

STATUTORY INSTRUMENT.

No. **08** of 2022.

Civil Aviation (Personnel)(Offences) Regulation 2022.



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No. 08 of 2022.

Civil Aviation (Personnel)(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 61, 63, 65, 66, 67 and 183, 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 61 - PILOT LICENCES AND RATINGS.

Division 1. - General.

1. REQUIREMENT FOR PILOT LICENCE AND RATINGS, ETC. (RULE PART 61.5).

(1) A person who -

(a) operates an aircraft; or

(b) allows another person to operate an aircraft,

within or outside Papua New Guinea without the requisite licence as prescribed in Rule Part 61.5(a), (b) or (c) 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) A person who -

(a) operates an aircraft; or

(b) allows another person to operate an aircraft,

within or outside Papua New Guinea without the requisite current aircraft type rating for that aircraft as prescribed in Rule Part 61.5(d) 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.

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- (3) A person who -
(a) operates an aircraft; or
(b) allows another person to operate an aircraft,
operating under IFR, without the requisite current instrument rating as prescribed in Rule Part 61.5(e) 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.

- (4) A person who exercises privileges of a flight instructor without the requisite current flight instructor rating as prescribed in Rule Part 61.5(f) is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00

- (5) A person who exercises privileges of a flight examiner without the requisite current flight examiner rating as prescribed in Rule Part 61.5(g) is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00

2. VALIDATION PERMIT FOR A FOREIGN PILOT LICENCE (RULE PART 61.9).

A person who applies for a validation permit without the requisite documentation or gives false or misleading information on matters prescribed by Rule Part 61.9(a) 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. ACCEPTANCE OF FOREIGN LICENCES (RULE PART 61.13).

A person who applies for acceptance of a foreign licence without the requisite documentation or gives false or misleading information on matters prescribed by Rule Part 61.13(c) is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

4. WRITTEN EXAMINATIONS - UNAUTHORISED CONDUCT (RULE PART 61.19).

A person who does any of the acts referred to in Rule Part 61.19(a), during a written examination, is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

5. FLIGHT TESTS (RULE PART 61.21).

A person who applies for a flight test without producing the documentation required under Rule Part 61.21(a) is guilty of an offence.

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Penalty: For an individual, a fine of K5,000.00.

6. FLIGHT TRAINING AND TESTING - GENERAL REQUIREMENTS (RULE PART 61.25).

A person who applies for a pilot licence or rating without complying with the requirements of Rule Part 61.25 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

7. STATUS OF FLIGHT EXAMINERS (RULE PART 61.27).

A flight examiner who fails to comply with the requirements of Rule Part 61.27 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

8. PILOT LOGBOOKS - GENERAL REQUIREMENTS (RULE PART 61.29).

A student pilot and the holder of a pilot licence who fail to comply with the requirements of Rule Part 61.29 are guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

9. PILOT LOGBOOKS - CREDITING FLIGHT TIME (RULE PART 61.31).

A pilot, flight instructor or flight examiner who makes false entries into a logbook to gain flight time credit under Rule Part 61.31 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

10. PILOT LOGBOOKS - CREDITING GROUND TIME (RULE PART 61.33).

An instructor who falsely certifies the time in the pilot's logbook under Rule Part 61.33 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

11. MEDICAL REQUIREMENT (RULE PART 61.35).

A person with -

(a) a pilot licence; or

(b) a validation permit for a foreign pilot licence,

who exercises privileges without fulfilling the requirements of Rule Part 61.35 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

12. RECENT FLIGHT EXPERIENCE - PILOT IN COMMAND AND CO-PILOT (RULE PART 61.37).

(1) An airline transport pilot who does not comply with the requirements of Rule Part 61.37(a) is guilty of an offence.

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Penalty: For an individual, a fine of K5,000.00.

