

CAYMAN ISLANDS



CIVIL AVIATION AUTHORITY LAW

(2015 Revision)

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Arrangement of Sections

Section	Page
Part I - Preliminary	
1. Short title	5
2. Definitions.....	5
Part II - Establishment and Administration of Airports Authority	
3. Establishment of Authority	7
4. Use of seal and authentication of documents.....	8
5. Functions of Authority	8
6. Minister may give general directions	9
7. Constitution and responsibilities of Board of Authority.....	9
8. Meetings of Board.....	11
9. Disclosure of director's interests	11
10. Director's pecuniary interests.....	12
Part III - Personnel of Authority	
11. Director-General	13
12. Functions of Director-General.....	13
13. Administrative structure of Authority.....	14
14. Transfer of public officers to Authority	14
15. Pension Fund	14
16. Medical care and applicability of Health Insurance Law 2013 Revision	15



Part IV - Financial Provisions

17.	Repayment of set up loan	15
18.	Financial procedure	15
19.	Financial year	16
20.	Borrowing powers	16
21.	Advances, grants and guarantees	16
22.	Repayment of advances, etc.	17
23.	Reserve fund	17
24.	Applicability of Public Management and Finance Law 2013 Revision.....	17

PART V - General

25.	Annual report to be laid on table	18
26.	Vesting of property	18
27.	Aircraft to comply with Law	18
28.	Lien on aircraft.....	18
29.	Authority not a bailee.....	18
30.	Arrest of aircraft.....	18
31.	Immunity.....	18
32.	Indemnity.....	19
33.	Arrest of persons	19
34.	Presumption of venue.....	19
35.	Suspected persons.....	19
36.	Director-General to be granted access	19
37.	Investigation of accidents and incidents.....	20
38.	Penalty	20
39.	Regulations	20
40.	References to Cayman Islands Corporation.....	21
41.	Savings	21
42.	Validation.....	22

SCHEDULE	25
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Land Vested in Authority	25
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CAYMAN ISLANDS



CIVIL AVIATION AUTHORITY LAW

(2015 Revision)

ENACTED by the Legislature of the Cayman Islands.

Part I - Preliminary

Short title

1. This Law may be cited as the *Civil Aviation Authority Law (2015 Revision)*.

Definitions

2. In this Law —

“**accident**” means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which —

- (a) a person is fatally or seriously injured as a result of —
- (i) being in the aircraft;
 - (ii) direct contact with 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 persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew;

- (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 the engine, its cowlings or accessories, or for damage limited to propellers, wing tips, antennas, tyres, brakes, fairings, small dents or puncture holes in the aircraft skin; or

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

“**air navigation services**” includes facilities, directions and information, furnished, issued or provided for the purpose of or in connection with —

- (a) the navigation or movement of aircraft in the air or on the ground; or
- (b) the control or movement of vehicles in any part of an airport used for the movement of aircraft other than movement on the apron;

“**air transport services**” means any service performed by any aircraft for hire or reward, except that a member of a club carried in any aircraft belonging to the club for the purpose of instruction shall not, if the instructor is also a member of the club, be deemed to be carried for hire or reward, notwithstanding that payment is made for such instruction or carriage;

“**air transport undertaking**” means an undertaking whose business includes the undertaking of flights for the purposes of public transport of passengers, mail or cargo;

“**airport**” means an 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, and which is designated an airport under section 29 of the *Airports Authority Law (2005 Revision)*;

“**apron**” means an area in an airport on land, intended to accommodate aircraft for the purposes of loading or unloading passengers, mail or cargo, fuelling, parking, or maintenance of aircraft;

“**authorised person**” means a person authorised in writing by the Cabinet to exercise the particular power referred to in this Law where those words appear;

“**Authority**” means the Civil Aviation Authority of the Cayman Islands the establishment of which is continued under section 3(1);

“**Board**” means the board of directors of the Authority established under section 7;

“**chairman**” means the chairman of the Board;



“**deputy chairman**” means the deputy chairman of the Board;

“**director**” means a member of the Board appointed under section 7(4);

