

STATUTORY INSTRUMENT.

No. **09** of 2022.

Civil Aviation Certified Organisations and Agencies (Offences) Regulation 2022.



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STATUTORY INSTRUMENT.

No. 09 of 2022.

Civil Aviation Certified Organisations and Agencies (Offences) Regulation 2022.

Being a Regulation to provide for offences and penalties pursuant to Section 322 of the *Civil Aviation Act 2000* in relation to Civil Aviation Rule Part 109, 140, 141, 144, 145 and 146, and for related purposes,

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *Civil Aviation Act 2000*.

PART I. - CIVIL AVIATION RULE PART 109 - REGULATED AIR CARGO AGENT (CERTIFICATION).

1. REQUIREMENT FOR CERTIFICATE (RULE PART 109.5).

A person who acts as a regulated air cargo agent without an air cargo agent certificate issued under Rule Part 109 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00, and for a company, a fine of K10,000.00.

2. PRIVILEGES OF CERTIFICATE HOLDER (RULE PART 109.11).

A certificate holder who issues a declaration of security that is false or misleading is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00, and for a company, a fine of K10,000.00.

3. PERSONNEL REQUIREMENTS (RULE PART 109.51).

A person who is granted an air cargo agent certificate, but does not comply with the requirements of Rule Part 109.51, in relation to personnel to be engaged, employed or contracted, is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

Civil Aviation Certified Organisations and Agencies (Offences)

4. FACILITY REQUIREMENTS (RULE PART 109.53).

A person who is granted an air cargo agent certificate, but does not comply with the requirements of Rule Part 109.53, in relation to the provision of facilities to provide his services, is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

5. CARGO AND MAIL INCLUDING TRANSFER CARGO OR MAIL SECURITY CONTROL PROCEDURES (RULE PART 109.55).

A person who is granted an air cargo agent certificate, but does not comply with the requirements of Rule Part 109.55, in relation to the establishment of security control procedures, is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

6. SCREENING PROCEDURES FOR CARGO OR MAIL INCLUDING TRANSFER CARGO OR MAIL (RULE PART 109.57).

A person who is granted an air cargo agent certificate, but does not comply with the requirements of Rule Part 109.57, in relation to the establishment of procedures for screening, is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

7. AUTHORISATION PROCEDURES (RULE PART 109.59).

A person who is granted an air cargo agent certificate, but does not comply with the requirements of Rule Part 109.59, in relation to the establishment of procedures for the issuance of an authorisation to persons who carry out the activities under this rule, is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

8. PROCEDURES AND REGISTER FOR A KNOWN CUSTOMER (RULE PART 109.61).

A person who is granted an air cargo agent certificate, but does not establish procedures to deal with known customers under Rule Part 109.61 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

9. PROCEDURES FOR HIGH RISK CARGO OR MAIL (RULE PART 109.63).

A person who is granted an air cargo agent certificate, but does not comply with the requirements of Rule Part 109.63, in relation to the establishment of additional screening procedures for high risk cargo or mail, is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

Civil Aviation Certified Organisations and Agencies (Offences)

10. TRAINING OF PERSONNEL (RULE PART 109.65).

A person who is granted an air cargo agent certificate, but does not comply with the requirements of Rule Part 109.65, in relation to the establishment and maintenance of a training programme, is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

11. CARGO SECURITY INCIDENT (RULE PART 109.67).

A person who is granted an air cargo agent certificate, but does not comply with the requirements of Rule Part 109.67 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

12. RECORDS (RULE PART 109.69).

A person who is granted an air cargo agent certificate, but does not comply with the requirements of Rule Part 109.69 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

13. SAFETY AND QUALITY MANAGEMENT (RULE PART 109.71).

A person who is granted an air cargo agent certificate, but does not comply with the requirements of Rule Part 109.71, in relation to the establishment of an integrated safety and quality management system, is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

14. ORGANISATION EXPOSITION (RULE PART 109.73).

A person who is granted an air cargo agent certificate, but does not comply with the requirements of Rule Part 109.73 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

15. CONTINUED COMPLIANCE (RULE PART 109.101).

A person who is granted an air cargo agent certificate, but does not comply with the requirements of Rule Part 109.101 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

16. SUSPEND OR REMOVE NAME OF KNOWN CUSTOMER FROM REGISTER (RULE PART 109.103).

A person who is granted an air cargo agent certificate, but does not comply with the requirements of Rule Part 109.103 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

Civil Aviation Certified Organisations and Agencies (Offences)

17. CHANGES TO CERTIFICATE HOLDER'S ORGANISATION (RULE PART 109.105).

A person who is granted an air cargo agent certificate, but does not comply with the requirements of Rule Part 109.105 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

18. PERSONS TO ISSUE DECLARATION OF SECURITY (RULE PART 109.107).

A person who issues a declaration of security without authorisation under Rule Part 109.107 is guilty of an offence.

