



BELIZE

**CIVIL AVIATION ACT
CHAPTER 239**

**REVISED EDITION 2011
SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
DECEMBER, 2011**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2011.

This edition contains a consolidation of amendments made to the Act by Act No. 15 of 2004.

CHAPTER 239

CIVIL AVIATION

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title.
2. Interpretation.

PART II

*Regulation and Control of Civil
Aviation and its Department*

3. Duties of the Minister.
4. Power to give effect to the Chicago Convention, etc., and to regulate air navigation.
5. Investigation of accidents.
6. Control in time of war or emergency.
7. Control of aviation fuel.
8. Licensing of air transport and commercial flying.
9. Information as to air transport undertakings.
10. Establishment of the Department of Civil Aviation.
11. Functions of the Department.

PART III

*Aerodromes, Other Lands and Liability
for Damages Caused by Aircrafts*

12. Power of Minister to provide aerodromes.
13. Acquisition and management of lands.
14. Health control of aerodromes.
15. Control over land in the interests of civil aviation.
16. Warning of obstructions.
17. Power to stop up and divert highways.
18. Trespassing on aerodromes.
19. Customs aerodromes.
20. Landing and departure of aircraft.
21. Licensing of aerodromes.
22. Liability in respect of trespass, nuisance and surface damage.
23. Responsibility relating to aircraft let or hired.
24. Nuisance by aircraft on aerodromes.

PART IV

Miscellaneous

25. Application of law of wreck and salvage to aircraft.
26. Exemption of aircraft and parts thereof from seizure on patent claims.

-
27. Dangerous flying.
 28. Detention of aircraft.
 29. Custody and disposal of lost property.
 30. General penalty.
 31. Other powers of the Minister not affected.
 32. Regulations.
 33. Repeals and Savings.

CHAPTER 239

CIVIL AVIATION

15 of 2004.
 23 of 1992.
 14 of 1997.
 S.I. 23 of 1993.

[1st January, 1993]

PART I

Preliminary

Short title.

1. This Act may be cited as the Civil Aviation Act.

Interpretation.

2. In this Act, unless the context otherwise requires,

“aerodrome” or “airport” means any area of land or water (including any area or space, whether on the ground, on the roof of a building or elsewhere) which is designed, equipped, prepared, set apart or used for affording facilities for the landing and departure of aircraft;

“aircraft” means any machine or apparatus that can derive support in the atmosphere from reactions of the air but does not include projectiles or rockets;

“air navigation services” includes information, directions, and other facilities furnished, issued or provided in connection with the navigation or movement of aircraft and includes the control of movement of vehicles in any part of an airport used for the movement of aircraft;

“Belize aircraft” means an aircraft registered in Belize pursuant to regulations made under this Act;

15 of 2004.

“CARICOM Member state” means a State which is a party to the Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy;

“Chicago Convention” means the Convention of International Civil Aviation concluded at Chicago on the seventh day of December, 1944;

“Customs aerodrome” means an aerodrome designated by the Minister to be a place of landing or departure of aircraft for the purpose of the enactments relating to customs;

“Director of Civil Aviation” means the person for the time being lawfully discharging in Belize the functions of the Office of the Head of the Civil Aviation Department on behalf of the Minister;

“loss or damage” includes, in relation to persons, loss of life and personal injury;

“Minister” means the Minister responsible for Civil Aviation, unless otherwise specified;

“reward”, in relation to a flight, includes any form of consideration received or to be received, wholly or partly, in connection with the flight, irrespective of the person by whom or to whom the consideration has been or is to be given.

PART II

Regulation and Control of Civil Aviation and its Department

3. It shall be the duty of the Minister,

- (a) to supervise all matters connected with civil aviation;
- (b) to undertake and to co-operate with persons undertaking such projects, technical research, study or investigation as in the Minister’s opinion will promote the development of civil aviation in Belize;
- (c) to construct and maintain all government airports and facilities including all plant, machinery and buildings necessary for their efficient operation;

Duties of the Minister.
14 of 1997.

- (d) to control and manage aircraft and equipment necessary for the conduct of government services;
- (e) to operate such services as the government may approve;
- (f) to prescribe aerial routes;
- (g) to take such action as may be necessary to secure, by international agreement or otherwise, the rights of the government over or in respect of international air traffic;
- (h) to cooperate with the aviation authorities or staff of other governments or countries for any purposes pertaining to civil aviation;
- (i) to investigate, examine, and report on the operation and development of commercial aviation in Belize; and
- (j) to consider and prepare such regulations as may be necessary for the control or operation of civil aviation in Belize and for the control or operation of aircraft registered in Belize.

Power to give effect to the Chicago Convention, etc., and to regulate air navigation.

4.-(1) The Minister may make regulations as may appear to him to be requisite or expedient,

- (a) for carrying out the Chicago Convention, and any Annex thereto relating to international standards and recommended practices (being an Annex adopted in accordance with the Convention) and any amendment to the Convention or any such Annex;
- (b) for carrying into effect the provisions of all or any other international convention relating to civil aviation to which Belize is a party;
- (c) generally for regulating air navigation.