“**Director-General**” means the Director-General of Civil Aviation appointed under section 11(1);

“**ICAO**” means the International Civil Aviation Organisation established by the Convention on International Civil Aviation, signed in Chicago on the 7th December 1944;

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

“**member**” means a member of the Authority, and includes the chairman and a temporary member;

“**Minister**” means the Member of Cabinet for the time being charged with responsibility for civil aviation in accordance with section 54 of *The Constitution* [UKSI 2009 No. 1379];

“**mortgage register**” means the Register of Aircraft Mortgages created and maintained by the Authority under section 5(1)(da);

“**mortgages of aircraft**” includes a mortgage which extends to any store of spare parts for the aircraft but does not otherwise include a mortgage created as a floating charge;

“**restricted area**” means an area of land or building under the control of the Authority to which public access is restricted; and

“**vehicle**” includes every type of wheeled or tracked vehicle capable of being driven, towed or pushed and includes animal drawn carts and carriages.

Part II - Establishment and Administration of Airports Authority

Establishment of Authority

3. (1) There shall continue to be established a body corporate called the Civil Aviation Authority of the Cayman Islands which shall have perpetual succession and a common seal and for the purpose of carrying out its functions under this Law may buy, sell, hold, deal and otherwise acquire and dispose of land and other property of any kind and enter into contracts and may sue and be sued in its corporate name.
- (2) The Authority shall have exclusive right to use the name “Civil Aviation Authority of the Cayman Islands”.
- (3) The Authority shall establish and maintain its head office and principal place of business within the Islands, and shall cause details thereof to be published

in the Gazette, and service of all documents on the Authority shall be deemed to be effective if delivered at the head office.

Use of seal and authentication of documents

4. (1) The seal of the Authority shall be authenticated by the chairman or deputy chairman and one other director of the Board authorised to act in that behalf and shall be judicially noticed.
- (2) The Authority may, by resolution, appoint an officer of the Authority or any other agent either generally or in a particular case to execute or sign on behalf of the Authority any agreement or other instrument not under seal in relation to any matter coming within the powers of the Authority.

Functions of Authority

5. (1) The functions of the Authority are —
 - (a) such functions as are, for the time being, conferred on the Governor by or under any *Air Navigation (Overseas Territories) Order* [UKSI 2001/2128] or other regulations of a similar nature made under any United Kingdom Act with respect to the regulation of civil aviation in the Cayman Islands (including the registration of aircraft), the safety of air navigation and aircraft (including airworthiness), the regulation of air traffic, the certification of operators of aircraft and the licensing of air crews, the licensing of air transport services, and the certification and licensing of airports;
 - (b) the enforcement of this Law, and of all laws of the United Kingdom relating to civil aviation and having application in the Islands, other than laws relating to the investigation of accidents;
 - (c) to ensure that civil aviation in the Cayman Islands conforms to the standards and recommended practices of the ICAO;
 - (d) the inspection of aircraft for the purpose of checking and enforcing compliance with this Law;
 - (da) the creation and maintenance of a mortgage register (to be known as the “Register of Aircraft Mortgages”) for the registration of mortgages of aircraft;
 - (e) the inspection of airports, including airport safety management practices for the purpose of checking and enforcing compliance with this Law;
 - (f) the inspection of air transport operators’ facilities, air traffic control facilities, air navigation aids, and aircraft maintenance facilities, for the purpose of checking and enforcing compliance with this Law; and



- (g) such functions as are for the time being conferred on it by virtue of this Law or any other law or any regulations respectively made thereunder, and nothing in this Law relating to the Authority shall be construed as derogating from any power exercisable by virtue of this or any other law to make regulations conferring any further function on the Authority.
- (2) The Authority has power to carry on any activity which appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its functions.
- (3) The Authority shall perform its functions through the Director-General.

Minister may give general directions

6. (1) The Minister may, after consultation with the Board, give such general and lawful directions in written form as to the policy to be followed by the Authority in the performance of its functions, and the Board shall give effect to such directions.
- (2) Any direction given or decision made by the Minister which affects the members of the public and which is not of an internal or administrative nature, shall be published in the Gazette, but no such direction shall apply in respect of a matter pending before the Authority on the day on which the directions are published.

