

[LEGAL NOTICE NO. 14]

CIVIL AVIATION (SECURITY) (AMENDMENT) REGULATIONS 2006

ARRANGEMENT OF REGULATIONS

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CIVIL AVIATION (SECURITY) ACT 1994
(ACT NO. 10 OF 1994)

CIVIL AVIATION (SECURITY) (AMENDMENT) REGULATIONS 2006

IN exercise of the powers conferred upon me by section 17(1) of the Civil Aviation (Security) Act, I make these Regulations—

Citation, commencement etc.

1.—(1) These Regulations may be cited as the Civil Aviation (Security) Amendment Regulations 2006.

(2) These Regulations come into force on the date of publication in the *Gazette*.

(3) Regulations 19A, 19B and 19C come into force 3 months after the commencement of these Regulations by virtue of paragraph (2).

(4) In these Regulations, “principal Regulations” means the Civil Aviation (Security) Regulations 1994.

Interpretation

2. Regulation 2 of the principal Regulations is amended by inserting the following definitions—

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

“air cargo operator” means a person engaged in or offering to engage in the carriage of cargo for remuneration or hire;

“air transport operator” means a person engaged in or offering to engage in the carriage by air of passengers or cargo for remuneration or hire;

“airport” includes aerodrome;

“airside” means the movement area of an aerodrome, adjacent terrain and buildings or portions thereof, access to which is controlled;

“aircraft catering facility” means any facility or premises in which aircraft catering service providers operate;

“aircraft catering service provider” means a person engaged in or offering to engage in the provision of goods or services to an air transport operator or aerodrome operator;

“aircraft security check” means a security inspection of the interior of an aircraft to which passengers may have had access and an inspection of the hold for the purposes of discovering suspicious objects, weapons, explosives or other dangerous devices;

“authorised weapon” means starter pistols, compressed air or BB guns, flare pistols, bludgeons, ammunitions, explosive devices, gas or chemical agents;

“aviation agency service” means the services provided by regulated agents certified under Regulation 19B;

- “aviation document” means any licence, certificate, permit, approval, ratings and privileges issued or granted by the Authority under these Regulations;
- “aviation security service organisation” includes the Airport Security Service and any other organisation that provides aviation security service and is certified under Regulation 19A;
- “background check” means a check of a person’s identity and previous experience, including any criminal history, where appropriate, as part of the assessment of an individual’s suitability for unescorted access to a security restricted area;
- “cargo” means any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage and “freight” has the corresponding meaning;
- “freight” see “cargo”;
- “ground handling service provider” means a person who conducts business with an air transport operator in respect of, amongst other services, passenger handling, cargo handling, aircraft maintenance, cabin cleaning and in-flight-catering;
- “human factors principles” means principles that apply to design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration for human performance;
- “human performance” means human capabilities and limitations which have an impact on the safety, security and efficiency of aeronautical operations;
- “National Civil Aviation Security Programme” is the programme established under Regulation 3A;
- “National Civil Aviation Security Quality Control Programme” is the programme established under Regulation 3B;
- “quality assurance” means the part of the quality management focused on providing confidence that quality requirements will be fulfilled;
- “quality control” means part of quality management focused on fulfilling quality requirements;
- “regulated agent” means an agent, freight forwarder or any other entity who conducts business with an air transport operator and provides security controls that are accepted or required by the Authority in respect of cargo, courier and express parcels or mail;
- “screening” means the application of technical or other means which are intended to identify or detect weapons, explosives or other dangerous devices which may be used to commit an act of unlawful interference;
- “security audit” means an in-depth examination of all aspects of an aerodrome or airline’s existing security programme to determine if they are being implemented on a continual basis and to a constant standard;
- “security inspection” means an examination of the implementation of one or more aspects of an aerodrome operator, air transport operator, air cargo operator,

regulated agent, catering service provider or any other aviation service provider's existing security measures and procedures to determine how effective they are being carried out;

"security restricted area" means airside areas of an aerodrome to which access is controlled to ensure security of civil aviation. These areas shall include, *inter alia* all passenger departure areas between the screening checkpoints and the aircraft, the ramp, baggage make-up areas, cargo sheds, mail centres, airside catering and aircraft cleaning premises;

