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THE CIVIL AVIATION AUTHORITY LAW (4 OF 1987)

(1997 Revision)

Revised under the authority of the Law Revision Law (19 of 1975).

Originally enacted (as the Civil Aviation Authority of the Cayman Islands Law, 1987)-

Law 4 of 1987-25th February, 1987

Revised this 2nd day of September , 1997.

CIVIL AVIATION AUTHORITY LAW

(1997 Revision)

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CIVIL AVIATION AUTHORITY LAW

(1997 Revision)

1. This Law may be cited as the Civil Aviation Authority Law (1997 Revision). Short title

2. In this Law - Definitions

“airport” means any area of land or water or of land and water designated an airport by regulations made or deemed to have been made under section 27;

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

“Authority” means the Civil Aviation Authority of the Cayman Islands established under section 3(1);

“chairman” means the chairman of the Authority appointed by the Governor under section 3(2);

“Director” means the Director of Civil Aviation;

“Governor” except in section 8(1), means Governor in Council;

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

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

3. (1) There is established a body corporate called the Civil Aviation Authority of the Cayman Islands which shall have perpetual succession and a common seal and for the purpose of carrying out its functions under this Law may buy, sell, hold, deal and otherwise acquire and dispose of land and other property of whatsoever nature and may sue and be sued in its corporate name.

Establishment of
Authority

(2) The Authority shall consist of a chairman, deputy chairman and seven other members, three of which seven members shall be public officers, to be appointed for three years by the Governor, but who shall hold office at his pleasure. A member shall be eligible for reappointment. The validity of any proceedings of the Authority shall not be affected by any vacancy amongst the members or by any defect in the appointment of a member.

(3) The Governor may appoint a person to be a temporary member to act for a member whom he is satisfied is incapacitated by reason of illness, absence or other sufficient cause from performing the duties of his office, during such incapacity. A temporary member appointed under this subsection shall, while he acts as such, be deemed for all purposes to be a member of the Authority.

(4) The Governor shall cause every appointment, removal, resignation or death of a member to be gazetted.

(5) The seal of the Authority shall be authenticated by the chairman, or a member authorised by the chairman in that behalf, and by the secretary. All documents not required by law to be under seal may be signed by the chairman, any member authorised in that behalf or by the secretary. The seal shall be judicially noted.

(6) The Authority shall meet at least six times in every year. The chairman shall call a special meeting within seven days of the receipt by him of a requisition for that purpose addressed to him by any three members.

(7) The chairman, or in his absence the deputy chairman, shall preside at all meetings of the Authority.

(8) Five members of the Authority shall form a quorum.

(9) Decisions of the Authority at a meeting shall be arrived at by a majority vote, the chairman at a meeting having a casting vote in the event of a tie but not an original vote.

(10) The Authority shall perform its functions through the Director.

(11) The Governor shall appoint a public officer, not being a member, to be the secretary of the Authority, who shall be present at all meetings and shall take minutes of the business transacted.

(12) Any member other than one who is a public officer, may resign his office by giving notice in writing to the Governor, but the resignation shall not take effect until the notice has been received.

(13) Subject to this Law, the Authority has the power in all respects to regulate its own procedure, including the manner in which matters subject to the determination of the Authority are to be determined by the Authority.

4. (1) The functions of the Authority are -

Functions of Authority

- (a) such functions as are, for the time being, conferred on the Governor by or under any Air Navigation (Overseas Territories) Order or other regulations of a similar nature made under any United Kingdom Act with respect to the registration of aircraft, the safety of air navigation and aircraft (including airworthiness), the control of air traffic, the provision and control of air navigation services, the certification of operators of aircraft and the licensing of air crews and airports;
- (b) the general management and control of airports;
- (c) the enforcement of this Law, and of all laws of the United Kingdom relating to civil aviation and having application in the Islands, other than laws relating to the licensing of air services and the investigation of accidents;
- (d) the inspection of aircraft for the purpose of checking and enforcing compliance with this Law; and
- (e) such functions as are for the time being conferred on it by virtue of this Law or any other law or any regulations respectively made thereunder,

U.K. Order

and nothing in this Law relating to the Authority shall be construed as derogating from any power exercisable by virtue of this or any other law to make regulations conferring any further function on the Authority.

(2) The Authority has power to carry on any activity which appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its functions.

5. The Authority shall pay to each member, in respect of his office, such, if any, remuneration and allowances as the Governor may determine and to the chairman, in respect of his office as such, if any, remuneration and allowances (in addition to any remuneration or allowances to which he may be entitled in respect of his office as a member) as may be so determined.

Remuneration of members

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

Repayment of set up loan

7. (1) The revenue of the Authority shall be classified under the following heads of receipt -

Financial procedure

- (a) dues and charges received by virtue of this Law;
- (b) amounts borrowed by the Authority; and

- (c) miscellaneous receipts, including interest on and service of investments,

and such revenue shall, within seven days of receipt thereof, be paid into a bank account approved by the Financial Secretary.