(2) A day flight commercial pilot, or day flight private pilot who does not comply with the requirements of Rule Part 61.37(b) is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

(3) A night flight air transport pilot, a night flight commercial pilot, or a night flight private pilot who does not comply with the requirements of Rule Part 61.37(c) is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

(4) A helicopter pilot who does not comply with the requirements of Rule Part 61.37(d) is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

(5) A flight instructor who does not comply with the requirements of Rule Part 61.37(f) is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

(6) An airline operator who allows its agents and servants to breach the requirements of Subsections (1) to (5), inclusive, 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

13. BIENNIAL FLIGHT REVIEW (RULE PART 61.39).

(1) A holder of a pilot licence who does not comply with the requirements of Rule Part 61.39(a) is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

(2) A flight instructor who does not comply with the requirements of Rule Part 61.39(d) is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

14. USE OF LOWER PILOT LICENCE OR RATING (RULE PART 61.41).

A holder of a pilot licence who does not comply with the requirements of Rule Part 61.41 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

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15. EXAMINATION FOR PROFICIENCY (RULE PART 61.43).

A holder of a pilot licence or rating that is issued under this part who does not comply with the requirements of Rule Part 61.43 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

16. OFFENCES INVOLVING SUBSTANCES OF ABUSE (RULE PART 61.45).

A holder of a pilot licence or rating who is convicted for drug or alcohol abuse is guilty of an offence under this part.

Penalty: For an individual, a fine of K5,000.00.

Division 2. - Aircraft Type Ratings.

17. ELIGIBILITY REQUIREMENT (RULE PART 61.53).

A person who operates an aircraft without satisfying the requirements of Rule Part 61.53 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.

18. ISSUE (RULE PART 61.55).

A flight instructor who does not comply with the requirements of Rule Part 61.55 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.

19. FIRST OF TYPE AUTHORISATION (RULE PART 61.57).

A holder of a current flight instructor rating who acts as a pilot or pilot-in-command without the authorisation of the Director under Rule Part 61.57 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.

Division 3. - Aircraft Class Ratings.

20. ELIGIBILITY REQUIREMENT (RULE PART 61.73).

A person who operates an aircraft without satisfying the requirements of Rule Part 61.73 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

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Division 4. - Student Pilots.

21. GENERAL (RULE PART 61.103).

A person who operates an aircraft without satisfying the requirements of Rule Part 61.103 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

22. SOLO FLIGHT REQUIREMENTS (RULE PART 61.105).

(1) A person who flies an aircraft solo without satisfying the requirements of Rule Part 61.105 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

(2) A flight instructor who authorise or oversee a solo flight without complying with the requirements of Rule Part 61.105 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

23. LIMITATIONS (RULE PART 61.107).

A person who acts a pilot -in-command an aircraft in contravention of Rule Part 61.107 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

Division 5. - Private Pilot Licences.

24. PRIVILEGES AND LIMITATIONS (RULE PART 61.155).

A holder of a current private pilot licence who acts as a pilot -in-command or a co-pilot of an aircraft, in contravention of Rule Part 61.155, is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

25. CURRENCY REQUIREMENTS (RULE PART 61.157).

A holder of a current private pilot licence who does not comply with the requirements of Rule Part 61.157 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

Division 6. - Commercial Pilot Licences.

26. ELIGIBILITY REQUIREMENTS (RULE PART 61.203).

A person who acts as a commercial pilot without fulfilling the requirements of Rule Part 61.203 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

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27. PRIVILEGES AND LIMITATIONS (RULE PART 61.205).

A holder of a current commercial pilot licence who acts as a pilot -in-command or a co-pilot of an aircraft, in contravention of Rule Part 61.205, is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

28. CURRENCY REQUIREMENTS (RULE PART 61.207).

A holder of a current commercial pilot licence who does not comply with the requirements of Rule Part 61.207 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

Division 7. - Airline Transport Pilot Licences.

29. ELIGIBILITY REQUIREMENTS (RULE PART 61.253).

A person who acts as an airline transport pilot without fulfilling the requirements of Rule Part 61.253 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

30. PRIVILEGES (RULE PART 61.255).

A holder of a current airline transport pilot licence who exercises the privileges under Rule Part 61.255, in contravention of Rule Part 61.255, is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

Division 8. - Flight Instructor Ratings.