Penalty: For an individual, a fine of K1,500, and for a company, a fine of K3,000.00.

19. ENTRY TO ACCESS CONTROLLED AREAS (RULE PART 109.109).

A person or a holder of a regulated air cargo agent certificate who contravenes Rule Part 109.109 is guilty of an offence.

Penalty: For an individual, a fine of K1,500, and for a company, a fine of K3,000.00.

**PART II. - CIVIL AVIATION RULE PART 140 - AVIATION
SECURITY SERVICE ORGANISATION
(CERTIFICATION).**

20. REQUIREMENT FOR CERTIFICATE (RULE PART 140.5).

A person who provides aviation security services without an aviation security service certificate issued under Rule Part 140 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00, and for a company, a fine of K10,000.00.

21. DURATION OF CERTIFICATE (RULE PART 140.11).

A holder of an aviation security services certificate who contravenes Rule Part 140.11 is guilty of an offence.

Penalty: For an individual, a fine of K1,000.00, and for a company, a fine of K2,000.00.

22. PERSONNEL REQUIREMENT (RULE PART 140.51).

A holder of an aviation security service certificate who does not comply with the requirements of Rule Part 140.51 is guilty of an offence.

Penalty: For a company, a fine of K2,000.00.

Civil Aviation Certified Organisations and Agencies (Offences)

23. SECURITY FUNCTIONS AND DUTIES (RULE PART 140.53).

A holder of an aviation security services certificate who does not perform the functions and duties of Rule Part 140.53 is guilty of an offence.

Penalty: For a company, a fine of K2,000.00.

24. ESTABLISHMENT OF OPERATIONS PROCEDURES (RULE PART 140.55).

A holder of an aviation security service certificate who is -

- (a) the Aviation Security Service; or
- (b) an air operator; or
- (c) the operator of a security designated aerodrome; or
- (d) the operator of a security designated navigation installation,

but fails to establish procedures required under Rule Part 140.55, that certificate holder is guilty of an offence.

Penalty: For a company, a fine of K2,000.00

25. DOCUMENTATION (RULE PART 140.57).

A holder of an aviation security service certificate who fails to establish procedures to ensure all documentation is available to those who need such documentation as required under Rule part 140.57 is guilty of an offence

Penalty: For a company, a fine of K2,000.00.

26. RECORDS (RULE PART 140.57).

A holder of an aviation security service certificate who fails to establish procedures to maintain records to ensure compliance with Rule Part 140.59 is guilty of an offence.

Penalty: For a company, a fine of K2,000.00.

27. QUALITY MANAGEMENT SYSTEM (RULE PART 140.61).

A holder of an aviation security service organisation certificate who fails to comply with the requirements of Rule Part 140.61 is guilty of an offence.

Penalty: For a company, a fine of K2,000.00.

28. ORGANISATIONS EXPOSITION (RULE PART 140.63).

A holder of an aviation security service certificate who fails to comply with the requirements of Rule Part 140.63 is guilty of an offence.

Penalty: For a company, a fine of K2,000.00.

29. CONTINUED COMPLIANCE (RULE PART 140.101).

A holder of an aviation security service certificate who fails to comply with the requirements of Rule Part 140.101 is guilty of an offence.

Civil Aviation Certified Organisations and Agencies (Offences)

Penalty: For a company, a fine of K2,000.00.

30. CHANGES TO THE EXPOSITION (RULE PART 140.103).

A holder of an aviation security service certificate who fails to comply with the requirements of Rule Part 140.103 is guilty of an offence.

Penalty: For a company, a fine of K2,000.00

**PART III. - CIVIL AVIATION RULE PART 141 - AVIATION
TRAINING ORGANISATIONS - CERTIFICATION AND
OPERATION.**

31. PRIVILEGES OF CERTIFICATE (RULE PART 141.7).

A holder of standard aviation training organisation certificate who conducts training courses and assessments that are authorized by the certificate is guilty of an offence.