Constitution and responsibilities of Board of Authority

7. (1) The Authority shall have a board of directors which shall be responsible for the policy and general administration of the affairs and business of the Authority.
- (2) Without prejudice to subsection (1), the Board shall be responsible for —
- (a) securing the effective implementation of the functions of the Authority; and
 - (b) overseeing the effective performance of the Authority.
- (3) The Board shall have power to —
- (a) act by sub-committee; and
 - (b) delegate any of its daily administrative duties and powers from time to time to such sub-committees and to any of their own number and to the employees and agents of the Authority,
- except that where the Board sets up a sub-committee which consists of members other than directors and employees of the Authority, it may only act or delegate its duties or powers to such sub-committee with the approval of the Cabinet.

- (4) The Board shall consist of not less than five nor more than nine directors of whom —
 - (a) one shall be chairman;
 - (b) one shall be deputy chairman; and
 - (c) two shall be public officers,
to be appointed for not less than three years by the Cabinet, but who shall hold office at its pleasure.
- (5) A director shall be eligible for reappointment.
- (6) The validity of any proceedings of the Board shall not be affected by any vacancy among the directors or by any defect in the appointment of a director.
- (7) The Board shall appoint an individual, not being a director, to be the secretary of the Authority, who shall be present at all meetings and shall take minutes of the business transacted.
- (8) There shall be paid to any director (other than a public officer), such remuneration as the Cabinet may determine.
- (9) The Cabinet shall terminate the appointment of any director who —
 - (a) resigns his office;
 - (b) becomes of unsound mind or incapable of carrying out his duties;
 - (c) becomes bankrupt or suspends payment to or compounds with his creditors;
 - (d) is convicted in the Islands or elsewhere of any offence involving dishonesty or fraud or any matter that may, in the opinion of the Cabinet, affect the impartiality of that director's contribution to the deliberations of the Board;
 - (e) is found, after his appointment, to have a conviction in the Islands or elsewhere of any offence involving dishonesty or fraud or any matter that may, in the opinion of the Cabinet, affect the impartiality of that director's contribution to the deliberations of the Board;
 - (f) is guilty of serious misconduct in relation to his duties;
 - (g) is absent without leave of the chairman from three consecutive Board meetings; or
 - (h) fails to comply with his obligations under section 9.
- (10) If any director dies, resigns or otherwise vacates his office before the expiry of the term for which he has been appointed, another person may be appointed by the Cabinet for the unexpired period of the term of office of the director in whose place he is appointed.



Meetings of Board

8. (1) The chairman of the Board shall summon regular meetings of the Board as often as may be required but not less than six times in any one year.
- (2) Meetings of the Board shall be held at such places on such days, and at such times as the chairman shall determine, and due notice of such place, date and time shall be given to each director in writing at least seven days before the time at which the meeting is to be held.
- (3) The chairman shall at any time call a special meeting of the Board within two days of receipt of request for that purpose addressed to him in writing and signed by any three directors.
- (4) A meeting of the Board shall be presided over by —
- (a) the chairman;
 - (b) in the absence of the chairman, the deputy chairman; or
 - (c) in the absence of both the chairman and deputy chairman, such director as the directors present elect to act as chairman at that meeting.
- (5) The quorum of the Board shall be a majority of the appointed directors.
- (6) Every question or matter to be determined by the Board at any meeting shall be decided by a majority of the votes of the directors present and voting on the question or matter, and in the event of any equal division of votes on any question or matter, the directors shall immediately vote again, and if there is a second equal division of votes the person presiding at the meeting shall give a second or casting vote.
- (7) The decisions, resolutions, orders, policies and rules made by the Board shall be recorded in the minutes and kept by the secretary to the Board, and the Board shall cause any decision, resolution, order, policy or rule which affects the members of the public to be published in the Gazette, in a website or in a newspaper of the Islands.