(2) Without prejudice to the generality of the foregoing, the Minister may make provision by regulations,

- (a) as to the registration and marking of aircraft in Belize;
- (b) for prohibiting aircraft from flying unless certificates of airworthiness issued or validated under the regulations are in force with respect to them and except upon compliance with such conditions as to maintenance and repair as may be prescribed;
- (c) for the licensing, inspection and regulation of aerodromes and establishments for the manufacture or repair of aircraft or aircraft parts, for access to aerodromes and other places where aircraft have landed and for prohibiting or regulating the use of aerodromes and establishments above-mentioned which are not licensed;
- (d) for prohibiting persons from engaging in, or being employed in or in connection with, air navigation in such capacities as may be prescribed unless they satisfy the prescribed requirements, and for the licensing of persons employed at aerodromes or elsewhere in the inspection, testing, maintenance, repair or supervision of aircraft;
- (e) as to the conditions under which, and in particular the aerodromes to and from which, aircraft entering or leaving Belize may fly, and as to the conditions under which aircraft may fly from one part of Belize to another;
- (f) as to the conditions under which passengers and goods may be carried by air and under which aircraft may be used for commercial, industrial, gainful or other purposes, and for prohibiting the carriage by air of goods of such classes as may be prescribed;
- (g) for minimizing or preventing interference with the use or effectiveness of apparatus used in connection with air navigation and for prohibiting or regulating the use of any apparatus and the display or use of any signs and lights liable to endanger aircraft;

- (h) for authorising persons to extinguish or screen any sign or light liable to endanger aircraft and to enter upon any land for that purpose, and for recovering the expenses in connection therewith from the owner or occupier of the place where the sign or light is exhibited or from the person having charge of the sign or light;
- (i) generally for securing the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and property carried therein, and for preventing aircraft endangering other persons and property;
- (j) for requiring persons engaged in, or employed in or in connection with, air navigation to supply meteorological information for the purposes of air navigation;
- (k) for regulating the making of signals and other communications by or to aircraft and persons carried therein;
- (l) for regulating the use for air navigation purposes of any ensign established in Belize;
- (m) for prohibiting aircraft from flying over such areas in Belize as may be specified in the regulations, by Order published in the *Gazette*;
- (n) for applying, adapting or modifying the enactments relating to customs in relation to aerodromes and to aircraft and persons and property carried therein, and for preventing smuggling by air, and for permitting in connection with air navigation, subject to such conditions as appear to be requisite or expedient for the protection of revenue, the importation of goods into Belize without the payment of duty;

- (o) as to the manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or other documents required by the regulations (including the examination and tests to be undergone) and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such document;
- (p) for the registration of births and deaths occurring in aircraft and of particulars of persons missing from aircraft;
- (q) for establishing and regulating the conditions of use, including the charges that may be made for the use of Government aerodromes and for services or facilities provided therein, and for regulating the charges that may be made for the use of licensed aerodromes and for facilities and services provided at such aerodromes;
- (r) for regulating the conduct of persons in an aerodrome;
- (s) for requiring the payment to the prescribed persons of charges of such amounts and in such currencies as may be specified in the regulations or in agreement between the Minister and such persons in respect of air navigation, communication, air traffic control and other services;
- (t) for prescribing the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document or the undergoing of any examination or test required by virtue of the regulations, and in respect of any other matters in respect of which it appears to the Minister to be expedient to charge fees;
- (u) for regulating or prohibiting the flight of aircraft over Belize at speeds in excess of Mach 1;

- (v) for requiring the examination of persons and members of the crew and goods carried in aircraft to ensure the security and safety of passengers and other persons and property;
- (w) for exempting from the provisions of the regulations or any of them any aircraft or persons or classes of aircraft or persons.

(3) Any regulations or Orders made under this section may make different provisions with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances and with respect to different parts of Belize but shall be so framed as not to discriminate in like circumstances between aircraft registered in Belize operated by one air transport undertaking and aircraft operated by another air transport undertaking.

Investigations of accidents.

5.—(1) The Minister may make regulations providing for the investigation of any accident arising out of or in the course of air navigation and either occurring in or over Belize or occurring to Belize aircraft wherever they may be.

(2) Without prejudice to the generality of subsection (1) of this section, regulations under this section may contain provisions,

- (a) requiring notice to be given of any such accident as aforesaid in such manner and by such persons as may be prescribed;
- (b) prohibiting, pending investigation, access to or interference with aircraft to which an accident has occurred;
- (c) authorising any person, so far as may be necessary for the purpose of an investigation, to have access to, examine, remove, take measures for the preservation of, or otherwise deal with, any such aircraft;

- (d) authorising or requiring the cancellation, suspension, endorsement or surrender of and licence or certificate granted under this Act or regulations made under this Act where it appears on investigation that such action ought to be taken, and requiring the production of any such licence or certificate.

(3) Regulations under this section may provide for the imposition of penalties for offences against the regulations.

6.–(1) In time of war, whether actual or imminent, or of great national emergency, the Minister in consultation with the Minister of Defence, may by Order regulate or prohibit, either absolutely or subject to such conditions as emergency may be contained in the Order, the navigation of all or any descriptions of aircraft over Belize, and may by Order provide for taking possession of and using for the purposes of the Government any aerodrome or any aircraft, or any machinery, plant, material or thing found in any such aerodrome or aircraft, and for regulating or prohibiting the use, erection, building, maintenance or establishment of any aerodrome or flying school.

Control in time of war or emergency.

(2) An Order under this section may, for the purpose of securing compliance with the provisions thereof, provide for the imposition of penalties not exceeding ten thousand dollars and imprisonment for a term not exceeding six months, and in the case of any prohibition of flying over any area of Belize, the Order may provide for the taking of such steps as may be specified, including firing on the aircraft.

