

AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

CIVIL AVIATION (AIR TRANSPORT LICENSING) AMENDMENT ACT 2024

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WHEREAS it is expedient to amend the Civil Aviation (Air Transport Licensing) Act 2007.

Be it enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Civil Aviation (Air Transport Licensing) Act 2007 ("the principal Act"), may be cited as the Civil Aviation (Air Transport Licensing) Amendment Act 2024.

Amends section 2

2 Section 2 of the principal Act is amended—

(a) by deleting the definition of "Director";

(b) by deleting the definition of "Director-General" and substituting—

“ “Director-General” means the person appointed under section 24 of the Bermuda Civil Aviation Authority Act 2016;”.

Amends section 3

3 Section 3 of the principal Act is amended—

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(a) by deleting subsection (2)(b) and substituting—

“(b) the Chief Executive Officer of the Board of the Bermuda Tourism Authority; and”;

(b) by inserting the following after subsection (3)—

“(3A) The Minister may appoint a second person to act as alternate to a member appointed under subsection (2) if the member is unavailable when the Panel is required to perform any of its functions.

(3B) An alternate member shall be appointed in accordance with the requirements for the appointment of a member and his term of appointment shall continue as long as the member remains unavailable or for as long as the Chairperson determines.

(3C) The Minister shall appoint a person of equivalent or similar position to a member in paragraph (a) or (b) if the official title of that member ceases to exist.”.

Amends section 8

4 Section 8 of the principal Act is amended—

(a) by deleting subsection (2) and substituting—

“(2) Subject to subsection (3), subsection (1) applies to any flight in any part of the world by an aircraft registered in Bermuda except a flight operated by an external airline.”;

(b) by deleting subsection (3) and substituting—

“(3) Subsection (1) does not apply—

(a) any flight of a description specified in an instrument made by the Minister and published in the Gazette;

(b) a particular flight, or series of flights, specified in an instrument made by the Minister and published in the Gazette.”;

(c) in subsection (4) by deleting “(3)(b)” and substituting “(3)(a)”;

(d) in subsection (5) by deleting “(3)(c)” and substituting “(3)(b)”;

(e) in subsections (8), (8)(a) and (b) by deleting “Director” and substituting “Director-General”.

Amends section 9

5 Section 9 of the principal Act is amended—

(a) by deleting subsection (1) and substituting—

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“(1) An application for the grant of an airport transport licence shall be made to the Panel in such form and contain such particulars as the Panel may specify by notice published in such manner as it thinks fit.”;

- (b) in subsections (2)(b), (3)(a) and (4) by deleting “8(2)(a)” and substituting “8(2)”;

Amends section 16

6 Section 16 of the principal Act is amended—

- (a) in subsection (1) by deleting “shall” and substituting “may”;
- (b) by deleting subsection (3).

Amends section 18

7 Section 18 of the principal Act is amended—

- (a) by deleting paragraph 2(g) and substituting—

“(g) prescribing fees to be paid to the Authority for the application for the grant, variation, suspension or revocation of licences;”;

- (b) by deleting subsection (5) and substituting—

“(5) The negative resolution procedure shall apply to regulations made under this Act except regulation 18(2)(g) which shall be subject to the affirmative resolution procedure.”.

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EXPLANATORY MEMORANDUM

This Bill seeks to amend the Civil Aviation (Air Transport Licensing) Act 2007 (“the principal Act”).

Clause 1 provides the title of the Bill.

Clause 2 amends section 2 of the principal Act to delete the defined term Director and to change the defined term of Director-General.

Clause 3 amends section 3 of the principal Act to change the title of one member of the Air Transport Licensing Panel from the Director of Tourism to the present title of Chief Executive Officer of the Board of the Bermuda Tourism Authority and to provide for the appointment of an alternate member of that Panel of an equivalent or similar position to a member who is unavailable to perform any functions.

Clause 4 amends section 8 of the principal Act to provide the flights that require an air transport licence including any flight operated by an external airline and to provide the correct cross references.

Clause 5 amends section 9 of the principal Act to further clarify the provisions and to provide the correct cross and word references.

Clause 6 amends section 16 of the principal Act to remove the requirement of the Panel to publish a statement of policies it intends to adopt and gives the Panel the discretion to publish such statement.

Clause 7 amends section 18 of the principal Act to provide that regulations for prescribing fees paid to the Authority for the grant of a licence are subject to the negative resolution procedure.