"security survey" means an evaluation of an aerodrome, air transport, air cargo, regulated agent, catering service or any other aviation service provider's operations to determine security needs;

"security test" means a simulated act of unlawful interference against existing security measures, carried out covertly by a person with an inert explosive device or weapon concealed in their baggage or on their person ;

"serious injury" means an injury, which sustained by a person in an accident and which—

- (a) requires hospitalisation for more than 48 hours, commencing within 7 days from the date of injury was received;
- (b) results in a fracture of any bone (except simple fractures of fingers, toes, or nose);
- (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;
- (d) involves injury to any internal organ;
- (e) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or
- (f) involves verified exposure to infectious substances or injurious radiation;

* "unidentified baggage" means baggage at an aerodrome, with or without a baggage tag, which is not picked up by or identified with a passenger."

New Regulations added

3. The principal Regulations are amended after Regulation 3 by adding the following Regulations—

"National Civil Aviation Security Programme

3A. (1) This Regulation establishes the Fiji Islands National Civil Aviation Security Programme (NCASP) which shall be developed, implemented and maintained by the Minister as the appropriate authority for aviation security.

(2) The NCASP shall specify the standards and procedures necessary to safeguard civil aviation operations against acts of unlawful interference and to take into account the safety, regularity and efficiency of flights including the following—

- (a) the objectives of the programme;
- (b) legislation, regulations and policies;
- (c) allocation of responsibilities;
- (d) co-ordination and communications;
- (e) protection of aerodromes, aircraft and air navigation facilities;
- (f) security control of persons and items to be carried on an aircraft;
- (g) security equipment;
- (h) personnel;
- (i) maintenance of response to acts of unlawful interference;
- (j) evaluation of effectiveness;
- (k) adjustments of programme and contingency plans;
- (l) training programmes to ensure the effectiveness of the NCASP;
- (m) financing of security; and
- (n) any other matter directed by the Minister from time to time.

(3) The Minister may, from time to time, either generally or specifically delegate in writing, any or all of the Minister's functions and powers under these Regulations to the Authority.

(4) The power of the Minister to delegate under these Regulation does not limit any power of delegation conferred on the Minister by any other regulation.

(5) Subject to any general or specific directions given or conditions imposed by the Minister, the Authority may exercise any function or power so delegated to it in the same manner and with the same effect as if such function or power had been conferred on the Authority directly by these Regulation and not by delegation.

(6) No function or power of the Minister delegated under paragraphs (4) and (5) above may be further delegated without the approval in writing of the Minister.

(7) Where the Authority purports to act pursuant to any delegation under these Regulation, the Authority, shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(8) No such delegation shall affect or prevent the exercise of any function or power by the Minister, nor shall any such delegation affect the responsibility of the Minister for the actions of any person acting under such delegation.

National Civil Aviation Security Quality Control Programme

3B. (1) This Regulation establishes the National Civil Aviation Security Quality Control Programme (NCASQCP) which shall be developed, implemented and maintained by the Minister as the appropriate authority for aviation security.

(2) The Minister may, from time to time, either generally or specifically delegate in writing, any or all of the Minister's functions and powers under these Regulation to the Authority.

(3) The NCASQCP shall provide for the periodic assessment of the security standards and operating procedures of—

- (a) aerodrome operators;
- (b) air transport operators;
- (c) aviation security service organisations;
- (d) air cargo operators;
- (e) aircraft catering service providers;
- (f) regulated agents; and
- (g) ground handling service providers.

(4) The NCASQCP shall specify standards and procedures necessary to assess the effective application of approved security procedures that are in place to safeguard civil aviation operations from acts of unlawful interference including but not limited to the following—

- (a) the verification of the effective implementation of security measures ;
- (b) ensuring that acts of unlawful interference are investigated;
- (c) reviewing and re-evaluating security measures and controls immediately following an act of unlawful interference .

(5) The Minister or the Authority as delegated by the Minister may direct any person to comply with any requirements conferred to such a person under the NCASQCP.

(6) A person commits an offence of the person—

- (a) fails to comply with any relevant requirement of the NCASQCP;
- (b) fails to comply with any instructions of the Authority issued pursuant to the NCASQCP;
- (c) fails to comply with the directives of the Minister or the Authority issued under these Regulation.