7.–(1) The Minister may make regulations to secure that persons shall not use, sell, store or otherwise deal in aviation fuel except in accordance with the conditions of a permit granted under the regulations, and generally to control the storage and use of aviation fuel.

Control of aviation fuel.

(2) Regulations under this section may provide for the imposition of penalties for offences against the regulations not exceeding a fine of five thousand dollars and imprisonment for a term not exceeding one year, and may provide for the forfeiture of the aviation fuel, storage facility, any aircraft, vehicle, machinery, equipment or thing used in the commission of the offence.

Licensing of air transport and commercial flying.

8.-(1) The Minister may make regulations,

- (a) to secure that aircraft shall not be used in Belize by any person,
 - (i) for plying, while carrying passengers or goods for hire or reward, on such journeys or classes of journeys (whether beginning and ending at the same point or different points) as may be prescribed; or
 - (ii) for flying undertaken for the purpose of any trade or business as may be prescribed, except under the authority of, and in accordance with, a licence or permit granted by the authority specified in the regulations;
- (b) as to the circumstances in which a licence or permit may or shall be granted, refused, revoked or suspended, and as to the matters to which the licensing authority specified in the regulations is to have regard in deciding whether to grant or refuse a licence or permit;
- (c) as to appeals from the licensing authority by persons interested in the grant, refusal, revocation or suspension of any licence or permit under the regulations;
- (d) as to the conditions which may be attached to such licence or permit (including conditions as to fares, freight rates or other charges to be charged by the holder of the licence or permit), and for securing compliance with any conditions so attached;
- (e) as to the information to be furnished by an applicant for, or the holder of, such a licence or permit to such authorities as may be prescribed, including details of the resources of the applicant and the financial arrangements made by him in respect of the business activities in which he is, or may be expected to be, engaged;

- (f) prescribing the fees to be paid in respect of the grant or renewal of a licence or permit;
- (g) exempting from the provisions of the regulations or any of them, flights of such description as may be prescribed,

and such regulations may make different provisions as respects different classes of aircraft and different classes of licences.

(2) Where the competent authority has reason to believe that an aircraft is intended to be used in contravention of any regulations under this section, he may give to the person appearing to him to be in command of the aircraft a direction that he shall not permit the aircraft to take off until the direction is revoked.

(3) Regulations under this section may, for the purpose of securing compliance with the regulations or direction, provide for the imposition, on summary conviction, of the following penalties,

- (a) in the case of a first offence, a fine not exceeding two thousand dollars or imprisonment for a term not exceeding six months, or both such fine and term of imprisonment;
- (b) in the case of a second or subsequent offence, a fine not exceeding twenty-five thousand dollars or imprisonment for a term not exceeding five years, or both such fine and term of imprisonment.

(4) In this section, “competent authority” means the Minister, the Director of Civil Aviation, or any other person authorised by the Minister in that behalf.

9.-(1) The Minister may make regulations requiring any person,

- (a) who carries on the business of carrying passengers or goods in aircraft for hire or reward; or

Information as to
air transport un-
dertakings.

- (b) who is the owner or the pilot or other person who is in charge of any aircraft engaged in such business,

to furnish to the prescribed authorities in such form and at such times as may be specified in the regulations, information of such description as may be so specified relating to the operation, business management and financial accounts in respect of such aircraft and to the persons employed in connection with such aircraft.

(2) Regulations under this section may provide for the imposition of penalties for offences against the regulations, not exceeding a fine of two hundred dollars and a further fine of twenty-five dollars for every day on which the offence continues after conviction therefor, or to imprisonment for a term not exceeding six months.

(3) No information with respect to any undertaking which has been obtained by virtue of the regulations under this section shall be disclosed to any other person without the written consent of the person carrying on that undertaking; and if any person discloses any such information in contravention of this subsection he shall be liable on summary conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars or to both such fine and term of imprisonment,

Provided that nothing in this subsection shall apply to the disclosure of any information for the purposes of any legal proceedings which may be taken by virtue of this subsection or regulations under this section, or for the purposes of any report of such proceedings; but save as aforesaid, the restriction imposed by this subsection shall, in relation to any legal proceedings or arbitrations, extend so as to prohibit and prevent any person who is in possession of any such information so obtained from disclosing, and from being required by any court or arbitrator to disclose, that information (whether as a witness or otherwise) except with the written consent of the person carrying on the undertaking.

10.—(1) For the administration of this Act and the regulations made thereunder, there shall be established a department of government to be known as the “Department of Civil Aviation”.

Establishment of
the Department of
Civil Aviation.

(2) The Department shall be headed by a public officer to be known as “the Director of Civil Aviation” who shall be appointed by the Governor-General in accordance with section 107 of the Belize Constitution,

14 of 1997.

Provided that the public officer who is working as the Director of Civil Aviation immediately before the commencement of this Act shall be deemed to have been appointed under this section.

(3) It shall be the responsibility of the Department of Civil Aviation, under the general direction of the Minister, to monitor the implementation of this Act and the regulations made thereunder and to take necessary action to enforce its provisions.

(4) There shall be appointed by the Public Services Commission such other officers and staff having suitable qualifications as may be necessary for carrying out the provisions of this Act and any regulations made thereunder.

11. The principal powers, duties and functions of the Department shall be,

Functions of the
Department.
14 of 1997.

- (a) to ensure the safety of air navigation;
- (b) to promote and encourage the orderly and economic development of civil aviation;
- (c) to ensure the observation of any regulations made under this Act;
- (d) to initiate and carry out surveys into any aspect of civil aviation;
- (e) to advise the Minister on all matters affecting civil aviation; and
- (f) to perform such other functions as the Minister may from time to time impose.