31. ELIGIBILITY REQUIREMENTS (RULE PART 61.303).

A person who acts as a flight instructor in the categories described in Rule Part 61.303, without fulfilling the requirements of Rule Part 61.303, is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

32. ISSUE (RULE PART 61.304).

A flight instructor who does not comply with the requirements of Rule Part 61.304 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

33. PRIVILEGES AND LIMITATIONS (RULE PART 61.305).

A person who acts as a flight instructor in the categories described in Rule Part 61.305, without fulfilling the requirements of Rule Part 61.303, is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

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34. CURRENCY REQUIREMENTS (RULE PART 61.307).

A person who acts as a flight instructor in the categories described in Rule Part 61.305, without complying with the requirements of Rule Part 61.307, is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

Division 9. - Flight Operations Officer/Flight Dispatcher.

35. ELIGIBILITY REQUIREMENTS (RULE PART 61.403).

A person who acts as a flight operations officer or flight dispatcher, without fulfilling the requirements of Rule Part 61.403, is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

Division 10. - Agricultural Ratings.

36. ISSUE (RULE PART 61.703).

A flight instructor or flight examiner who does not comply with the requirements of Rule Part 61.703 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

37. PRIVILEGES AND LIMITATIONS (RULE PART 61.705).

A person who acts as a pilot on an agricultural aircraft operation without complying with the requirements of Rule Part 61.705, is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

38. CURRENCY REQUIREMENTS (RULE PART 61.707).

A person who acts as a pilot on an agricultural aircraft operation without complying with the requirements of Rule Part 61.707, is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

Division 11. - Pilot Chemical Rating.

39. ISSUE (RULE PART 61.753).

The person who completed the assessment required by Rule Part 61.751 and issues a false or misleading rating in the pilot's logbook under Rule Part 61.753 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

40. PRIVILEGES (RULE PART 61.755).

A pilot who dispenses an agricultural chemical from an aircraft on an agricultural aircraft operation in contravention of Rule Part 61.755 is guilty of an offence.

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Penalty: For an individual, a fine of K5,000.00.

41. CURRENCY REQUIREMENTS (RULE PART 61.757).

A holder of a pilot chemical rating who exercises the privileges in contravention of Rule Part 61.757 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

Division 12. - Instrument Ratings.

42. ISSUE (RULE PART 61.803).

A person who gives false or misleading statements to the Director, in an application for an instrument rating under Rule Part 61.801, is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

43. PRIVILEGES AND LIMITATIONS (RULE PART 61.805).

A holder of a current instrument rating who exercises the privileges in contravention of Rule Part 61.805 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

44. CURRENCY REQUIREMENTS (RULE PART 61.807).

A holder of a current instrument rating who exercises the privileges in contravention of Rule Part 61.807 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

Division 13. - Flight Examiner Ratings.

45. ISSUE (RULE PART 61.903).

A person who gives false or misleading statements to the Director, in an application for a flight examiner rating under Rule Part 61.901, is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

46. PRIVILEGES AND LIMITATIONS - AIRLINE FLIGHT EXAMINER RATING (RULE PART 61.905).

(1) A holder of a current airline flight examiner rating who conduct flight tests in contravention of Rule Part 61.905(a) is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

(2) A holder of a current general aviation flight examiner rating who conduct flight tests in contravention of Rule Part 61.905(b) is guilty of an offence.

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Penalty: For an individual, a fine of K5,000.00.

(3) A holder of a current restricted flight examiner rating who exercises his privileges in contravention of Rule Part 61.905(c) is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

(4) A holder of a flight examiner rating who exercises his privileges in contravention of Rule Part 61.905(d) is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

47. CURRENCY REQUIREMENTS (RULE PART 61.907).

A holder of a flight examiner rating or a holder of an airline flight examiner rating who exercises the privileges in contravention of Rule Part 61.907 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

PART II. - CIVIL AVIATION RULE PART 63 - FLIGHT ENGINEERS AND RATINGS.

Division 1. - General.