Disclosure of director's interests

9. (1) If a director has any pecuniary interest, direct or indirect, in any contract, proposed contract, licence or other matter and is present at a meeting of the Board at which any of the foregoing is to be considered, he shall at or before the meeting or before the matter is considered disclose the fact and shall leave the meeting for the duration of and not take part in the consideration or discussion of or vote on the matter.
- (2) If any director fails to comply with subsection (1) he is guilty of an offence and liable —
- (a) on summary conviction to a fine of twenty thousand dollars and to imprisonment for two years; or

- (b) on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for three years,
unless he proves that he did not know that the matter in which he had a pecuniary interest was the subject of consideration at that meeting.
- (3) A disclosure under subsection (1) shall be recorded in the minutes of the Board meetings.
- (4) No act or proceeding of the Board shall be questioned on the ground that a director contravened this section.
- (5) This section does not apply to an interest in a contract or licence or proposed contract or licence or other matter which a director has as a member of the public or to an interest in any matter relating to the terms on which the right to participate in any service is offered to the public.

Director's pecuniary interests

- 10.** (1) For the purposes of section 9, a director shall be treated as having an indirect pecuniary interest in a contract, proposed contract, licence or other matter if —
- (a) he or any nominee of his is a member of a company or other body which has a direct or indirect pecuniary interest in the contract, proposed contract, licence or other matter under consideration;
 - (b) he is a partner, or in the employment of a person with whom the contract was made or is proposed to be made, or who has a direct or indirect pecuniary interest in the contract, proposed contract, licence or other matter under consideration; or
 - (c) he or any partner of his is a professional adviser to a person who has a direct or indirect pecuniary interest in a contract, proposed contract, licence or other matter under consideration.
- (2) Subsection (1) does not apply to membership of, or employment by, any public body.
 - (3) In the case of married persons the interest of one spouse shall be deemed for the purpose of section 9 to be also the interest of the other.
 - (4) The Minister may, subject to such conditions as he may think fit, appoint persons to act as directors for any specified period, in any case in which the number of directors disabled by section 9 at any one time would be so great a proportion of the whole as to impede the transaction of business by the Board.



Part III - Personnel of Authority

Director-General

- 11.** (1) The Director-General shall be appointed by the Cabinet, after consultation with the Board, at such remuneration and on such terms and conditions as the Cabinet may think fit.
- (2) The Director-General shall be the principal executive officer of the Authority shall be a full time officer and employee of the Authority, and shall render his services exclusively to the Authority.
- (3) The Director-General shall be an *ex officio* member of the Board and shall be answerable to the Board for his acts and decisions.
- (4) In the Director-General's absence or inability to fulfil his functions, the Board may appoint a senior employee of the Authority to discharge the functions of the Director-General during the period of his absence or disability.

Functions of Director-General

- 12.** (1) The Director-General shall be responsible for the day to day management and administration of the Authority to the extent of the authority delegated to him by the Board, including —
- (a) the overall safety and security of civil aviation in the Islands;
 - (b) financial and operational matters;
 - (c) developing administrative and human resource development manuals for approval by the Authority;
 - (d) preparing regular financial and operational reports for the Authority; and
 - (e) the administration of the aircraft register maintained by the Authority.
- (2) The Director-General may employ, at such remuneration and on such terms and conditions as may be approved from time to time by the Board, such employees and engage under contract for services such professional, technical or other assistance as the Director-General considers necessary to carry out the functions of the Authority.
- (3) The Director-General shall determine —
- (a) the professional qualifications and requirements of the employees of the Authority and persons under contracts for services with the Authority;
 - (b) the terms and conditions of employment and contracts for services with the Authority; and
 - (c) disciplinary procedures (including a right of appeal to the Board) for employees of and for persons under contracts for services with the Authority.

Administrative structure of Authority

- 13.** Subject to this Law, the Board shall determine the executive, management and administrative structure of the Authority for the necessary and proper discharge of the functions of the Authority including, without limitation, the delegation of functions to directors, employees and sub-committees of the Board, and shall approve the administrative and human resources policies developed by the Director-General and submitted for its consideration.