National Civil Aviation Security Training Programme

3C. (1) This Regulation establishes the National Civil Aviation Security Training Programme (NCASTP) which shall be developed, implemented and maintained by the Minister as the appropriate authority for aviation security.

(2) The Minister may, from time to time, either generally or specifically delegate in writing, any or all of the Minister's functions and powers under these Regulation to the Authority.

(3) The NCASTP shall establish the training policy and the administrative directives of the NCASTP.

(4) The NCASTP shall specify the range of aviation security training to be undertaken including—

- (a) types of training covered;
- (b) categories of personnel to be trained
- (c) usual venue of each course type;
- (d) duration of each course;
- (e) course capacity;

- (f) minimum in-service training requirements;
- (g) awareness training;
- (h) career development;
- (i) lesson plans;
- (j) subject matter hand-out material;
- (k) training aids;
- (l) reference material;
- (m) training plans;
- (n) training system testing; and
- (o) supplementary material

(5) The Minister or the Authority as delegated by the Minister may direct any person to comply with any requirements conferred to such a person under the NCASTP.

(6) A person commits an offence if the person—

- (a) fails to comply with any relevant requirement of the NCASTP;
- (b) fails to comply with any directives of the Authority issued under these Regulation.
- (c) fails to comply with the directives of the Minister or the Authority issued under these Regulation.

Aviation Security Standards

3D The Authority may publish aviation security standards in accordance with the requirements of the International Civil Aviation Organization.

New Regulation 5A

4. The principal Regulations are amended by adding after Regulation 5 the following Regulations—

"Air Cargo Security Programme

5A.—(1) No person shall exercise the functions of an air cargo operator unless such a person holds an air cargo security programme that is approved by the Authority.

(2) The air cargo security programme shall specify the standards and procedures to be followed by the air cargo operator for the purpose of minimising danger to passengers, crew, ground personnel, aircraft and facilities from acts of unlawful interference, including the following—

- (a) objectives of the security programme;
- (b) the officer responsible for the implementation of the programme;
- (c) the functions of the head of security within the organisation;
- (d) the air cargo operator's security organisation structure including duties and responsibilities of each post;
- (e) the points of contact with the Authority, law enforcement agencies, air transport operators, aerodrome operators and explosive ordinance disposal organisations;
- (f) the physical characteristics of the premises that are to be used for the processing of cargo;

- (g) the procedures for security and access control;
- (h) the details of security equipment;
- (i) the cargo acceptance procedures;
- (j) the cargo screening and searching procedures;
- (k) the security training programmes for the organisation;
- (l) the contingency plans;
- (m) the quality assurance system;
- (n) the safety management system; and
- (o) any other necessary information vital for the safe and effective air cargo security operation of the organisation.

(3) The Authority shall approve an air cargo security programme only if it satisfied that the Programme makes adequate provision for all the matters specified in this regulation.

(4) When there is a known or suspected threat to the security or safety of any person in any flight or to an aircraft or an aerodrome, the Authority may require the air cargo operator to temporarily vary its air cargo security programme to include any provision which the Authority considers necessary to deal with the threat.

(5) The air cargo operator shall comply with any requirements imposed by the Authority under subregulation (4).

(6) Any air cargo operator that contravenes any provision of this regulation, commits an offence and is liable on conviction—

- (a) to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 7 years, or to both; and
- (b) In addition to the penalties under subparagraph (a), the court may make to an order prohibiting the grant of, or requiring the suspension or revocation of, any licence, permit or certificate which authorises the operation of the air cargo operator to which this regulation applies.

Aircraft Catering Security Programme

5B.—(1) No person shall exercise the functions of an aircraft catering service provider unless such a person holds an aircraft catering security programme that is approved by the Authority.

