Act is amended by inserting next after section 19A, the following section—

Insertion of new sections 19B and 19C in principal Act.

“Failure to comply with direction or directive.

19B. A person who fails to comply with a direction or directive of the Authority issued under the provisions of this Act, or any term or condition thereof, commits an offence and is liable—

- (a) on summary conviction before a Parish Court to a fine not exceeding five million dollars or to imprisonment for a term not exceeding three years;
- (b) on conviction on indictment before a Circuit Court to a fine or to imprisonment for a term not exceeding five years.

Offence to remove, etc., aviation documents required to be kept onboard.

19C. Where an aircraft is in use for air transport service, a person who wilfully removes from an aircraft or wilfully omits to place onboard an aviation document required to be kept onboard that aircraft, commits an offence and is liable on summary conviction before a Parish Court to a fine not exceeding three million dollars or to a term of imprisonment not exceeding one year.”

44. Section 20 of the principal Act is amended by deleting—

Amendment of section 20 of principal Act.

- (a) the marginal note and substituting therefor the following marginal note—

“Jurisdiction.”; and

- (b) the words “a Resident Magistrate” and substituting therefor the words “a Parish Court”.

45. Section 20A(6) of the principal Act is amended—

Amendment of section 20A of principal Act.

- (a) in paragraph (b), by deleting the word “and”;
- (b) in paragraph (c), by deleting the full stop and substituting therefor the word “; and”;

- (c) by inserting next, after paragraph (c), the following paragraph—

“(d) require the person to whom the notice is issued, in the event that the pecuniary penalty is not paid within the period stated in the notice, to attend before the court in the parish in which the offence is alleged to have been committed, to answer to the charge on such date as may be specified, being a date not earlier than thirty days after the expiration of the period stated in the notice.”.

Amendment
of section 22
of principal
Act.

46. Section 22 of the principal Act is amended—

- (a) by deleting the marginal note and substituting therefor the following—

“Service of
notices, *etc.*”;

- (b) by deleting subsection (1) and inserting therefor the following subsections—

“(1) Any notice, direction, directive or order required to be served on any person for the purposes of this Act, or of any of the regulations made hereunder, may be served on him either by—

- (a) delivering it to him, or by leaving it at his last known address;
- (b) sending it by registered post addressed to his last known address; or
- (c) in the case of a notice or directive, sending it to him electronically, in accordance with subsection (1A) and, in the absence of any notification of failure of delivery, shall be deemed to have been received not less than twenty-four hours from the time the notice was served.

(1A) A notice, direction, directive or order, served electronically shall be sent to the email address, or otherwise in accordance with the instructions of the person on whom the notice, direction, directive or order is to be served.”; and

- (c) in subsection (2), by inserting next after the word “notice”, in each case, the words “, direction, directive or order”.

47. The principal Act is amended by inserting next after section 25 the following sections—

Insertion of new sections 26 and 27 in principal Act.

“Amendment of Fifth Schedule. 26. The Authority may, by order, with the approval of the Minister, amend the Fifth Schedule.

Minister’s general regulation-making power. 27. The Minister may make regulations generally for the better carrying out of and giving full effect to the purposes and provisions of this Act.”.

48. The Third Schedule to the principal Act is amended—

Amendment of Third Schedule of principal Act.

- (a) by deleting the words “(Section 5D(2))” and substituting therefor the words “(Section 5DB)”;
- (b) by deleting the heading and substituting therefor the following heading—

“ *Rights and Privileges of Investigator-in-Charge, Investigator, Accredited Representatives and their Advisers* ”;

- (c) in paragraph 1, by inserting next after the word “Investigator-in-Charge” the words “and Investigators”; and
- (d) by deleting paragraph 2, and substituting therefor the following paragraph—

“ 2. Accredited representatives and their respective advisers shall be permitted to participate in the investigation to the extent necessary to make the participation of the accredited representatives effective.”.

Insertion of
new Fifth
Schedule in
principal Act.