48. REQUIREMENTS FOR LICENCE AND RATINGS (RULE PART 63.3).

A person who -

- (a) performs the duties of a flight engineer; or
 - (b) allows another person to perform the duties of a flight engineer; or
 - (c) exercises the privileges of a flight engineer; or
 - (d) allows another person to exercise the privileges of a flight engineer,
- without the requisite licence as prescribed in Rule Part 63.3 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.

49. CHEATING OR OTHER UNAUTHORISED CONDUCT (RULE PART 63.17).

A person who does any of the things listed in Rule Part 63.17, during an examination, is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

50. FLIGHT ENGINEER LOGBOOKS - GENERAL (RULE PART 63.19).

A holder of a cadet flight engineer licence or a holder of a flight engineer licence who fails to comply with the requirements of Rule Part 63.19 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

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51. FLIGHT ENGINEER LOGBOOKS - CREDITING FLIGHT TIME (RULE PART 63.21).

A holder of a cadet flight engineer licence or a holder of a flight engineer licence who makes false entries into a logbook to gain flight time credit under Rule Part 63.21 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

52. MEDICAL REQUIREMENTS (RULE PART 63.23).

A holder of -

(a) a cadet flight engineer licence; or

(b) a flight engineer licence,

who exercises privileges without fulfilling the requirements of Rule Part 63.23 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

53. BIENNIAL FLIGHT REVIEW (RULE PART 63.25).

(1) A holder of a flight engineer licence who does not comply with the requirements of Rule Part 63.25(a) is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

(2) A holder of a flight engineer instructor rating who does not comply with the requirements of Rule Part 63.25(b) or (c) is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

54. EXAMINATION FOR PROFICIENCY (RULE PART 63.27).

A holder of a licence or rating who does not comply with the requirements of Rule Part 63.27 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

55. OFFENCES INVOLVING ALCOHOL OR DRUGS (RULE PART 63.29).

A licence holder who is convicted for an alcohol or drug related offence is guilty of an offence under Rule Part 63.29.

Penalty: For an individual, a fine of K5,000.00.

Division 2. - Cadet Flight Engineer Licences.

56. PRIVILEGES AND LIMITATIONS (RULE PART 63.55).

A holder of a cadet flight engineer licence who does not comply with the requirements of Rule Part 63.55 is guilty of an offence.

Civil Aviation (Personnel)(Offences)

Penalty: For an individual, a fine of K5,000.00.

Division 3. - Flight Engineer Licences.

57. PRIVILEGES (RULE PART 63.155).

A person who exercises any privilege of a cadet flight engineer or performs a flight engineer's duties without a flight engineer's licence as required under Rule Part 63.155 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

58. RECENT EXPERIENCE REQUIREMENTS (RULE PART 63.157).

A holder of a flight engineer licence who does not comply with the requirements of Rule Part 63.157 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

Division 4. - Flight Radiotelephone Operator Ratings.

59. ELIGIBILITY REQUIREMENTS (RULE PART 63.203).

A person who acts as a flight radiotelephone operator without fulfilling the requirements of Rule Part 63.203 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

60. ISSUE (RULE PART 63.205).

A holder of a flight engineer instructor rating or a holder of a flight instructor rating who makes a false or misleading entry into the flight engineer's logbook under Rule Part 63.205 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

61. PRIVILEGES AND LIMITATIONS (RULE PART 63.207).

A person who operates a radiotelephone of an aircraft without a flight radiotelephone operator rating required under Rule Part 63.207 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

Division 5. - Aircraft Type Ratings.

62. ISSUE (RULE PART 63.255).

A holder of a flight engineer instructor rating who makes a false or misleading entry into the flight engineer's logbook under Rule Part 63.255 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

Civil Aviation (Personnel)(Offences)

63. PRIVILEGES (RULE PART 63.157).

A person who exercises any privilege of a flight engineer aircraft type rating without a flight engineer's licence as required under Rule Part 63.257 is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

Division 6. - Aircraft Flight Engineer Instructor Ratings.

64. PRIVILEGES AND LIMITATIONS (RULE PART 63.305).

Subject to Paragraph (a), a person who exercises the privileges or perform the duties specified under Rule Part 63.304(a), without a flight engineer instructor rating, is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

Division 7. - Aircraft Flight Engineer Examiner Ratings.