(2) The revenue of the Authority shall be applied to meet the following heads of expenditure -

- (a) reimbursement to the Government of all sums certified by the Financial Secretary as having been borrowed by the Government for airport purposes and the repayment of which is outstanding at the 13th April, 1987, and the arrangements for reimbursing such sums shall be such as may be determined by the Governor;
- (b) repayment of all sums advanced or granted to the former Cayman Islands Corporation, under section 10(1) and 11(1) of the repealed Cayman Islands Corporation Law (Revised);
- (c) repayment of overdraft, if any, on current account;
- (d) interest on loans;
- (e) sinking fund on loan redemption;
- (f) payment to the Government of the consideration provided by section 9;
- (g) reimbursement to the Government of all sums expended by it in respect of the salaries, pensions, gratuities and the like of public officers seconded under section 8(1);
- (h) repairs and maintenance of buildings equipment and other current expenses;
- (i) reserve funds for depreciation and renewals;
- (j) general reserve fund; and
- (k) miscellaneous expenditure approved by the Financial Secretary.

(3) The Authority may, with the approval of the Financial Secretary, invest its reserve fund at interest.

(4) Any balance of account in favour of the Authority up to the amount of one hundred thousand dollars may be carried forward to the account of the following year and any balance in excess of that sum shall be paid into the general revenue of the Islands.

(5) The Authority shall cause estimates of expenditure and revenue to be prepared and adopted each year in respect of the financial year following and such estimates, when adopted, shall be published in the Gazette.

Repealed
1997 Revision

Secondment of public
officers

8. (1) The Governor, in the exercise of his own deliberate judgment and subject to such conditions as he may impose, may approve of the secondment of any public officer to service with the Authority.

(2) Any public officer seconded under subsection (1) shall, in relation to salary, pension, gratuity and the like and to other rights and to discipline, be treated as if he was not so seconded.

9. There is vested in the Authority -

Vesting of property

- (a) the land with the buildings and works thereon listed in the Schedule, together with such other land used, at the 13th April, 1987, for airport purposes as the Governor may, at any time direct; and
- (b) the plant, equipment, tools and other goods the property of the Government, used in connection with an airport prior to the 13th April, 1987, recorded in the inventory prepared at the direction of the Financial Secretary, approved by the Authority and entered as assets in the accounts of the Authority.

10. No member of the Authority shall be personally liable for any act or default of the Authority done or omitted to be done in good faith in the course of the operations of the Authority.

Liability of members of Authority

11. The Governor may, after consultation with the chairman, give to the Authority directions of a general character as to the policy to be followed in the exercise and performance of its functions in relation to matters appearing to him to concern the public interest, and the Authority shall give general effect to any such directions.

Powers of Governor

12. (1) Subject to subsection (2), the Authority may borrow sums required by them for meeting any of their obligations or discharging any of their functions.

Borrowing powers

(2) The power of the Authority to borrow shall be exercisable only with the approval of the Governor, as to the amount, sources of the borrowing and terms on which the borrowing may be effected. An approval given in any respect for the purpose of this subsection may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

13. (1) The Governor may, from time to time, make advances and grants to the Authority out of sums placed upon the estimates of the Islands for the purpose and approved by the Legislative Assembly.

Advances, grants and guarantees

(2) With the approval of the Legislative Assembly, the Governor may guarantee, in such manner and on such conditions as he fit, the payment of the principal and interest on any authorised borrowings of the Authority made otherwise than by way of advance under subsection (1).

(3) Where the Governor is satisfied that there has been default in the repayment of any principal moneys or interest guaranteed under subsection (2), he shall, with the prior approval of the Finance Committee of the Legislative Assembly, direct the repayment out of the general assets and revenue of the Islands of the amount in respect of which there has been such default.

Repayment of advances,
etc.

14. The Authority shall pay into the Treasury, at such times and in such manner as the Governor may direct, such amounts as may be so directed in or towards repayment of advances made to the Authority under section 13, and of any sums issued in fulfilment of any guarantee given thereunder, and shall pay into the Treasury interest on what is outstanding for the time being in respect of such advances and of any sum so issued at such rate as the Governor may direct, and different rates of interest may be directed as respects different advances or sums and as respects interest for different periods.

Reserve fund

15. (1) The Authority shall maintain a reserve fund.

(2) The management of the reserve fund, the sums to be carried, from time to time, on the credit thereof, and the application thereof, shall be as the Authority may determine:

Provided that -

- (a) no part of the reserve fund shall be applied otherwise than for the purposes of the Authority; and
- (b) the power of the Governor to give directions to the Authority shall extend to the giving to them of directions as to any matter relating to the establishment or management of the reserve fund, the carrying of funds to the credit thereof or the application thereof, notwithstanding that the direction may be of a specific character.