(2) The aircraft catering security programme shall specify the standards and procedures to be followed by the aircraft catering provider for the purpose of minimising danger to passengers, crew, ground personnel, aircraft and facilities from acts of unlawful interference, including the following—

- (a) objectives of the security programme;
- (b) the officer responsible for the implementation of the programme;
- (c) the functions of the head of security within the organisation;
- (d) the functions, duties and responsibilities of the catering personnel;
- (e) the points of contact with the Authority, law enforcement agencies,

air transport operators, aerodrome operators and explosive ordnance disposal organisations;

- (f) the physical characteristics of the premises that are intended for processing catering supplies;
- (g) the procedures for security and access control;
- (h) the details of security equipment;
- (i) the catering supplies acceptance procedures;
- (j) the catering supplies screening and searching procedures;
- (k) the procedures for transportation of catering supplies from the premises to the aircraft;
- (l) the procedures for authorised access into the aircraft catering facility;
- (m) the security training programme for the organisation;
- (n) the contingency plan;
- (o) the quality assurance system;
- (p) the safety management system; and
- (q) any other necessary information vital for the safe and effective operation of the aircraft catering service provider.

(3) The Authority shall approve an aircraft catering security programme only if it is satisfied that the programme makes adequate provision for all the matters specified in this regulation.

(4) When there is a known or suspected threat to the security or safety of any person in any flight or to an aircraft or an aerodrome, the Authority may require an aircraft catering service provider to temporarily vary its aircraft catering security programme to include any provision which the Authority considers necessary to deal with the threat.

(5) The aircraft catering service provider shall comply with any requirements imposed by the Authority under subregulation (4).

(6) Any aircraft catering service provider that contravenes a provision of this regulation, commits an offence and is liable on conviction to—

- (a) a fine not exceeding \$10,000 or imprisonment to a term not exceeding 7 years, or to both; and
- (b) an order prohibiting the grant of, or requiring the suspension or revocation of, any licence, permit or certificate which authorises the operation of the aircraft catering provider to which this regulation applies.”

Responsibilities of aerodrome licence holders

5. Regulation 10 of the principal Regulations is amended—

- (a) in subregulation (1), by deleting “at that airport” and substituting “and where practicable, at a domestic aerodrome”;
 - (b) in subregulation (2), by inserting “and where practicable and acceptable to the Authority, at a domestic aerodrome” after “a security airport”;
- and

- (c) by revoking subregulation (3).

Airport and identity documents

6. Regulation 16 of the principal Regulation is amended—
- (a) in subregulation (5), by deleting “authorized person” and substituting “airport security officer”;
 - (b) in subregulation (6), by deleting “the issuing Authority” and substituting “Airports Fiji”; and
 - (c) by revoking subregulation (8).

Powers to carry out surveys and inspections

7. The principal Regulations are amended by revoking regulation 17 and substituting the following regulations—

Powers to carry out surveys, audits, security inspections and tests

17.—(1) For the purposes of carrying out its functions and duties, an authorised person, may, at all times, have access to or enter and remain in any aircraft, aerodrome, building, installation, facility or place to which access is necessary, to carry out—

- (a) surveys, audits and security inspections of security measures and security programmes that are being employed or are in force in relation to any aerodrome, aircraft, air cargo operator, regulated agent, aircraft catering, ground handling service provider or air navigation installation;
- (b) security inspections or detentions of any aircraft registered or operating in the Fiji Islands for the purpose of inspecting any security procedure;
- (c) security inspections of any part of any aerodrome or any property outside an aerodrome to ensure that the required security standards and operating procedures are maintained;
- (d) investigations and tests on the effectiveness of security practices and procedures; and
- (e) investigations into breaches or suspected breaches of these Regulations.

(2) Notwithstanding the powers of an authorised person included in the Act, such persons may take and use any equipment necessary to carry out their duties, including radios, cameras, audio and video recording devices, authorised weapons or simulated explosive devices.

Mandatory reporting of security occurrences

- 17A.—(1) Every person who is—
- (a) a national air transport operator;
 - (b) an international air transport operator;
 - (c) a national air cargo operator
 - (d) an international air cargo operator;
 - (e) a regulated agent;
 - (f) a security aerodrome operator;
 - (g) any other aerodrome operator; or

- (h) an employee or agent of a company contracted or engaged by any organisation that is identified from (a) to (g).

shall make a report to the Authority of the occurrences outlined in subregulation 2, of which such person has knowledge of and in such time and in such means as notified by the Authority.