65. PRIVILEGES AND LIMITATIONS (RULE PART 63.355).

Subject to Paragraph (b), a person who exercises the privileges or perform the duties specified under Rule Part 63.355(a), without a flight engineer examiner rating, is guilty of an offence.

Penalty: For an individual, a fine of K5,000.00.

**PART III. - CIVIL AVIATION RULE PART 65 - AIR TRAFFIC
SERVICE PERSONNEL LICENCES AND RATINGS AND
RATINGS.**

Division 1. - General.

66. REQUIREMENTS FOR LICENCES AND RATINGS (RULE PART 65.5).

A person who -

- (a) provides an air traffic services; or
- (b) allows another person to provide an air traffic service; or
- (c) exercises the privileges of an air traffic service instructor; or
- (d) allows another person to exercise the privileges of an air traffic service instructor,

without the requisite licence as prescribed in Rule Part 65.5, 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.

67. PRODUCTION OF LICENCES OR RATINGS (RULE PART 65.15).

A holder of a licence or rating who fails to comply with the requirements of Rule Part 65.15 is guilty of an offence.

Civil Aviation (Personnel)(Offences)

Penalty: For an individual, a fine of K2,000.00.

68. CHEATING OR OTHER UNAUTHORISED CONDUCT (RULE PART 65.21).

A person who does any of the things listed in Rule Part 65.21, during an examination, is guilty of an offence.

Penalty: For an individual, a fine of K2,000.00.

69 MEDICAL REQUIREMENTS (RULE PART 65.23).

Subject to Paragraph (d), a holder of an air traffic controller licence who fails to comply with the requirements of Rule Part 65.23(a), (b) or (c) is guilty of an offence.

Penalty: For an individual, a fine of K2,000.00.

70 EXAMINATION FOR CONTINUED FITNESS AND PROFICIENCY (RULE PART 65.25).

A holder of a licence or rating who fails to comply with the requirements of Rule Part 65.25 is guilty of an offence.

Penalty: For an individual, a fine of K2,000.00.

71. OFFENCES INVOLVING ALCOHOL OR DRUGS (RULE PART 65.27).

A licence holder who is convicted for an alcohol or drug related offence is guilty of an offence under Rule Part 65.27.

Penalty: For an individual, a fine of K2,000.00.

Division 2. - Air Traffic Controller Licences.

72. PRIVILEGES AND LIMITATIONS (RULE PART 65.105).

A holder of an air traffic controller licence who does not comply with the requirements of Rule Part 65.105 is guilty of an offence.

Penalty: For an individual, a fine of K2,000.00.

73. RECENT EXPERIENCE REQUIREMENTS (RULE PART 65.107).

A holder of an air traffic controller licence who does not comply with the requirements of Rule Part 65.107 is guilty of an offence.

Penalty: For an individual, a fine of K2,000.00.

Division 3. - Air Traffic Controller Ratings.

74. ELIGIBILITY REQUIREMENTS (RULE PART 65.203).

A person who acts as an air traffic controller without fulfilling the requirements of Rule Part 65.203 is guilty of an offence.

Civil Aviation (Personnel)(Offences)

Penalty: For an individual, a fine of K2,000.00.

75. ISSUE (RULE PART 65.205).

A holder of an air traffic service examiner rating who makes a false or misleading entry into the air traffic controller's licence under Rule Part 65.205 is guilty of an offence.

Penalty: For an individual, a fine of K2,000.00.

76. RECENT EXPERIENCE REQUIREMENTS (RULE PART 65.209).

A holder of an air traffic controller licence who does not comply with the requirements of Rule Part 65.209 is guilty of an offence.

Penalty: For an individual, a fine of K2,000.00.

Division 4. - Air Traffic Service Instructor Ratings.

77. ELIGIBILITY REQUIREMENTS (RULE PART 65.253).

A person who acts as an air traffic service instructor without fulfilling the requirements of Rule Part 65.253 is guilty of an offence.

Penalty: For an individual, a fine of K2,000.00.