Balancing of revenue
account

16. It is the duty of the Authority so to exercise and perform its functions so as to secure that their revenues are sufficient to meet all sums properly chargeable to their revenue account including, without prejudice to the generality of that expression, provisions in respect of their obligations under section 14 and 15, taking one year with another.

Accounts and audit

17. (1) The Authority shall keep proper accounts of all its transactions to the satisfaction of the Financial Secretary and in a form which shall conform with the

best commercial standards and such accounts shall be made up to the 31st of December of each year, and shall submit the same with vouchers to the Auditor General to be audited, who shall report thereon to the Authority and the Financial Secretary.

(2) The Auditor General shall be entitled at all reasonable times, on the directions of the Governor, to examine such accounts and vouchers.

18. The Authority shall, within one month of its receipt of the Auditor General's report, prepare a report of its activities during the period to which the Auditor General's report relates; and both such reports, together with the audited accounts, shall thereupon be laid on the table of the Legislative Assembly. Reports and accounts to be laid on table

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

20. The Authority has a lien on every aircraft for the recovery of airport dues. Lien on aircraft

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

22. The Authority may enter, take control of and arrest any aircraft over which it has a lien. Arrest of aircraft

23. Notwithstanding any other provision of this Law, a constable or an authorised person may, within any area designated an airport, arrest without warrant any person who - Arrest of persons

- (a) is contravening or is suspected of contravening or having contravened this Law or regulations made or deemed to have been made hereunder;
- (b) having been so requested under section 25, fails or refuses to correctly state his name and address or the purpose of his being at the airport; or
- (c) having been removed from an airport under section 25, returns or attempts to return thereto without the approval of a constable or an authorised person:

Provided that any person so arrested by an authorised person shall as soon as practicable be handed over by him to a constable or taken by him to a police station.

- Presumption of venue 24. Where an offence is alleged to have taken place at an airport it shall be deemed so to have taken place unless the contrary is proved.
- Suspected persons 25. Any person suspected of having contravened or of being about to contravene any of the regulations made under this Law shall upon being requested so to do by a constable or an authorised person correctly state his name and address and the purpose of his being at the airport, and upon his failure so to do and without prejudice to section 26, may be removed from the airport or any part thereof and prohibited from re-entering by such constable or authorised person.
- Penalty 26. A person found contravening section 25 or any regulation made under this Law may be removed from and prohibited from re-entering the area to which the regulation applies by a constable or by an authorised person, and any vehicle, animal or thing found in such area in contravention of any such regulation may be removed by a constable or any such person, and upon summary conviction for such contravention, the owner or person in charge or such vehicle, animal or thing may, in addition to such other penalty as may be imposed by the regulations, be ordered by the court to pay the cost of such removal.
- Regulations 27. The Governor, on the recommendation of the Authority, may make regulations for the designation, management, control and supervision of an airport and for the better carrying out of its duties and powers under this Law, and may (without prejudice to the generality of the foregoing) by such regulations provide for-
- (a) designating any area an airport;
 - (b) prohibiting or regulating traffic (including the parking of vehicles of every class and description) in any part of an airport or other premises of the Authority;
 - (c) regulating the admission and conduct of persons (whether as passengers or otherwise) and of animals in an airport or in any part thereof or in or upon other premises of the Authority;
 - (d) prescribing and regulating the payment and collection of fees payable in respect of or in relation to any permit or any services rendered or facilities provided at an airport for which the regulations provide;
 - (e) providing for the safety or well-being of persons and the care of property connected with the undertakings of the Authority;
 - (f) the regulation of commercial transactions (including trading) in or upon any premises the property of the Authority;
 - (g) the imposition in respect of any contravention of the regulations of a fine not exceeding five thousand dollars and imprisonment not exceeding two years; and

- (h) any other matter appearing to the Governor to be necessary or expedient for the purpose of giving due effect to this Law.

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

References to Cayman
Islands Corporation

SCHEDULE

(Section 9)

Land Vested in the Authority

1. Owen Roberts International Airport, Grand Cayman

Parcel Nos.

20C 126 (5.89 acres)
20C 24 (3.50 acres)
20C 46 (227.00 acres)
20E 1 (0.10 acre)
20E 80 (1.00 acre)
20E 138 (2.84 acres)

all in George Town East Registration Section in Grand Cayman, and shown on Boundary Plan No. 28 in the office of the Chief Surveyor, together with all buildings and works situate thereon.

2. Gerrard Smith Airport, Cayman Brac

Parcel Nos.

93C 45 (1.01 acres)
93C 47 (1.82 acres)
93C 55 (0.97 acre)
93C 56 (0.28 acre)
93C 70 (59.70 acres)
93D 19 (2.32 acres)
95B 151 (0.65 acre)
95B 175 (1.34 acres)

all in Cayman Brac West Registration Section in Cayman Brac, and shown on Boundary Plan No. 27 in the office of the Chief Surveyor, together with all buildings and works situate thereon.

Publication in revised form authorised by the Governor in Council this 2nd day of September, 1997.

Carmena H. Parsons
Clerk of Executive Council