Penalty: For an individual, a fine of K5, 000.00, and for a company, a fine of K10,000.00

32. DURATION OF CERTIFICATE (RULE PART 141.9).

A holder of a standard aviation training organization certificate who does not comply with the requirements of Rule Part 141.9 is guilty of an offence.

Penalty: For a company, a fine of K2,000.00

33. SPECIFICATION FOR APPROVAL (RULE PART 141.13).

A holder of a standard aviation training organisation certificate who does not comply with the requirements of Rule Part 141.13 is guilty of an offence.

Penalty: For a company, a fine of K2,000.00.

34. PERSONNEL REQUIREMENTS (RULE PART 141.51).

A holder of a standard aviation training organisation who does not comply with the requirements of Rule Part 141.51, in relation to personnel to be engaged, employed or contracted, is guilty of an offence.

Penalty: For a company, a fine of K2,000.00.

35. FACILITY REQUIREMENTS (RULE PART 141.53).

A holder of a standard aviation training organisation certificate who does not comply with the requirements of Rule Part 141.53, in relation to the provision of facilities and resources for training and assessment, is guilty of an offence.

Penalty: For a company, a fine of K2,000.00.

Civil Aviation Certified Organisations and Agencies (Offences)

36. TRAINING COURSES AND ASSESSMENT (RULE PART 141.57).

A holder of a standard aviation organisation certificate who does not comply with the requirements of Rule Part 141.57, in relation to the establishment of procedures for conducting training and assessment, is guilty of an offence.

Penalty: For a company, a fine of K2,000.00.

37. RECORDS (RULE PART 141.59).

A holder of a standard aviation training organisation certificate who fails to establish procedures to maintain records management system to ensure compliance with Rule Part 141.59 is guilty of an offence.

Penalty: For a company, a fine of K2,000.00

38. SAFETY MANAGEMENT SYSTEM (RULE PART 141.61).

A holder of a standard aviation training organisation who fails to establish and implement a safety management system to ensure compliance with Rule Part 141.61 is guilty of an offence.

Penalty: For a company, a fine of K2,000.00.

39. QUALITY MANAGEMENT SYSTEM (RULE PART 141.63).

A holder of a standard aviation training organisation certificate who fails to establish and implement a quality management system to ensure compliance with Rule Part 141.63 is guilty of an offence.

Penalty: For a company, a fine of K2,000.00.

40. ORGANISATION EXPOSITION (RULE PART 141.65).

A holder of a standard aviation training organisation certificate who does not comply with the requirements of Rule Part 141.65 is guilty of an offence.

Penalty: For a company, a fine of K2,000.00.

41. CONTINUED COMPLIANCE (RULE PART 141.101).

A holder of a standard aviation training organisation certificate who fails to comply with the requirements of Rule Part 141.101 is guilty of an offence.

Penalty: For a company, a fine of K2,000.00.

42. CHANGES TO CERTIFICATE HOLDER'S ORGANISATION (RULE PART 141.103).

A holder of a standard aviation training organisation certificate who does not comply with the requirements of Rule Part 141.103 is guilty of an offence.

Penalty: For a company, a fine of K2,000.00.

Civil Aviation Certified Organisations and Agencies (Offences)

43. CERTIFICATION REQUIREMENTS (RULE PART 141.151).

A holder of a standard aviation training organisation certificate who does not comply with the requirements of Rule Part 141.151 is guilty of an offence.

Penalty: For a company, a fine of K2,000.00.

44. CONTINUED COMPLIANCE (RULE PART 141.153).

A holder of a standard aviation training organisation certificate who fails to comply with the requirements of Rule Part 141.153 is guilty of an offence.

Penalty: For a company, a fine of K2,000.00.

45. RECORDS (RULE PART 141.155).

A holder of a standard aviation training organisation certificate who fails to comply with the requirements of Rule Part 141.155 is guilty of an offence.

Penalty: For a company, a fine of K2,000.00.

PART IV. - CIVIL AVIATION RULE PART 144 - SUPPLY ORGANISATIONS CERTIFICATION.

46. REQUIREMENT FOR CERTIFICATE (RULE PART 144.5).

A person who supplies or issues a release note for an aeronautical product, material or item of equipment without a supply organisation certificate issued under Rule Part 144 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00, and for a company, a fine of K10,000.00.