Transfer of public officers to Authority

- 14.** (1) A public officer employed in the Authority immediately before the 15th June, 2004 may, on or after that date, be offered employment by the Authority and, if he accepts the offer, shall become an employee of the Authority on terms and conditions of employment no less favourable than those that applied to his office in his employment in the Authority except —
- (a) to the extent other terms and conditions are agreed between such employee and the Authority; and
 - (b) that disciplinary matters shall be dealt with in accordance with the *Labour Law (2011 Revision)* and the disciplinary rules and procedures of the Authority and not under General Orders.
- (2) Pension arrangements and medical benefits relating to any employee specified under subsection (1) shall be subject to sections 15 and 16, respectively.

Pension Fund

- 15.** (1) The Authority shall subscribe to the Public Service Pensions Fund in accordance with the provisions of the *Public Service Pensions Law (2013 Revision)* for the payment of pensions to all employees of the Authority.
- (2) Notwithstanding subsection (1) —
- (a) where an employee transferred in accordance with section 14, is entitled to a contracted officer's supplement, the Authority shall not subscribe to the Fund in respect of such employee during the period in which the employee remains entitled to such supplement;
 - (b) with respect to employees employed by the Authority after the 15th June, 2004, the Authority has the option of subscribing to the Public Service Pensions Fund or of creating and maintaining or subscribing to a fund in accordance with the *National Pensions Law (2012 Revision)*; and
 - (c) the Authority shall not subscribe to any fund in respect of those employees who are employed under contracts which are six months or less in duration.
- (3) The Authority shall be considered to be an employer for the purposes of the *Public Service Pensions Law (2013 Revision)* and an employee referred to



under subsection (2)(a) shall not be considered to have retired from Service for the purposes of that Law.

Medical care and applicability of Health Insurance Law 2013 Revision

16. The *Health Insurance Law (2013 Revision)* shall apply to the Authority except that —

- (a) the Authority may elect to provide free or subsidised medical benefits in lieu of, or in addition to, insurance coverage under the *Health Insurance Law (2013 Revision)*; and
- (b) any person described in section 14(1) shall, unless otherwise notified by the Authority, be entitled to receive from the Authority the medical benefits provided to him on the day preceding his transfer to the Authority.

Part IV - Financial Provisions

Repayment of set up loan

17. Such sums as have been lent by the Cabinet to the Authority to enable it to commence its functions shall be repaid by the Authority at such times and by such methods as the Financial Secretary may determine.

Financial procedure

18. (1) The receipts of the Authority shall be classified under the following heads of receipt —

- (a) dues and charges received by virtue of this Law;
- (b) amounts borrowed by the Authority; and
- (c) miscellaneous receipts, including interest on and service of investments, and such receipts shall, within seven days of receipt thereof, be paid into a bank account approved by the Financial Secretary.

(2) The receipts of the Authority shall be applied to meet the following heads of expenditure —

- (a) repayment of overdraft, if any, on current account;
- (b) interest on loans;
- (c) sinking fund on loan redemption;
- (d) repairs and maintenance of buildings and equipment, and other current expenses;
- (e) reserve funds for depreciation and renewals;

- (f) salaries, pensions, gratuities and other benefits of persons employed by the Authority;
 - (g) training of employees of the Authority;
 - (h) general reserve fund; and
 - (i) any other expenditure, capital or otherwise, approved by the Authority.
- (3) The Authority may, with the approval of the Financial Secretary, invest its reserve fund at interest.
- (4) The Authority shall make an annual payment into the general revenue of the Islands, calculated by a formula determined by the Financial Secretary after consulting the Authority and the Minister, and the balance shall be carried forward to the account of the Authority.
- (5) No receipts under subsection (1)(b) shall be taken into account in calculating the amount of any annual payment into the general revenue of the Islands under subsection (4).