PART III

*Aerodromes, Other Lands and Liability
for Damages Caused by Aircrafts*

Power of Minister
to provide aero-
dromes.

12.—(1) The Minister may establish and maintain aerodromes for the purposes of civil aviation, and provide and maintain in connection therewith roads, approaches, apparatus, equipment, buildings and other accommodations.

(2) The Director of Civil Aviation or any other officer or authority appointed by the Minister shall be responsible to the Minister for the management and administration of the aerodrome and all services provided on behalf of the Minister, including signaling services, flying control services, safety services and services connected with the execution of works.

(3) The Minister shall not provide any person with aerodrome facilities in connection with the operation of any air transport undertaking unless he is satisfied that comparable facilities are available, or can be made available if required, to other persons in connection with the operation of similar services upon terms and conditions which are not less favourable.

(4) In the management and administration of any aerodrome vested in him, the Minister shall make such provision as he thinks necessary to ensure that adequate facilities for consultation are provided for the local authorities in whose areas the aerodrome or any part thereof is situated, and for other local authorities whose areas are in the neighbourhood of the aerodrome, and for other organizations representing the interests of persons concerned with the locality in which the aerodrome is situated.

Acquisition and
management of
lands.

13.—(1) The Minister may make recommendations to the Minister responsible for lands to acquire land compulsorily for any purpose connected with the exercise of the Minister's functions related to civil aviation lands.

(2) Any such land shall, after acquisition, be vested in the Minister who shall have the power to manage and let any such land or portion thereof.

14. Without prejudice to their general duties under any other enactment, it shall be the duty of the Minister and the Minister responsible for Health to make such arrangements as they think necessary,

Health control of aerodromes.

- (a) for preventing danger to public health from aircraft arriving at any aerodrome in Belize;
- (b) for preventing the spread of infectious diseases by means of any aircraft leaving any such aerodrome, so far as may be necessary or expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any country.

15.—(1) The Minister may, by Order, declare that any land, structure, works or apparatus specified in the Order shall be subject to control by directions under this section if he is satisfied that it is necessary so to do in the interests of civil aviation.

Control over land in the interests of civil aviation.

(2) Where any such Order is in force, the Minister may, in pursuance of any general or special authority given by the Order, give directions,

- (a) for restricting the height of buildings or structures or requiring the total or partial demolition of any building or structure within the area specified;
- (b) for restricting the height of trees upon any land within the area, or for requiring any tree on any such land to be cut down or reduced in height;
- (c) for extinguishing any private right of way over land within the area;
- (d) for requiring the removal or restricting the installation of cables, mains, pipes, wires or other apparatus upon, across, over or under any land within the area;
- (e) for extinguishing, at the expiration of such period as may be specified in the directions, any subsisting

right of installing or maintaining any such apparatus as aforesaid upon, across, over or under any land within the area;

- (f) for requiring that, before the expiration of such period as may be specified in the directions, any such apparatus shall be removed from land within the area.

(3) Any such Order may contain such consequential, incidental and supplemental provisions as appear to the Minister to be necessary or expedient for the purposes of the Order, including, in particular, provisions for empowering any person authorised in that behalf by the Minister, to remove, pull down, cut down, or alter so as to bring into conformity with the requirements of any directions under the Order, any building, structure, tree or apparatus which contravenes those requirements.

(4) An Order under this section shall be subject to negative resolution.

(5) The Minister shall give notice of any direction given pursuant to this section by publishing the direction in the *Gazette* and by taking such steps as he considers reasonable for securing that a copy of the direction is served on each person appearing to him to be the owner or occupier of any land to which the direction relates.

(6) A person who obstructs any other person in the exercise of any powers conferred upon that other person by virtue of this section commits an offence and is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand dollars, or to both such fine and term of imprisonment.

16.—(1) If the Minister is satisfied, with respect to any building, structure or erection in the vicinity of an aerodrome, that in order to avoid danger to aircraft flying in conditions of darkness or poor visibility, provision ought to be made (whether by lighting or otherwise) for giving to such aircraft warning of the presence of that building, structure or erection, he may by Order authorize the manager or proprietor of the aerodrome or any person acting under his instructions,

Warning of
obstructions.

- (a) to execute, install, maintain, operate, repair or alter such works and apparatus as may be necessary for enabling such warning to be given in the manner specified in the Order; and
- (b) so far as may be necessary for exercising any power conferred by the Order to enter upon and pass over (with or without vehicles) any such land as may be specified in the Order,

Provided that no such Order shall be made in relation to any building, structure or erection if it appears to the Minister that there have been made, and are being carried out, satisfactory arrangements for the giving of such warning as aforesaid of the presence of the building, structure or erection.

(2) The Minister shall, before making any such Order as aforesaid, cause to be published, in such manner as he thinks best for informing persons concerned, notice of the proposal to make the Order and of the place where copies of the draft Order may be obtained free of charge, and take into consideration any representations with respect to the Order which may, within such period not being less than two months after the publication of the notice as may be specified therein, be made to him by any person appearing to him to have an interest in any land which would be affected by the Order; and at the end of that period the Order may, subject to the provisions of this section, be made with such modifications (if any) of the original draft as the Minister thinks proper.