47. PRIVILEGES AND LIMITATIONS (RULE PART 144.11).

A holder of a supply organisation who issues a release note for an item that is not specified on its certificate as required under Rule Part 144.11 is guilty of an offence.

Penalty: For a company, a fine of K5,000.00.

48. OPERATING SPECIFICATIONS (RULE PART 144.13).

A holder of a supply organisation certificate who does not comply with the requirements of Rule Part 144.13 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

49. DURATION OF CERTIFICATE (RULE PART 144.15).

A holder of a supply organisation certificate who does not comply with the requirements of Rule Part 144.15 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

Civil Aviation Certified Organisations and Agencies (Offences)

50. PERSONNEL REQUIREMENTS (RULE PART 144.105).

A holder of a supply organisation certificate who does not comply with the requirements of Rule Part 144.105, in relation to personnel to be engaged, employed or contracted to perform its functions, is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

51. FACILITY REQUIREMENTS (RULE PART 144.107).

A holder of a supply organisation certificate who does not comply with the requirements of Rule Part 144.107, in relation to the provision of facilities for its supply activities, is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

52. SUPPLY CONTROL PROCEDURES (RULE PART 144.109).

A holder of a supply organisation certificate who does not comply, with the requirements of Rule Part 144.107, in relation to the establishment of supply control procedures, and procedures on the issue of a release note, is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

53. RECORDS (RULE PART 144.111).

A holder of a supply organisation certificate who fails comply with the requirements of Rule Part 144.111 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

54. SAFETY MANAGEMENT SYSTEM (RULE PART 144.112)

A holder of a supply organisation certificate who fails to establish and implement a quality management system to ensure compliance with Rule Part 144.113 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

55. QUALITY MANAGEMENT SYSTEM (RULE PART 144.113).

A holder of a supply organisation certificate who fails to establish and implement a quality management system to ensure compliance with Rule Part 144.113 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

56. SUPPLY ORGANISATION EXPOSITION (RULE PART 144.115).

A holder of a supply organisation who does not comply with the requirements of Rule Part 144.115 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

Civil Aviation Certified Organisations and Agencies (Offences)

57. CONTINUED COMPLIANCE (RULE PART 144.201).

A holder of a supply organisation certificate who fails to comply with the requirements of Rule Part 144.201 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

58. CHANGES TO CERTIFICATE HOLDER'S ORGANISATION (RULE PART 144.203).

A holder of a supply organisation certificate who does not comply with the requirements of Rule part 144.203 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

**PART V. - CIVIL AVIATION RULE PART 145 - AIRCRAFT
MAINTENANCE ORGANISATIONS - CERTIFICATION.**

59. REQUIREMENT FOR CERTIFICATE (RULE PART 145.5).

A person who exercises a privilege under Rule Part 145.11 without an aircraft maintenance organisation certificate issued under Rule 145 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00, and for a company, a fine of K10,000.00.

60. PRIVILEGES AND LIMITATIONS (RULE PART 145.11).

A holder of an aircraft maintenance organisation certificate who does not comply with the requirements of Rule Part 145.11 is guilty of an offence.

Penalty: For a company, a fine of K5,000.00.

61. OPERATING SPECIFICATIONS (RULE PART 145.13).

A holder of an aircraft maintenance organisation certificate who does not comply with the requirements of Rule Part 145.13 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

62. DURATION OF CERTIFICATE (RULE PART 145.15).

A holder of an aircraft maintenance organisation certificate who does not comply with the requirements of Rule Part 145.15 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

63. PERSONNEL REQUIREMENTS (RULE PART 145.101).

A holder of an aircraft maintenance organisation certificate who does not comply with the requirements of Rule Part 145.101, in relation to personnel to be engaged, employed or contracted to perform its functions, is guilty of an offence.

Civil Aviation Certified Organisations and Agencies (Offences)

Penalty: For a company, a fine of K3,000.00.