49. The principal Act is amended by inserting next after the Fourth Schedule the following Schedule—

“ FIFTH SCHEDULE (Sections 5 and 26)

Kingston Flight Information Region

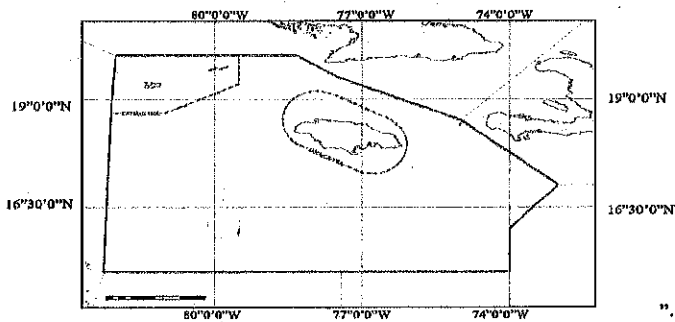
The Kingston Flight Information Region is the area described in Part I and delineated on the map set out in Part II of this Schedule.

PART I.—*Description of Area*

The area comprising approximately 126,000 square nautical miles encompassing Jamaica which—

- (a) is bordered by the flight information regions of—
 - Cuba
 - Central America
 - Panama
 - Colombia
 - Curacao
 - Haiti; and
- (b) does not include the area comprising the territory of the Cayman Islands.

PART II.—*Delineation of Area*



50.—(1) The provisions of the enactments specified in the first column of the Schedule are amended in the manner specified respectively in relation to them in the second column of the Schedule.

Amendment
of
enactments
and con-
struction.
Schedule.

(2) Each amendment shall be read and construed as one with the provision of the enactment specified in relation thereto.

(3) Every regulation made under the Civil Aviation Act is amended by deleting—

- (a) the words “air transport licence”, wherever they appear, and substituting therefor, in each case, the words “air service licence”; and
- (b) the words “air transport permit”, wherever they appear, and substituting therefor, in each case, the words “air service permit”.

(4) References in other enactments to—

- (a) an “air transport licence” or “air transport permit” shall be construed as a reference to “air service licence” or an “air service permit”, as the case may be; and
- (b) any approval or authorization granted in relation to an air transport licence or an air transport permit shall be construed as such approval or authorization in relation to an air service licence or air service permit.

SCHEDULE

(Section 50)

Amendment of Enactments

Enactment	Amendments
The Civil Aviation Regulations, 2012	
Regulation 3	Delete the definitions of “aerodrome”, “aircraft”, “aviation document”, “incident” and “serious incident”.
The Civil Aviation (Air Transport Licensing) Regulations, 1966	
	In the Regulations, delete—
	(a) the word “Board”, wherever it appears and substitute therefor, in each case, the word “Authority”; and
	(b) the words “shall be liable”, wherever they appear and substitute therefor, in each case, the words “is liable”.
Regulation 1	Delete the words “(Air Transport Licensing)” and substitute therefor the words “(Air Service Licensing and Permits)”.
New regulation 3A	Insert next after regulation 3 the following regulation—
	“Matters to be taken into account for air service licences, etc. 3A.—(1) The Authority in considering applications for air service licences, permits and authorizations shall have regard to the following matters— (a) the existence of other air transport services in

Amendment of Enactments

Enactment

Amendments

the area through which the proposed services are to be operated;

(b) the existing or potential need or demand for any services proposed;

(c) the degree of efficiency and regularity of the air transport services, if any, already provided in that area, whether by the applicant or by other operators;

(d) the period for which air transport services have been operated by the applicant or by other operators;

(e) whether the applicant will be able to provide a satisfactory service in respect of safety, security,

*Amendment of Enactments*EnactmentAmendments

environmental protection, continuity, regularity of operation, frequency, punctuality, reasonableness of charges and general efficiency;

- (f) the financial resources of the applicant and any capital or other expenditure reasonably incurred, or any financial commitment or commercial agreement reasonably entered into, in connection with the operation of aircraft to provide air transport services by any person (including the applicant) who is the holder of any air service licence or permit;