(3) Every such Order as aforesaid shall provide,

- (a) that, except in a case of emergency, no works shall be executed on any land in pursuance of the Order, unless at least fourteen days previously, the manager or proprietor of the aerodrome to which the Order relates has served in the manner prescribed by the Order on the occupier of that land, and on every other person known by the manager or proprietor to have an interest therein, a written notice containing

such particulars of the nature of the proposed works, and the manner in which and the time at which it is proposed to execute them, as may be prescribed by or in accordance with the Order; and

- (b) that if, within fourteen days after service of the said notice on any person having such an interest, the manager or proprietor of the aerodrome receives a written intimation of objection on the part of that person to the proposals contained in the notice, being an intimation which specifies the grounds of objection, then, unless and except in so far as the objection is withdrawn, no steps shall be taken in pursuance of the notice without the specific sanction of the Minister.

(4) Any person having an interest in the land affected by an Order under this section shall be entitled to the payment of compensation for any loss or damage that that person may suffer in consequence of the Order as might, in default of agreement, be determined by a single arbitrator appointed by the Chief Justice; and for the purpose of this subsection, any expense reasonably incurred in connection with the lawful removal of any apparatus installed in pursuance of such an Order, and so much of any expense incurred in connection with the repair, alteration, demolition or removal of any building, structure or erection to which such an Order relates as is attributable to the operation of the Order, shall be deemed to be loss or damage suffered in consequence of the Order,

Provided that no compensation shall be payable for any loss or damage suffered in consequence of an Order made under this section where the building, structure or erection has been erected in contravention of any Order or regulation under this Act or in contravention of any other law, rule, regulation or Order.

(5) The ownership of anything shall not be taken to be affected by reason only that it is placed in, or affixed to, any land in pursuance of such an Order as aforesaid; and (subject to the provisions of the next following subsection) so long as any such Order in respect of any aerodrome is in force, no person shall, except with the consent of the manager or

proprietor of the aerodrome, wilfully interfere with any works or things which, to the knowledge of that person, are works or things executed or placed in, on or over any land in pursuance of the Order.

(6) If any person contravenes the provisions of subsection (5) of this section above he shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or both; and every person who wilfully obstructs a person in the exercise of any power conferred by such an Order as aforesaid shall be liable on summary conviction to a fine not exceeding one thousand dollars.

(7) Nothing in this section shall operate, in relation to any building, structure or erection, so as to restrict the doing of any work for the purpose of repairing, altering, demolishing or removing the building, structure or erection,

Provided that,

- (a) notice of the doing of such work is given without delay to the manager or proprietor of the aerodrome; and
- (b) the giving of the warning of the presence of the building, structure, or erection in the manner provided by any Order under this section in force in relation thereto is not interrupted.

17.-(1) The Minister may, after consultation with the Minister responsible for highways, if he is satisfied that it is necessary so to do in order to secure the safe and efficient use for purposes of civil aviation of any premises used with the approval of the Minister for the testing of aircraft, or of any aerodrome, by Order authorize the stopping up or diversion of any highway.

Power to stop up and divert highways.

(2) An Order under this section may provide for all or any of the following matters,

- (a) for securing the provision or improvement of any highway so far as the Minister responsible for highways considers such provision or improvement necessary or desirable in consequence of any such stopping up or diversion as aforesaid;
- (b) for the retention or removal of any poles, cables, mains, pipes, wires or similar apparatus placed along, across, over or under any highway stopped up or diverted under the Order, and for the extinguishment, modification or preservation of any rights as to the use or maintenance of that apparatus;
- (c) if any highway is to be provided or improved under the Order, for authorizing or requiring the provision of any such apparatus as aforesaid along, across, over or under that highway, *in lieu* of any apparatus removed from a highway pursuant to the Order, and for conferring rights as to the use or maintenance of apparatus so provided.

(3) An Order under this section may contain such consequential, incidental or/and supplemental provisions as appear to the Minister to be necessary or expedient for the purposes of the Order.

(4) An Order under this section shall be subject to negative resolution.

18. If any person trespasses on any land forming part of a Government aerodrome or an aerodrome licensed under regulations made under this Act, he shall be liable on summary conviction to a fine not exceeding five hundred dollars,

Provided that no person shall be liable to any penalty under this section unless it is proved that, at the material time, notices warning trespassers of their liability under this section were posted so as to be readily seen and read by members of the public, in such positions on or near the boundary of the aerodrome as appear to the court to be proper.

Trespassing on aerodromes.

19.-(1) The Minister may subject to such conditions as he thinks fit, by Order designate any aerodrome to be a place of landing or departure of aircraft for the purposes of the enactments relating to Customs; and he may by Order declare that such an aerodrome shall no longer be a Customs aerodrome.

Customs aerodromes.

(2) The commander of an aircraft entering the country from abroad shall not, without the special permission in writing of the Minister, cause or permit it to land for the first time after its arrival therein at any place other than a Customs aerodrome,

Provided that the requirements of this section shall not apply if the commander is required to cause the aircraft to land because he has flown over a prohibited area or if he is compelled so to do by accident, stress of weather or other unavoidable cause.

(3) Upon arrival from abroad of an aircraft at a Customs aerodrome, the commander shall,

- (a) immediately take the aircraft to the examination station at that aerodrome, or cause it to be so taken;
- (b) forthwith deliver to the customs officer such documents as may be required from time to time by regulations made by the Minister for such purpose under this Act;
- (c) cause all passengers carried in the aircraft to leave the aircraft with their baggage for examination, and produce it to the proper officer and unlade all goods and stores in the aircraft, except such passengers, goods or stores as are to be carried on to another Customs aerodrome or to a destination abroad and are permitted by such officer to be carried on without compliance with the requirements aforesaid,

Provided that, if an aircraft has landed at a Customs aerodrome and the commander through circumstances over which he has no control is prevented from taking it or causing it to be taken to the examination station, he shall remove all goods and stores laden in the aircraft to the

examination station in the presence of a customs officer, to whom he shall deliver forthwith the documents required by this subsection.