Financial year

19. The financial year of the Authority shall end on the 30th June.

Borrowing powers

- 20.** (1) Subject to subsection (2), the Authority may borrow sums required by it for meeting any of its obligations or discharging any of its functions.
- (2) The power of the Authority to borrow any amount in excess of one hundred thousand dollars shall be exercisable only with the approval of the Cabinet, as to the amount, sources of the borrowing and terms on which the borrowing may be effected, and an approval given in any respect for the purpose of this subsection may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

Advances, grants and guarantees

- 21.** (1) The Cabinet may, from time to time, make advances and grants to the Authority out of sums placed upon the estimates of the Islands for the purpose and approved by the Legislative Assembly.
- (2) With the approval of the Legislative Assembly, the Cabinet may guarantee, in such manner and on such conditions as it thinks fit, the payment of the principal and interest on any authorised borrowings of the Authority made otherwise than by way of advance under subsection (1).
- (3) Where the Cabinet is satisfied that there has been default in the repayment of any principal moneys or interest guaranteed under subsection (2), it shall, with the prior approval of the Finance Committee of the Legislative Assembly,



direct the repayment out of the general assets and revenue of the Islands of the amount in respect of which there has been such default.

Repayment of advances, etc.

- 22.** The Authority shall pay into the Treasury, at such times and in such manner as the Cabinet may direct, such amounts as may be so directed in or towards repayment of advances made to the Authority under section 21, and of any sums issued in fulfilment of any guarantee given thereunder, and shall pay into the Treasury interest on what is outstanding for the time being in respect of such advances and of any sum so issued at such rate as the Cabinet may direct, and different rates of interest may be directed as respects different advances or sums and as respects interest for different periods.

Reserve fund

- 23.** (1) The Authority shall maintain a reserve fund.
- (2) The management of the reserve fund, the sums to be carried, from time to time, on the credit thereof, and the application thereof, shall be as the Authority may determine but —
- (a) no part of the reserve fund shall be applied otherwise than for the purposes of the Authority; and
- (b) the power of the Cabinet to give directions to the Authority shall extend to the giving to them of directions as to any matter relating to the establishment or management of the reserve fund, the carrying of funds to the credit thereof or the application thereof, notwithstanding that the direction may be of a specific character.

Applicability of Public Management and Finance Law 2013 Revision

- 24.** (1) The Authority is a statutory authority as defined in section 3 of the *Public Management and Finance Law (2013 Revision)* and accordingly the provisions of that Law apply, among other things, to —
- (a) the Authority's expenditure budget for each financial year; and
- (b) the preparation, maintenance, auditing and publication of the Authority's accounts.
- (2) Where the exercise of any power conferred by or under this Law would be inconsistent with the exercise of a power conferred by or under the *Public Management and Finance Law (2013 Revision)*, the *Public Management and Finance Law (2013 Revision)* shall, to the extent of the inconsistency, prevail over this Law.

PART V - General

Annual report to be laid on table

- 25.** The Authority shall, annually, prepare a report of its activities during the preceding year, and such report shall be laid on the table of the Legislative Assembly.

Vesting of property

- 26.** There is vested in the Authority —
- (a) the land with the buildings and works thereon listed in the Schedule, together with such other land used, at the 15th June, 2004, for civil aviation purposes, as the Cabinet may at any time direct; and
 - (b) the plant, equipment, tools and other goods the property of the Government, used in connection with civil aviation prior to the 15th June, 2004, recorded in the inventory prepared at the direction of the Financial Secretary, approved by the Authority and entered as assets in the accounts of the Authority.

Aircraft to comply with Law

- 27.** An aircraft commander present in the jurisdiction and an owner of an aircraft which is within the jurisdiction shall comply with this Law and with directions of the Director-General as to parking, landing, taking-off and as to such compliance with this Law, and shall pay such fees as may be prescribed for such aircraft.

Lien on aircraft

- 28.** The Authority has a lien on every aircraft for the recovery of fees and charges imposed for the performance of functions exercised under this Law or any regulations made hereunder.

Authority not a bailee

- 29.** The Authority is not, with respect to anything entrusted to its care, a bailee for reward and has no liability for loss or damage occasioned thereto unless such loss or damage is due to the wilful neglect or default of the Authority.

Arrest of aircraft

- 30.** The Authority may enter, take control of and arrest any aircraft over which it has a lien.