Amendment of Enactments

Enactment	Amendments
	(g) the type of aircraft to be used; (h) any unfair advantage of the applicant over other operators by reason of the terms and conditions of employment of his servants; and (i) subject to paragraph (2), any objections or representations duly made. (2) The Authority shall not be required to consider any objection or representation which in the Authority's view, is frivolous or vexatious."
Regulation 5	Delete paragraph (2), and substitute therefor the following paragraph— “ (2) Any person who uses an aircraft in contravention of paragraph (1) commits an offence and is liable on summary conviction before a Parish Court— (a) in the case of a first offence, to a fine not exceeding three

Amendment of Enactments

Enactment	Amendments
	million dollars or to imprisonment for a term not exceeding one year; and
	(b) in the case of a second or subsequent offence, to a fine not exceeding five million dollars or to imprisonment for a term not exceeding two years.”.
Regulation 6	1. Delete the marginal note and substitute therefor the following marginal note— “Terms and conditions of licence.”. 2. In paragraph (1), insert next after the words “to such” the words “terms and”. 3. In paragraph (2), insert next after the words “attach such” the words “terms and”.
Regulation 16	1. Delete the marginal note and substitute therefor the following marginal note— “Grounds, <i>etc.</i>, for revocation and suspension of licences.”. 2. In paragraph (1), delete sub-paragraphs (c) and (e). 3. Delete paragraph (2).
Regulation 22	Delete paragraph (2) and substitute therefor the following paragraph— “ (2) Any person who uses an aircraft in contravention of paragraph (1) commits

Amendment of Enactments

Enactment	Amendments
	an offence and is liable on summary conviction before a Parish Court— (a) in the case of a first offence, to a fine not exceeding three million dollars or to imprisonment for a term not exceeding two years; and (b) in the case of a second or subsequent offence, to a fine not exceeding five million dollars or to imprisonment for a term not exceeding two years.”.
Regulation 23	1. Delete the marginal note and substitute therefor the following marginal note— “Terms and conditions of permit.”. 2. In paragraph (1), insert next after the words “on such” the words “terms and”. 3. In paragraph (2), insert next after the words “attach such” the words “terms and”.
Regulation 25	In paragraph (2), delete the words “and of section 7 of the Act”.
Regulation 26	Delete the marginal note and substitute therefor the following marginal note— “Grounds, <i>etc.</i>, for revocation and suspension of permits.”.
Regulation 28	In the marginal note, delete the word “Conditions” and substitute therefor the words “Terms and conditions”.

Amendment of Enactments

Enactment	Amendments
The Civil Aviation (Air Transport Licensing Board) (Delegation of Functions) Order, 1966	
Paragraph 1	Delete the word "Board".
Paragraph 2	Delete the word "Board" and substitute therefor the word "Authority".
The Civil Aviation (Control of Aerodromes and Airstrips) Regulations, 1984	
Regulation 2	Delete the definition of "aircraft".

Passed in the House of Representatives this 10th day of June, 2026.

JULIET HOLNESS

Speaker.

Passed in the Honourable Senate this 26th day of June, 2026.

THOMAS TAVARES-FINSON, OJ, CD, KC, JP

President.

*This printed impression has been carefully
compared by me with the authenticated impression
of the foregoing Act, and has been found by me to
be a true and correct printed copy of the said Act.*

Sgd. Colleen Howe
Clerk to the Houses of Parliament.

MEMORANDUM OF OBJECTS AND REASONS

The Civil Aviation Act (hereinafter referred to as the Act), regulates the civil aviation sector and facilitates the implementation of Jamaica's international obligations under the Convention on International Civil Aviation, 1944, ("Chicago Convention").

This Bill seeks to amend the Act to ensure that its provisions are effective and in keeping with changes in the civil aviation sector and to ensure Jamaica's continued compliance with the Chicago Convention.

DARYL VAZ
Minister of Energy, Transport and
Telecommunications.