78. PRIVILEGES AND LIMITATIONS (RULE PART 65.255).

A holder of an air traffic service instructor rating who does not comply with the requirements of Rule Part 65.255 is guilty of an offence.

Penalty: For an individual, a fine of K2,000.00.

Division 5. - Aeronautical Station Operator Licences.

79. ELIGIBILITY REQUIREMENTS (RULE PART 65.303).

A person who acts as an aeronautical station operator without fulfilling the requirements of Rule Part 65.303 is guilty of an offence.

Penalty: For an individual, a fine of K2,000.00.

80. PRIVILEGES AND LIMITATIONS (RULE PART 65.305).

A holder of an aeronautical station operator licence who does not comply with the requirements of Rule Part 65.305 is guilty of an offence.

Penalty: For an individual, a fine of K2,000.00.

81. RECENT EXPERIENCE REQUIREMENTS (RULE PART 65.307).

A holder of an aeronautical station operator licence who does not comply with the requirements of Rule Part 65.307 is guilty of an offence.

Civil Aviation (Personnel)(Offences)

Penalty: For an individual, a fine of K2,000.00.

Division 6. - Aeronautical Station Operator Ratings.

82. ELIGIBILITY REQUIREMENTS (RULE PART 65.353).

A person who acts as an aeronautical station operator without fulfilling the requirements of Rule Part 65.353 is guilty of an offence.

Penalty: For an individual, a fine of K2,000.00.

83. ISSUE (RULE PART 65.355).

A holder of an air traffic service examiner rating who makes a false or misleading entry into the aeronautical station operator's rating under Rule Part 65.355 is guilty of an offence.

Penalty: For an individual, a fine of K2,000.00.

84. PRIVILEGES AND LIMITATIONS (RULE PART 65.357).

A holder of an aeronautical station operator licence who does not comply with the requirements of Rule Part 65.357 is guilty of an offence.

Penalty: For an individual, a fine of K2,000.00.

85. RECENT EXPERIENCE REQUIREMENTS (RULE PART 65.359).

A holder of an aeronautical station operator licence who does not comply with the requirements of Rule Part 65.359 is guilty of an offence.

Penalty: For an individual, a fine of K2,000.00.

PART IV. - CIVIL AVIATION RULE PART 66 - AIRCRAFT MAINTENANCE ENGINEER LICENSING.

Division 1. - General.

86. ISSUE OF LICENCES, RATINGS AND CERTIFICATES (RULE PART 66.7).

A person who acts as an aircraft maintenance engineer without fulfilling the requirements of Rule Part 66.7 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.

87. ACCEPTANCE OF FOREIGN LICENCES (RULE PART 66.9).

A person who applies for acceptance of a foreign licence without the requisite documentation or gives false or misleading information on matters prescribed by Rule Part 66.9(c) is guilty of an offence.

Civil Aviation (Personnel)(Offences)

Penalty: For an individual, a fine of K2,000.00.

- 88. CHEATING OR OTHER UNAUTHORISED CONDUCT (RULE PART 66.15).**
A person who does any of the things listed in Rule Part 66.15, during an examination, is guilty of an offence.

Penalty: For an individual, a fine of K2,000.00.

- 89. OFFENCES INVOLVING ALCOHOL OR DRUGS (RULE PART 66.17).**
A licence holder who is convicted for an alcohol or drug related offence is guilty of an offence under Rule Part 66.17.

Penalty: For an individual, a fine of K2,000.00.

- 90. PRODUCTION OF LICENCE OR CERTIFICATE (RULE PART 66.21).**
A holder of a licence or certificate who fails to comply with the requirements of Rule Part 66.21 is guilty of an offence.

Penalty: For an individual, a fine of K2,000.00.

Division 2. - Aircraft Maintenance Engineer Certificate.

- 91. ELIGIBILITY REQUIREMENTS (RULE PART 66.57).**
A person who acts as an aircraft maintenance engineer without fulfilling the requirements of Rule Part 66.57 is guilty of an offence.

Penalty: For an individual, a fine of K2,000.00.