64. MAINTENANCE PERSONNEL DUTY TIME LIMITATIONS (RULE PART 145.103).

A holder of an aircraft maintenance organisation certificate who does not comply with the requirements of Rule part 145.103, in relation to the duty time limitations, is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

65. FACILITY REQUIREMENTS (RULE PART 145.105).

A holder of an aircraft maintenance organisation certificate who does not comply with the requirements of Rule Part 145.105, in relation to the vision of facilities for all its maintenance activities, is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

66. EQUIPMENT, TOOLS AND MATERIALS (RULE PART 145.107).

A holder of an aircraft maintenance organisation certificate who does not comply with the requirements of Rule part 145.107 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

67. MAINTENANCE MANAGEMENT PROCEDURES (RULE PART 145.109).

A holder of an aircraft maintenance organisation certificate who does not comply with the requirements of Rule Part 145.109 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

68. AUTHORISATIONS PROCEDURES (RULE PART 145.111).

A holder of an aircraft maintenance organisation certificate who does not comply with the requirements of Rule Part 145.111 is guilty of an offence.

Penalty: For a company, a fine of K3, 000.00.

69. CONTINUED AIRWORTHINESS (RULE PART 145.113).

A holder of an aircraft maintenance organisation certificate who does not comply with the requirements of Rule Part 145.113 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

70. CONTINUOUS AIRWORTHINESS RECORDS (RULE PART 145.115).

A holder of an aircraft maintenance organisation certificate who does not comply with the requirements of Rule Part 145.115 is guilty of an offence.

Penalty: For a company, a fine of K3, 000.00.

Civil Aviation Certified Organisations and Agencies (Offences)

71. SAFETY MANAGEMENT SYSTEM (RULE PART 145.116).

A holder of an aircraft maintenance organisation certificate who fails to establish and implement a safety aircraft maintenance system to ensure compliance with Rule Part 145.116 is not guilty of an offence.

Penalty: For a company, a fine of K3, 000.00.

72. QUALITY MANAGEMENT SYSTEM (RULE PART 145.117).

A holder of an aircraft maintenance organisation certificate who fails to establish and implement a safety management system to ensure compliance with Rule part 145.117 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

73. MAINTENANCE ORGANISATION EXPOSITION (RULE PART 145.119).

A holder of an aircraft maintenance organisation certificate who does not comply with the requirement of Rule Part 145.119 is guilty of an offence.

Penalty: For a company, a fine of K3, 000.00.

74. CONTINUED COMPLIANCE (RULE PART 145.151).

A holder of an aircraft maintenance organisation certificate who fails to comply with the requirements of Rule part 145.151 is guilty of an offence.

Penalty: For a company, a fine of K3,000.00.

75. CHANGES TO CERTIFICATE HOLDER'S ORGANISATION (RULE PART 145.153).

A holder of an aircraft maintenance organisation certificate who does not comply with the requirements of Rule Part 145.153 is guilty of an offence.

Penalty: For a company, a fine of K3, 000.00.

**PART VI – CIVIL AVIATION RULE PART 146 - AIRCRAFT
DESIGN ORGANISATIONS - CERTIFICATION.**

76. REQUIREMENT FOR CERTIFICATE (RULE PART 146.5).

A person who exercises a privilege under Rule Part 146.11 without an aircraft design organization certificate issued under Rule part 146 is guilty of an offence.

Penalty: For an individual, a fine of K5, 000.00, and for a company, a fine of K10, 000.00.

77. PRIVILEGES CERTIFICATE HOLDER (RULE PART 146.11).

A holder of a design organisation certificate who develops a design that is not authorized by the rating (s) specified on the certificate is guilty of an offence.

Civil Aviation Certified Organisations and Agencies (Offences)

Penalty: For a company, a fine of K3, 000.00.

78. DURATION OF CERTIFICATE (RULE PART 146.13).

A holder of a design organisation certificate who does not comply with the requirements of Rule part 146.13 is guilty of an offence.

Penalty: For a company, a fine of K3, 000.00.

79. NOTIFICATION OF CEASING DESIGN (RULE PART 146.15).

A holder of a design organisation certificate who does not comply with the requirements of Rule Part 146.15 is guilty of an offence.

Penalty: For a company, a fine of K3, 000.00.

80. CONTINUED COMPLIANCE (RULE PART 146.201).

A holder of a design organisation certificate who fails to comply with the requirements of Rule Part 146.201 is guilty of an offence.

Penalty: For a company, a fine of K3, 000.00.

81. CHANGES TO CERTIFICATE HOLDER'S ORGANISATION (RULE PART 146.203).

A holder of a design organisation certificate who does not comply with the requirements of Rule Part 146.203 is guilty of an offence.