Immunity

- 31.** Neither the Authority, nor any member, shall be liable in damages for anything done or omitted in the discharge or purported discharge of their respective functions, responsibilities, powers and duties under this Law unless it is shown that the act or omission was in bad faith.



Indemnity

- 32.** The Authority shall indemnify a member against all claims, damages, costs, charges or expenses incurred by that member in the discharge or purported discharge of his functions, responsibilities, powers and duties under this Law, except claims, damages, costs, charges or expenses caused by the bad faith of that member.

Arrest of persons

- 33.** (1) Notwithstanding any other provision of this Law, a constable or an authorised person may, within any area designated a restricted area, arrest without warrant any person who —
- (a) is contravening or is suspected of contravening or having contravened this Law or regulations made or deemed to have been made hereunder;
 - (b) having been so requested under section 35, fails or refuses to correctly state his name and address or the purpose of his being at the restricted area; or
 - (c) having been removed from a restricted area under section 35, returns or attempts to return thereto without the approval of a constable or an authorised person.
- (2) Any person arrested under subsection (1) by an authorised person shall, as soon as practicable, be handed over by him to a constable or taken by him to a police station.

Presumption of venue

- 34.** Where an offence is alleged to have taken place within a restricted area, it shall be deemed so to have taken place unless the contrary is proved.

Suspected persons

- 35.** Any person suspected of having contravened or of being about to contravene any of the regulations made under this Law shall upon being requested so to do by a constable or an authorised person correctly state his name and address and the purpose of his being within a restricted area, and upon his failure so to do and without prejudice to section 38, may be removed from the restricted area or any part thereof and prohibited from re-entering by such constable or authorised person.

Director-General to be granted access

- 36.** The Director-General and officers authorised by him shall, for the performance of their duties, at all times be afforded free and unrestricted access to any part of any airport or aviation facility in the Islands.

Investigation of accidents and incidents

- 37.** (1) In the event of any accident or incident involving aircraft, the Governor may appoint any competent person or persons to conduct an investigation into the causes of the accident or incident, and the result of such investigation shall be submitted to the Governor in writing.
- (2) A person appointed by the Governor under subsection (1), in the course of carrying out his duties, shall have towards the general public, powers equivalent to those exercisable by the Commissioner of Police in the carrying out of his duties, and that person shall take precedence over the Commissioner when that person is engaged in investigating an accident or incident involving aircraft.

Penalty

- 38.** A person found contravening section 35 or any regulation made under this Law may be removed from and prohibited from re-entering the area to which the regulation applies by a constable or by an authorised person, and any vehicle, animal or thing found in such area in contravention of any such regulation may be removed by a constable or any such person, and upon summary conviction for such contravention, the owner or person in charge of such vehicle, animal or thing may, in addition to such other penalty as may be imposed by the regulations, be ordered by the court to pay the cost of such removal.

Regulations

- 39.** The Cabinet, on the recommendation of the Authority, may make regulations for the designation, management, control and supervision of civil aviation, for the registration of aircraft mortgages and for the better carrying out of its duties and powers under this Law, and may (without prejudice to the generality of the foregoing) by such regulations provide for —
- (a) designating any area a restricted area;
 - (b) prescribing and regulating the payment and collection of fees for the operation of aircraft, and fees or rent payable in respect of or in relation to any permit or any services rendered or facilities provided in respect of civil aviation for which the regulations provide;
 - (ba) prescribing the form and content of the mortgage register and providing for any matter relating to the registration of mortgages of aircraft;
 - (bb) prescribing fees and regulating the payment and collection of fees, in relation to the mortgage register, including fees for —
 - (i) the registration of mortgages of aircraft;
 - (ii) the amendment of entries in the mortgage register;
 - (iii) the rectification of the mortgage register;



- (iv) the inspection of the mortgage register;
- (v) the supply of copies of entries appearing in the mortgage register; and
- (vi) the supply of information relating to entries in, or the omission of entries from, the mortgage register;
- (c) the safety or well-being of persons and the care of property connected with the undertakings of the Authority;
- (d) the imposition in respect of any contravention of the regulations of a fine of five thousand dollars and imprisonment for two years; and
- (e) any other matter appearing to the Cabinet to be necessary or expedient for the purpose of giving due effect to this law.