(4) No person shall, without the special permission in writing of the Minister,

- (a) import or bring, or be concerned in importing or bringing, any goods in any aircraft into Belize at any place other than a Customs aerodrome;
- (b) unlade any goods or suffer the same to be unladen from the aircraft in which they were imported except during approved hours and at an examination station approved for such purpose; or
- (c) remove the goods from an examination station without the authority of the customs officer.

(5) The importer, or the agent of the importer, of any goods of which delivery has not been permitted by the customs officer shall deposit the same in an approved transit shed at the Customs aerodrome at which they were imported or in any other place approved by the Comptroller of Customs and, for the purposes of the enactments relating to customs, any goods so deposited shall, until the same shall have been duly entered in accordance with those enactments, be deemed to be goods still on board the importing aircraft.

(6) No person shall, without the permission of a customs officer, remove any goods from any transit shed or other place approved by the Comptroller of Customs.

(7) No person shall depart on a flight for a place abroad, and no aircraft shall be permitted to depart for a place abroad from any place in Belize other than a Customs aerodrome except with the special permission in writing of the Minister.

(8) Before any aircraft shall depart for a place abroad from a Customs aerodrome the commander shall take the aircraft to the examination

station at that aerodrome, or cause it to be so taken, and shall deliver to the customs officer all such documents as may be required by regulations made by the Minister for such purpose under this Act.

(9) The commander of an aircraft departing for a place abroad shall not permit any goods, stores or passengers to be laden or taken on board the aircraft except at an examination station or before he has given to the customs officer notice of intended departure and application for clearance.

(10) No person shall, without the permission of a customs officer, unlade from any aircraft any goods laden therein which have been cleared for exportation.

(11) If an aircraft flying to or from a place abroad is required or compelled to land because it has flown over a prohibited area or because of stress of weather, accident or other unavoidable cause, at any place in Belize other than a Customs aerodrome,

- (a) the commander of the aircraft,
 - (i) shall immediately report the landing to a customs officer or police officer;
 - (ii) shall not, without the consent of a customs officer, permit any goods or stores to be unladen from the aircraft except for the purpose of protecting such goods or stores from damage; and
 - (iii) shall comply with any directions given by a customs officer with respect to any goods or stores carried in the aircraft; and
- (b) no passengers in, or members of the crew of the aircraft shall, without the consent of a customs officer or a police officer, leave the immediate vicinity of the aircraft except where such departure is necessary for reasons of health, safety or the preservation of life.

(12) The person in control of any aerodrome shall keep a record, in a form approved by the Minister, of all aircraft arriving at or departing from the aerodrome and shall on demand produce such record to the Comptroller of Customs or any officer authorized by him, together with all other documents kept at the aerodrome which relate to the movement of aircraft, and shall permit such officer to make copies thereof and to take extracts therefrom.

(13) The Comptroller of Customs or any officer authorized by him, or any officer authorised by the Minister, shall have the right to enter upon and inspect any aerodrome and buildings and goods thereon and to board any aircraft and inspect any aircraft and goods therein and all documents relating to the aircraft or to the goods or persons carried therein, and the manager or proprietor of every aerodrome and the commander of every aircraft shall permit such officers to enter and carry out such inspections.

(14) Subject to such conditions or requirements as the Minister may impose, any of the duties imposed on the commander of an aircraft by this section may be carried out on his behalf by an authorised agent being a responsible person who represents, and is authorized in that behalf by, the owner or operator of the aircraft.

(15) Any goods which are imported, unladen, transshipped or removed contrary to the provisions of this section shall be forfeited, and any person who contravenes the provisions of this section commits an offence and shall be liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding three months or both; and any proceedings in this respect and any penalty incurred shall be without prejudice to any other penalty incurred under any other enactment relating to customs.

(16) The provisions of this section shall not apply to any military aircraft except where such aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his duty as a member of a military force.

20. No person shall, without the written permission of the Minister, cause or permit any aircraft to take off from or be landed in any place other than an aircraft licensed or Government aerodrome.

Landing and departure of aircraft.

21.--(1) No person may instruct, cause or permit to be constructed any aerodrome without the written permission of the Director of Civil Aviation; and on completion of construction, the owner or occupier of the land or place or the proprietor or operator of the aerodrome shall apply to the Director of Civil Aviation for an aerodrome licence.

Licensing of aerodromes.

(2) Every application for a licence or permission to construct an aerodrome or to use any place as an aerodrome shall be in such form and shall contain such information as may be required by the Director of Civil Aviation, including an environmental impact assessment.

(3) In considering an application for permission to construct an aerodrome or use any place as an aerodrome, the Director of Civil Aviation, after consultation with the Minister, shall satisfy himself that such aerodrome is in the public interest, and in particular shall have regard to the following,

- (a) that the proposed aerodrome is not in any place reserved for any other national or public purpose;
- (b) that the aerodrome or the use thereof will not pose a threat to national security;
- (c) that adequate security arrangements are made to ensure that the aerodrome shall not be used for any purpose contrary to law or public policy; and
- (d) that the proposed aerodrome shall have no adverse impact on the environment.