- 92. PRIVILEGES AND LIMITATIONS (RULE PART 66.59).**
A holder of an aircraft maintenance engineer licence who does not comply with the requirements of Rule Part 66.59 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

- 93. RECENT EXPERIENCE REQUIREMENTS (RULE PART 66.63).**
A holder of an aircraft maintenance engineer licence who does not comply with the requirements of Rule Part 66.63 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

Division 3. - Aircraft Maintenance Engineer Licence Ratings.

- 94. ELIGIBILITY REQUIREMENTS (RULE PART 66.107).**
A person who acts as an aircraft maintenance engineer without fulfilling the requirements of Rule Part 66.107 is guilty of an offence.

Civil Aviation (Personnel)(Offences)

Penalty: For an individual, a fine of K3,000.00.

95. PRIVILEGES (RULE PART 66.111).

A holder of an aircraft maintenance engineer licence who does not comply with the requirements of Rule Part 66.111 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

Division 4. - Aircraft Maintenance Specialist Certificate.

96. ELIGIBILITY REQUIREMENTS (RULE PART 66.157).

A person who acts as a class AMS-1 aviation maintenance specialist without fulfilling the requirements of Rule Part 66.157 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

97. PRIVILEGES AND LIMITATIONS (RULE PART 66.159).

A holder of a class AMS-1, AMS-2, AMS-3, AMS-4 or AMS-5 aviation maintenance specialist licence who does not comply with the requirements of Rule Part 66.159 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

98. DURATION OF CERTIFICATE (RULE PART 66.161).

A holder of a class AMS-1, AMS-2, AMS-3, AMS-4 or AMS-5 aviation maintenance specialist licence who acts as an aviation maintenance specialist when his certificate is suspended, revoked or has expired in accordance with Rule Part 66.161 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

99. CONDITIONS OF VALIDITY (RULE PART 66.163).

A holder of a class AMS-1, AMS-2, AMS-3, AMS-4 or AMS-5 aviation maintenance specialist licence who does not comply with the requirements of Rule Part 66.163 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

Division 5. - Certificate of Inspection Authorisation.

100. ELIGIBILITY REQUIREMENTS (RULE PART 66.205).

A person who acts as an inspector without fulfilling the requirements of Rule Part 66.205 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

Civil Aviation (Personnel)(Offences)

101. PRIVILEGES AND LIMITATIONS (RULE PART 66.207).

A holder of an inspection authorisation certificate who does not comply with the requirements of Rule Part 66.207 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

102. DURATION OF CERTIFICATE (RULE PART 66.209).

A holder of an inspection authorisation certificate who acts as an inspector when his certificate is suspended, revoked or has expired in accordance with Rule Part 66.209 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

103. CONDITIONS OF VALIDITY (RULE PART 66.211).

A holder of an inspection authorisation certificate who does not comply with the requirements of Rule Part 66.211 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

Division 6. - Changes to Licence or Certificate.

104. PERSONAL INFORMATION (RULE PART 66.453).

A holder of a licence or certificate who fails to comply with the requirements of Rule Part 66.453 is guilty of an offence.

Penalty: For an individual, a fine of K1,000.00.

105. SUSPENSION AND REVOCATION (RULE PART 66.455).

A holder of a licence or certificate who fails to comply with the requirements of Rule Part 66.455 is guilty of an offence.

Penalty: For an individual, a fine of K2,000.00.

**PART V. - CIVIL AVIATION RULE PART 67 - MEDICAL
STANDARDS AND CERTIFICATION.**

Division 1. - Medical Certification.

106. APPLICATION (RULE PART 67.55).

An applicant for a medical certificate who fails to comply with the requirements of Rule Part 67.55 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.