(2) Subject to subregulation (1), occurrences which shall be reported to the Authority include but are not limited to the following—

- (a) involving the safety of civil aviation;
- (b) involving death of or serious injury to a person in relation to or as a result of any aviation activity;
- (c) involving aerodrome sabotage;
- (d) involving unlawful interference with aircraft or persons or property on board an aircraft;
- (e) involving unlawful interference with aerodromes and with persons who are at any time in an aerodrome or property which forms part of an aerodrome;
- (f) involving unlawful interference with air navigation installation;
- (g) involving the handling or transportation of dangerous articles in or into an aerodrome security area;
- (h) involving threats to security aerodromes or other aerodromes or to air navigation installation;
- (i) involving the unlawful carriage of firearms in or into an aerodrome security area;
- (j) any other occurrence which, in the opinion of such a person constitutes an occurrence endangering, or which if not corrected would endanger, the safety of civil aviation.

(3) A person referred to in subregulation (1) shall make a report to the Authority—

- (a) by the quickest possible means, either verbally or electronically; and
- (b) within 96 hours of the occurrence, in the current form approved by the Authority.

(4) Notwithstanding the requirements of subregulation (3)(b) the Authority may, at its absolute discretion extend the reporting period in circumstances requiring detailed investigations.

(5) No person referred to in subregulation (1) shall be required to report any occurrence which he or she knows has been reported by another person to the Authority in accordance with subregulation (3).

(6) A person shall not make any report under this regulation if the person knows or has reason to believe that the report is false in any particular.

(7) The persons specified in paragraphs (a) to (g) of subsection (1) shall preserve all data relevant to the occurrence for 28 days from the date on which the report of that

occurrence is made to the Authority, or for such longer period as the Authority may in a particular case, direct.

(8) The Authority shall have the powers to direct the carrying out of any investigation of such occurrences.

(9) Any person who contravenes a provision of this regulation commits an offence and is liable on conviction to a fine not exceeding \$5,000.

New Regulation added

8. The principal Regulations are amended by adding after regulation 18 the following regulations—

"Unruly passengers"

18A.—(1) Any person who, on board an aircraft (whether in flight or otherwise)—

- (a) assaults, intimidates or threatens, whether verbally or physically, a crew member or lessens the ability of the crew member to effectively perform his or her duties;
- (b) refuses to follow a lawful instruction given by the pilot in command, or on behalf of the pilot in command by a crew member, for the purpose of ensuring the safety of the aircraft or of any person or property on board, for the purpose of maintaining good order and discipline on board,

commits an offence.

(2) Any person who commits or threatens to commit on board an aircraft (whether in flight or otherwise) an act of physical violence against a person or of sexual assault or child molestation, commits an offence.

(3) Any person who commits or threatens to commit on board an aircraft (whether in flight or otherwise) any of the following acts,—

- (a) assaults, intimidates or threatens, whether verbally or physically, another person;
- (b) intentionally causes damage to, or the destruction of, property;
- (c) consumes alcoholic beverages or drugs resulting in excessive intoxication,

commits an offence if such act is likely to endanger the safety of the aircraft, or of any person on board, or if such act jeopardizes good order and discipline on board the aircraft.

(4) Any person, while on board any aircraft, whether in flight or otherwise does an act or omission which constitutes an offence which is not covered under subregulations (1), (2) and (3) but is an offence under the Penal Code, if committed in Fiji, is liable to be prosecuted of such offence pursuant to the Penal Code.

Authorisations of persons

9. Regulation 19 of the principal Regulations is amended by—

- (a) by replacing the existing heading with "*Authorised Persons*";
- (b) renumbering the existing provision as subregulation "(1)" and by adding the following paragraph—

“(2) Any person who –

- (d) intentionally obstructs the exercise of powers by an authorised person;
 - (e) fails to supply information requested by an authorised person;
 - (f) supplies false information to an authorised person; or
 - (g) pretends to be an authorised person,
- commits an offence”.

New Regulation added

10. The principal Regulations are amended by adding after regulation 19 the following regulations—

“Certification of Aviation Security Service Organisations

19A.—(1) No person shall exercise the function of an aviation security service organisation unless such a person holds an aviation security service organisation certificate granted by the Authority under this Regulation.