(4) An application for permission to construct an aerodrome or use any place as an aerodrome may be refused without assigning reasons therefor. At the discretion of the Minister, permission granted hereunder may be withdrawn if such action is deemed necessary in the public interest.

(4A) The nationality of a national of a CARICOM State shall not be a ground for the refusal of the grant of an aerodrome licence, an application for permission to construct an aerodrome or use of any place as an aerodrome under this section

15 of 2004.

(5) An application for a licence in respect of any aerodrome for which permission has been given shall not be refused without ascribing the reason therefor.

(6) It shall be a condition of every aerodrome licence that,

- (a) the aerodrome shall have adequate security arrangements to the satisfaction of the Director of Civil Aviation;
- (b) as required, proper records are kept, and submitted to the Director of Civil Aviation, of all aircraft operations or any other activity on the aerodrome;
- (c) only aircraft authorized by the Director of Civil Aviation shall be permitted to use the aerodrome;
- (d) a copy of the aerodrome licence shall be kept at all times on the aerodrome, and shall be produced on demand to a police officer.

(7) The Minister may inspect or cause to be inspected any existing aerodrome or place likely to constitute an aerodrome, and if he is not satisfied that such place or aerodrome meets the requirements of this section or of any regulations made hereunder, shall order the owner or occupier of the land on which the aerodrome exists or the operator of the aerodrome to destroy such aerodrome and render it unusable by aircraft.

(8) The owner or occupier of any land or place on which an unlicensed aerodrome exists or unauthorised aerodrome is being constructed, or the operator thereof, commits an offence and upon summary conviction shall be liable to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding five years or to both, and in addition thereto, the court may order such aerodrome to be destroyed and the costs incurred in such destruction recovered from the owner or occupier of such land or aerodrome, or any other person found responsible for the construction of such aerodrome; and it shall not be a sufficient defence to a prosecution under this section to show that the aerodrome was not in use at the time of inspection.

- (9) Any person who,
- (a) without lawful excuse uses any aerodrome when such aerodrome has not been licensed;
 - (b) commences construction of an aerodrome without having first obtained the written permission of the Director of Civil Aviation;
 - (c) uses without lawful excuse any place other than a Government aerodrome or a licensed aerodrome for the landing or departure of an aircraft without the written permission of the Minister;
 - (d) obstructs, prevents or otherwise hinders the entry upon any land or place of a police officer, the Director of Civil Aviation or any person authorised by the Minister to carry out an inspection, examination or check thereon, or assaults or otherwise hinders such person in the performance of his duties under this section;
 - (e) fails to comply with any requirements of this section or any regulations made thereunder or with any lawful direction given to such person by the Minister or the Director of Civil Aviation,

commits an offence and shall be liable on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and term of imprisonment.

(10) Where an aerodrome is constructed without the written permission of the Director of Civil Aviation or used without an aerodrome licence issued by the Director of Civil Aviation, any article found at the site of the aerodrome or any fixtures, machinery, vehicle, aircraft or other things found thereon, shall be forfeited and disposed of in such manner as to the court shall seem just.

(11) Where any offence against the provisions of this section is committed by any servant or agent of the owner or occupier of the land on which an aerodrome has been constructed or is being constructed, such offence shall be deemed to be an offence committed by that owner or occupier, unless he establishes that such offence was committed without his knowledge or consent.

(12) Where a person by whom an offence under this section or any regulations made thereunder is committed is a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate or was purporting to act in any such capacity shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent, knowledge or connivance and that he exercised all due diligence to prevent the commission of such offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(13) Nothing in this section shall exempt an owner or occupier of land or the owner or operator of an aircraft or aerodrome from complying with the requirements of any other law or any regulations for the time being in force in relation to the licensing or use of an aerodrome.

22.—(1) No action shall lie in respect of trespass or nuisance by reason only of the flight of an aircraft over any property at a height above the ground or water which is reasonable having regard to wind, weather and all the circumstances of the case, or the ordinary incidents of such flight so long as the provisions of any regulations made under this Act are duly complied with.

(2) Where material loss or damage is caused to any person or property on land or water by, or by a person in, or an article or part of an aircraft or person falling from, an aircraft while in flight, taking off or landing, then unless the loss or damage was caused or contributed to by the negligence of the person by whom it was suffered, damages in respect of the loss or damage shall be recoverable without proof of negligence or intention or other cause of action, as if the loss or damage had been caused by the wilful act, neglect or default of the owner of the aircraft,

Liability in respect of trespass, nuisance and surface damage.

Provided that where material loss or damage is caused as aforesaid in circumstances in which,

- (a) damages are recoverable in respect of the said loss or damage by virtue only of the foregoing provisions of this subsection; and
- (b) a legal liability is created in some person other than the owner to pay damages in respect of the said loss or damage, the owner shall be entitled to be indemnified by that other person against any claim in respect of the said loss or damage.

23. Where an aircraft has been *bona fide* demised, let or hired out for any period exceeding fourteen days to any other person by the owner thereof, and no pilot, commander, navigator or other flight crew member is in the employment of the owner, this Part of this Act shall have effect as if any reference to the owner, were substituted by references to the person to whom the aircraft has been demised, let or hired out.

Responsibility relating to aircraft let or hired.

24. The Minister may regulate the conditions under which noise and vibration may be caused by aircraft on any aerodrome, and no action shall lie in respect of nuisance by reason only of noise and vibration caused by aircraft on an aerodrome if the prescribed level of noise or vibration is not exceeded by that aircraft.