Penalty: For a company, a fine of K3, 000.00.

82. SAFETY AUDITS AND INSPECTIONS (RULE PART 146.205).

A holder of a design organisation certificate who does not comply with the requirements of Rule part 146.205 is guilty of an offence.

Penalty: For a company, a fine of K3, 000.00.

PART VII. - MISCELLANEOUS.

83. APPLICATION OF OTHER ACTS.

For the purposes of prosecution under this Regulation, the following provisions of the *Criminal Code Act* 1974 shall apply:

- (a) Section 7 of that Act relating to offences committed in prosecution of common purposes; and
- (b) Section 8 of that relating to offences committed in prosecution of common purposes; and
- (c) Section 9 of that Act relating to mode of execution immaterial; and
- (d) the provisions of Subsection 10 (1) only, of that Act relating to accessories after the fact.

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84. PRESERVATION OF RIGHTS AND LIABILITIES UNDER OTHER LAWS, ETC.

Except where the contrary intention appears, nothing in this Regulation takes away from any persons any defence, right or liability, whether civil or criminal that -

(a) is or has been available, acquired or incurred; or

(b) will or may be available, acquired or incurred,

to or by him under any other law, but nothing in this section shall be deemed to show a contrary intention within the meaning of the Interpretation Act (Chapter 2) or to affect Section 16 of the Criminal Code, or any other similar law.

85. STANDARD OF PROOF.

The standard of proof to be applied in procedures under this regulation shall be that applied in civil proceedings, namely, proof on the balance of probabilities.

86. INFRINGEMENT FINES.

The fines prescribed under this Regulation, shall be payable to the Authority.

87. ON-THE-SPOT INFRINGEMENT FINES.

(1) Where it appears to a member of the Authority or a prescribed officer that a person has committed a prescribed offence against this Regulation, the member of the Authority or prescribed officer may serve on the person a notice in the prescribed form to the effect that if he does not desire to have the matter determined by a court he may pay to an officer specified in the notice, within the time specified in the notice, the amount of the penalty prescribed for the offence if dealt with under this section.

(2) A notice under Subsection (1) may be served -

(a) personally; or

(b) by post; or

(c) by electronic means; or

(d) by leaving it on or in the premises of the person.

(3) It is sufficient for the notice to be addressed in a letter format, containing the charge and the facts on which an offence has been committed and the appropriate fine.

(4) A person alleged to have committed an offence to which Subsection (1) applies has the right to decline to be dealt with under this section.

(5) For the purposes of Subsection (3), a person who fails to pay, within the time specified in the notice or such further time as is allowed in any particular case, the penalty to which a notice under Subsection (1) relates shall be deemed to have declined to be dealt with under this section.

(6) Where the amount of the prescribed penalty for an alleged offence is paid in accordance with this section, no person is liable to any further proceedings for the offence.

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(7) Payment, in accordance with this section, of a penalty in respect of an alleged offence -
(a) shall not be regarded as an admission of liability for the purposes of this Regulation; and
(b) does not affect or prejudice, any criminal proceedings, other than proceedings for the alleged offence or any civil claim, action or proceeding arising out of the same occurrence.

(8) A penalty prescribed for the purposes of this section for a prescribed offence shall not exceed the maximum amount of penalty that could be imposed for the offence by a court.

(9) Subject to Subsection (5) and (6), this section is supplementary to, and not in derogation of, any other provision of the Act, this Regulation or any other law in relation to proceedings that may be taken in respect of prescribed offences.

(10) Notwithstanding the Constitutional provisions relating to the imposition of a fine without a Court hearing, it is in the National interest for the benefit of public safety for an 'On The Spot' infringement fine to be imposed as a form of penalty according to the offender's desire.

88. POWRES OF ARREST.

(1) Notwithstanding any other law but subject to the provisions of the *Arrest Act* (Chapter 339), this section applies to and in relation to an arrest for an offence made by or under this Regulation.

(2) A policeman, an authorised office or agent of the Authority may, without warrant, arrest a person whom they believe on reasonable grounds:

- (a) is committing; or
(b) has committed an offence,
under this Regulation.

(3) For the purposes of this section a "policeman" means a member of the Police Force and includes Reserve Constabulary.

MADE this Thursday, 10th day of November, 2022.



GOVERNOR-GENERAL.