(2) The Authority may grant an aviation security service organisation certificate to a person applying for such a certificate if it is satisfied that a such person is—

- (a) competent, having regard to any of the following, his previous conduct, experience, equipment, facilities, organisation exposition, staffing, training, quality assurance system, safety management system and any other arrangements to provide such services specified in the certificate and for the services so specified; and
- (b) in compliance with aviation security standards published by the Authority

(3) The certificate may be granted subject to such conditions as the Authority thinks fit and shall, unless surrendered, suspended or revoked, remain in force for the period specified in the certificate.

(4) An authorised person may carry out a security inspection of an aviation security service organisation for the purpose of—

- (a) monitoring the effective application of the provision of aviation security services under the Act and these Regulations; or
- (b) satisfying the Authority that the holder of the aviation security service certificate is competent to operate as an aviation security service organisation.

(5) A security inspection carried out under subregulation (4) includes—

- (a) the examination and inspection of the work of the personnel providing aviation security service; or
- (b) the examination and inspection of aviation security service facilities and equipment; or
- (c) such other examination and inspection as may be necessary for the purposes of ensuring the effective maintenance of aviation security standards and operations.

(6) The aviation security service organisation shall comply with any recommendations imposed by the Authority as a result of an examination or security inspection carried out under subregulation (5).

(7) Any person or aviation security service organisation that contravenes a provision of this Regulation, commits an offence and is liable on conviction to—

- (a) a fine not exceeding \$10,000, or imprisonment for a term not exceeding 7 years, or, both such fine and imprisonment; and
- (b) an order prohibiting the grant of, or requiring the suspension or revocation of, any licence, permit, or certificate which authorises the operation of the aviation security service organisation to which this Regulation applies.

Certification of Regulated Agents

19B.—(1) No person shall exercise the functions of a regulated agent unless such a person holds a regulated agent certificate granted by the Authority under this Regulation.

(2) The Authority may grant a regulated agent certificate to a person applying for such a certificate if it is satisfied that such a person—

- (a) is competent, having regard to all of the following, his previous conduct, experience, equipment, facilities, organisation, staffing, training, quality assurance system, safety management system and other arrangements to provide such services specified in the certificate and for the services so specified; and
- (b) holds a regulated agent security programme that has been approved by the Authority; and
- (c) is in compliance with the regulated agent's standards published by the Authority.

(3) The security programme specified in subregulation (2) (b) shall specify the practices and procedures to be followed for the purposes of minimising danger to aircraft, passengers and cargo, which shall include—

- (a) the objectives of the security programme;
- (b) the officer responsible for the implementation of the programme;
- (c) the regulated agent's security organisation structure including duties and responsibilities of each post;
- (d) the points of contact with the Authority, law enforcement agencies, air transport operators, aerodrome operators and explosive ordinance disposal organisations;
- (e) the physical characteristics of the premises that is to be used for the processing of cargo;
- (f) the procedures for security and access control;
- (g) the details of security equipment;
- (h) the cargo acceptance procedures;
- (i) the cargo screening and searching procedures;

- (j) the security training programmes for the organisation;
- (k) the contingency plans;
- (l) the minimum security requirements for the packing, storage, transportation and delivery of consignments;
- (m) the minimum laid down procedures for the identification and verification of shippers and details to be recorded about them;
- (n) the minimum requirements for the physical protection and safekeeping of consignments held in custody prior to delivery;
- (o) the safety management systems;
- (p) the quality assurance systems; and
- (q) any other information necessary for the safe and effective operations of the regulated agent.

(4) The certificate may be granted subject to such other conditions as the Authority thinks fit and shall, unless surrendered, suspended or revoked, remain in force for the period specified in the certificate.

(5) An authorised person may carry out a security inspection of a regulated agent for the purpose of monitoring the effective application of the aviation security practices and procedures provided in the regulated agent's security programme that has been duly approved by the Authority.

(6) A security inspection carried out under subregulation (5) shall include –

- (a) the examination and inspection of the work of the personnel providing aviation agency service; or
- (b) the examination and inspection of the Regulated Agent's service facilities and equipment; and
- (c) such other examination and inspection as may be necessary for the purposes of ensuring the effective maintenance of aviation security standards and operations.