Nuisance by aircraft on aerodromes.

PART IV

Miscellaneous

25.—(1) Any service rendered in assisting or in saving life from, or in saving the cargo or apparel of, an aircraft in, on or over the sea or any tidal water, or on or over the shores of the sea or any tidal water, shall be deemed to be salvage services in all cases in which they would have been salvage services if they had been rendered in relation to a vessel.

Application of law of wreck and salvage to aircraft.

(2) Where salvage services are rendered by an aircraft to any property or person, the owner of the aircraft shall be entitled to the same reward for those services as he would have been entitled to if the aircraft had been a vessel.

(3) The provisions of this section shall have effect notwithstanding that the aircraft concerned is a foreign aircraft, and notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial waters of Belize.

(4) The Minister may by Order direct that any provisions of any law for the time being in force which relate to wreck, to salvage of life or property or to the duty of rendering assistance to vessels in distress shall, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, apply in relation to aircraft as those provisions apply in relation to vessels.

Exemption of aircraft and parts thereof from seizure on patent claims.

26.—(1) Any lawful entry into, or any lawful transit across Belize, with or without landings, of an aircraft to which this section applies shall not entail any seizure or detention of the aircraft or any proceedings being brought against the owner or the operator thereof or any other interference therewith by or on behalf of any person in Belize on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is or are an infringement of any patent, design or model.

(2) The importation into, and storage in Belize of spare parts and equipment for an aircraft to which this section applies, and the use and installation thereof in the repair of such an aircraft shall not entail any seizure or detention of the aircraft or the spare parts or equipment or any proceedings being brought against the owner or operator of the aircraft or the owner of the spare parts or equipment or any other interference with the aircraft or parts or equipment by or on behalf of any person in Belize on the grounds that the spare parts or equipment or their installation are or is an infringement of any patent, design or model,

Provided that this subsection shall not apply in relation to any spare parts or spare equipment which are sold or distributed in Belize or are exported from Belize for sale or distribution.

(3) This section applies to any aircraft (other than aircraft used in military, customs or police services) registered in any country or territory which is a party to the Chicago Convention, and to such other aircraft as the Minister may by Order specify.

27.—(1) Where an aircraft is flown in such a manner as to be the cause of unnecessary danger to any person or property on land or water or to any other flying person in the aircraft, the pilot or person in charge of the aircraft, and also the owner thereof, unless he proves to the satisfaction of the court that the aircraft was so flown without his actual fault or privity, commits an offence and shall be liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

Dangerous flying.

(2) In this section, the expression “owner”, in relation to an aircraft, includes any person by whom the aircraft is hired at the time of the offence.

(3) Notwithstanding any other penalty, the Minister may, in the case of a first offence under this section, suspend the pilot’s licence for a period of up to six months, and on a subsequent offence, consider the pilot unfit and permanently revoke his licence.

28.—(1) The Minister has a lien on all or any aircraft owned or operated by a creditor for the recovery of any charges in relation to the operation of such aircraft (including licensing, certification, air navigation and aerodrome charges) which are unpaid after payment is due and, notwithstanding the provisions of any other Act, the Minister may hold any aircraft over which he has a lien.

Detention of aircraft.

(2) Where the owner or operator of an aircraft contravenes any provision of this Act, the regulations or any Order of the Minister under this Act or any other Act, the Minister may, for the purposes of securing compliance with such provisions, detain the aircraft pending a decision of the court, and the court before which any proceedings relating to the contraventions is brought may, in addition to any other penalty provided in respect of the contravention, order that the aircraft be sold.

Custody and disposal of lost property.

29. The Minister may by regulations make provision for securing the safe custody and re-delivery of any property which, while not in proper custody, found on any premises under his control or in any aircraft on any such premises; and such regulations may in particular,

- (a) provide for requiring charges to be paid in respect of any such property before it is re-delivered; and
- (b) provide for authorizing the disposal of any such property if it is not re-delivered before the expiration of such period as may be specified in the regulations.

General penalty.

30. Every person who contravenes or fails to comply with any provision of this Act or any regulations or Orders made thereunder for which no penalty is otherwise expressly provided, shall be liable on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and term of imprisonment.

Other powers of the Minister not affected.

31. The powers conferred on the Minister by this Act shall be in addition not to and not in derogation of any other powers conferred on the Minister by any other Act or law.

Regulations.

32. The Minister may make regulations generally for the better carrying out of the provisions of this Act, and in particular, but without prejudice to the generality of the foregoing, may make regulations for the following purposes,

- (a) prescribing the form of any register of records required to be kept under the provisions of this section or regulations made thereunder;
- (b) the licensing of aerodromes and prescribing the safety requirements;
- (c) prescribing the fees which may be payable for such licensing; and
- (d) prescribing any other thing or matter that needs to be prescribed.

33.—(1) The Aerodromes Act, Cap. 188 R.E. 1980-1990, the Aircraft (Customs Regulation) Act, Cap. 36 R. E. 1980-1990, and the United Kingdom Civil Aviation Acts of 1949 and 1971, insofar as they apply to Belize, are hereby repealed.

Repeals and Savings.

(2) Notwithstanding such repeal as is referred to in subsection (1) of this section, any subsidiary legislation made or Orders issued under the said Acts which have the force of law in Belize before 1st January, 1993, shall, insofar as the same are not inconsistent with the provisions of this Act, continue to remain in force until repealed and replaced by subsidiary legislation made under this Act.