References to Cayman Islands Corporation

- 40.** All references to the dissolved Cayman Islands Corporation in any law or regulation or in any agreement or other document shall, unless the context otherwise requires, be read as references to the Authority.

Savings

- 41.** (1) The person who immediately before the 15th June, 2004 was the holder of the office of Director, shall hold the office of Director-General under and for the purposes of this Law as if that person had been appointed under this Law on the same terms and conditions that applied to the office of Director under the repealed Law.
- (2) Subject to this section, the Cabinet shall on such conditions as the Cabinet may determine, transfer to the Airports Authority such liabilities, rights or obligations, which relate to or are connected with the operation of airports by the Civil Aviation Authority on the 14th June, 2004, as the Cabinet may determine.
- (3) Notwithstanding anything to the contrary in any other law, the Airports Authority shall, with effect from the date on which the liabilities, rights and obligations are transferred under subsection (2), be vested with the ownership of the rights and be charged with the liabilities and obligations so transferred or assigned to it.
- (4) A certificate issued by the Minister in which it is stated that any right described in such certificate has been transferred to the Airports Authority under subsection (2), shall be sufficient proof that the right so described vests in the Airports Authority.
- (5) The Airports Authority shall be substituted as a contracting party in respect of any agreement transferred to the Airports Authority under subsection (2), without such substitution bringing about a novation of such agreement.

- (6) Every matter commenced under the repealed law and partly dealt with by the Cabinet, the Civil Aviation Authority or the Director as at the 15th June, 2004 is to be continued and dealt with in all respects as if this Law had not come into force.
- (7) Every matter commenced under the repealed law and not wholly or partly dealt with by the Cabinet, the Civil Aviation Authority or the Director as at the 15th June, 2004, is to be taken to be a matter commenced under this Law and this Law is to apply accordingly.
- (8) On and after the 15th June, 2004, neither the Cabinet, the Civil Aviation Authority nor the Director shall be liable in damages for anything done or omitted in the discharge or purported discharge of their respective functions under the repealed Law, unless it is shown that the act or omission was in bad faith.
- (9) In this section —
 - “**Airports Authority**” means the Cayman Islands Airports Authority established under section 3(1) of the *Airports Authority Law (2005 Revision)*;
 - “**Civil Aviation Authority**” means the Civil Aviation Authority of the Cayman Islands established under section 3(1) of the repealed Law;
 - “**Director**” means the person appointed as Director of Civil Aviation under the repealed Law; and
 - “**repealed Law**” means the *Civil Aviation Authority Law (1997 Revision)*.

Validation

42. (1) Any function, duty or act performed, exercised or carried out by —
- (a) any person who before 15th June, 2004 was the holder of the office of Director of Civil Aviation;
 - (b) the Director-General;
 - (c) the Authority;
 - (d) any member of the Board;
 - (e) any officer, employee or agent of the Authority; or
 - (f) any other person,
- prior to the 6th May, 2015, in exercise of the matters contemplated by the *Mortgaging of Aircraft Regulations 1979*, is validated and is to be taken to have been lawfully performed, exercised and carried out.
- (2) The *Civil Aviation Authority (Amendment) Law, 2015* does not affect any order or determination made by a court prior to the 6th May, 2015.
 - (3) If any legal proceeding has been commenced prior to the 6th May, 2015 but is not finally determined before that date, the proceeding shall be dealt with and



determined as if the *Civil Aviation Authority (Amendment) Law, 2015* had not been enacted.

SCHEDULE

Section 27

Land Vested in Authority

1. **Grand Cayman**

Parcel No. 14E 206 (0.6 acres) in George Town East Registration Section in Grand Cayman, together with all buildings and works situate thereon.

2. **Cayman Brac**

Parcel No. 97B 29 (2.94 acres) in Cayman Brac West Registration Section in Cayman Brac, together with all buildings and works situate thereon.

Publication in consolidated and revised form authorised by the Cabinet this 4th day of August, 2015.

Kim Bullings
Clerk of Cabinet