(7) The regulated agent shall comply with any recommendations imposed by the Authority as a result of an examination or security inspection carried out under subregulation (6).

(8) Any regulated agent that contravenes a provision of this Regulation, commits an offence and is liable on conviction to—

- (a) a fine not exceeding \$10,000, or imprisonment for a term not exceeding 7 years or both such fine and imprisonment; and
- (b) an order prohibiting the grant of, or requiring the suspension or revocation of, any licence, permit or certificate which authorises the operation of the regulated agent to which this Regulation applies.

Certification of Ground Handling Service Provider

19C.—(1) No person shall exercise the functions of a ground handling service provider unless such a person holds a ground handling service provider certificate granted by the Authority under subregulation (2).

(2) The Authority may grant a ground handling service provider certificate to a person applying for such a certificate if it is satisfied that such a person—

- (d) is competent, having regard to all of the following, his previous conduct, experience, equipment, facilities, organisation, staffing, training, quality assurance system, safety management system and other arrangements to provide such services specified in the certificate and for the services so specified; and
- (e) holds a ground handling service provider security programme that has been approved by the Authority; and
- (c) is in compliance with the standards published by the Authority.

(3) The security programme specified in subregulation (2) (b) shall specify the practices and procedures to be followed for the purposes of minimising danger to aircraft, passengers and cargo, and, where applicable, the following Regulations shall apply—

- (a) for the provision of air cargo operations – Regulation 5A;
- (b) for the provision of aircraft catering services – Regulation 5B;
- (c) for the provision of regulated agents – Regulation 19B; and (d) for the provision of passenger services, the portion of the airline security programme that is applicable.

(4) The certificate may be granted subject to such conditions as the Authority thinks fit and shall, unless surrendered, suspended or revoked, remain in force for the period specified in the certificate.

(5) An authorised person may carry out a security inspection of a ground handling service provider for the purpose of monitoring the effective application of the aviation security practices and procedures provided in the ground handling service provider's security programme.

(6) A security inspection carried out under subregulation (5) shall include—

- (a) the examination and inspection of the work of the personnel providing any service under the ground handling service provider's security programme;
- (b) the examination and inspection of the ground handling service provider's facilities and equipment; and
- (c) such other examination and inspection as may be necessary for the purposes of ensuring the effective maintenance of ground handling service operations.

(7) The ground handling service provider shall comply with any recommendations imposed by the Authority as a result of an examination or security inspection carried out under subregulation (6).

(8) Any ground handling service provider that contravenes a provision of this Regulation, commits an offence and is liable on conviction to—

- (f) a fine not exceeding \$10,000, or imprisonment for a term not exceeding 7 years or both such fine and imprisonment; and

- (g) an order prohibiting the grant of, or requiring the suspension or revocation of, any licence, permit or certificate which authorises the operation of the ground handling service provider to which this Regulation applies.

Flight Crew Compartment Door

19D.—(1) An operator of a passenger carrying aeroplane with a maximum certificated take-off mass in excess of 45,500 kilograms or with a passenger seating capacity greater than 60 shall equip such an aeroplane with a flight crew compartment door approved by the Authority.

(2) The Authority may approve such a flight crew compartment door if it is satisfied that—

- (a) the door is designed to resist penetration by small arms fire and grenade shrapnel ; and
- (b) the door is capable of being locked and unlocked from either pilot's station.

(3) The pilot in command of an aeroplane which is equipped with an approved flight crew compartment door shall ensure that—

- (a) the door is closed and locked from the time all external doors are closed following embarkation until any such door is opened for disembarkation;
- (b) permission of access and egress is given to authorised personnel only; and
- (c) entry through the flight crew compartment door is limited to authorised persons and operating flight and cabin crew members only.

(4) Any air transport operator or person that contravenes a provision of this Regulation, commits an offence and is liable on conviction to a fine not exceeding \$10,000, or imprisonment to a term not exceeding 7 years ,or both such fine and imprisonment.”.

Dated this 13th day of March 2006.

N. LALABALAVU
Minister for Transport
& Civil Aviation