Civil Aviation (Personnel)(Offences)

107. MEDICAL EXAMINATION (RULE PART 67.57).

An applicant for a medical certificate who fails to comply with the requirements of Rule Part 67.57 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

108. REFUSAL TO ISSUE CERTIFICATE (RULE PART 67.65).

A designated aviation medical examiner who fails to comply with the requirements of Rule Part 67.65 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

109. REQUIREMENTS FOR PREPARING AN EXAMINATION REPORT (RULE PART 67.67).

A medical examiner who fails to comply with the requirements of Rule Part 67.67 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

110. SPECIAL MEDICAL ASSESSMENT (RULE PART 67.69).

A person who provides a false or misleading medical report under Rule Part 67.69 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

111. MEDICAL ASSESSMENT REPORTS (RULE PART 67.71).

A person who provides a false or misleading medical report under Rule Part 67.71 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

112. VALIDITY OF REPORTS AND RECORDS (RULE PART 67.73).

A person who issues a medical report in contravention of Rule Part 67.73 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

113. MEDICAL CONFIDENTIALITY (RULE PART 67.81).

A person who breach medical confidentiality under Rule Part 67.81 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

Civil Aviation (Personnel)(Offences)

Division 2. - Designated Aviation Medical Examiners.

114. APPLICATION FOR CERTIFICATES (RULE PART 67.155).

A person applying to become a designated aviation medical examiner without complying with the requirements of Rule Part 67.155 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

115. ISSUE OF AVIATION MEDICAL EXAMINER CERTIFICATES (RULE PART 67.157).

A designated aviation medical examiner who fails to comply with the requirements of Rule Part 67.157 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

116. EXPOSITION (RULE PART 67.161).

A designated aviation medical examiner who fails to comply with the requirements of Rule Part 67.161 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

117. OBLIGATION TO REPORT (RULE PART 67.165).

A designated aviation medical examiner who fails to comply with the requirements of Rule Part 67.165 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

118. INDEMNIFICATION OF MEDICAL REPORTING (RULE PART 67.167).

A person or organisation specified in Rule Part 67.167 who gives false or misleading statements regarding a person's medical condition is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00, and for an organisation, a fine of K10,000.00.

Division 3. - Operating Requirements for Designated Aviation Medical Examiners.

119. CONTINUED COMPLIANCE (RULE PART 67.203).

A holder of a medical examiner certificate who fails to comply with the requirements of Rule Part 67.203 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

Division 4. - Responsibilities of Medical Certificate Holders.

Civil Aviation (Personnel)(Offences)

120. CHANGES IN MEDICAL CONDITIONS (RULE PART 67.253).

A holder of a class 1, class 2 or class 3 medical certificate who fails to comply with the requirements of Rule Part 67.253 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

121. CONTINUANCE OF FUNCTIONS (RULE PART 67.255).

A holder of a medical certificate who fails to comply with the requirements of Rule Part 67.255 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

PART VI. - CIVIL AVIATION RULE PART 183 - AUTHORISED REPRESENTATIVES.

Division 1. - General.

122. CANCELLATION, SUSPENSION AND REVOCATION OF AUTHORISATION (RULE PART 183.17).

A holder of an authorisation who fails to comply with the requirements of Rule Part 183.17 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.

Division 2. - Authorised Engineering Representative.

123. FUNCTIONS AND SPECIALITIES (RULE PART 183.53).

A person who acts as an authorised engineering representative in functions described under Rule Part 183.53 without fulfilling the requirements of Rule Part 183.57 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

Division 3. - Authorised Air Traffic Services Examiner.

124. CONDITIONS OF AUTHORISATIONS (RULE PART 183.309).

A person who acts as an authorised air traffic service examiner without fulfilling the requirements of Rule Part 183.309 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

Civil Aviation (Personnel)(Offences)

Division 4. - Authorised Airworthiness Representatives.

125. DOCUMENTS TO BE SUBMITTED WITH APPLICATION (RULE PART 183.505).

A person who applies to become an authorised airworthiness representative under Rule Part 183.505 without fulfilling the requirements of Rule Part 183.309 is guilty of an offence.

Penalty: For an individual, a fine of K3,000.00.

PART VII. - MISCELLANEOUS.

126. 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 Act 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.

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

Except where the contrary intention appear, 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.

128. STANDARD OF PROOF.

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

129. INFRINGEMENT FINES.

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

Civil Aviation (Personnel)(Offences)

130. 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.
- (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.

Civil Aviation (Personnel)(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.

131. POWERS 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 officer 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 *Tuesday, 10th* day of *November*, 2022.


GOVERNOR-GENERAL.