

## **Advisory Circular**

# FOREIGN OPERATOR SURVEILLANCE PROGRAMME – OPERATIONS PERMIT

General	1
Purpose	1
Applicability	
Cancellation	
Effective Date	
References	
Definitions	
Background	
Foreign Operator Surveillance Programme	
Operations Permit	
Continuing Surveillance	
Fees	
Annex A	

- **1. GENERAL.** Pursuant to paragraph 88B of the Air Navigation Order (ANO), the Director General of the Civil Aviation Authority of Singapore (DGCA) may, from time to time, issue advisory circulars (ACs) on any aspect of safety in civil aviation. This AC contains information about standards, practices and procedures acceptable to CAAS. The revision number of the AC is indicated in parenthesis in the suffix of the AC number.
- 2. PURPOSE. This AC provides guidance to foreign air operators for the application and renewal of Operations Permit pursuant to paragraph 87A of the Air Navigation Order. This revision updates the application timeline for an Operations Permit by scheduled foreign air operators flying into and out of Singapore. This is to ensure sufficient time for CAAS to process the applications without affecting the foreign air operators' operations. This revision also provides additional information concerning CAAS' requirements in the submission and processing of the Operations Permit.
- **3. APPLICABILITY.** This AC applies to any public transport operators whose Air Operator Certificate is issued and controlled by a civil aviation authority (CAA) of another country other than Singapore and operators / owners of aircraft registered in another country other than Singapore conducting aerial work which intend to operate into and out from Singapore.
- **4. CANCELLATION.** This AC supersedes AC FOS-1(1) dated 26 December 2013.
- **5. EFFECTIVE DATE.** This AC is effective on 29 July 2015.
- **6. REFERENCES.** The following materials were referred to for the development of this AC.
  - Air Navigation Act (ANA),
  - Air Navigation Order (ANO),
  - Aeronautical Information Publication,
  - Annex 6 to the Chicago Convention; and
  - ICAO Document 8335.

**7. DEFINITIONS.** For the purpose of this AC, the followings definitions apply.

**Aerial Work** means an aircraft operation in which an aircraft is used for specialised services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, and aerial advertisement.

*Air Operator Certificate* means the certificate issued by the State of the Operator, authorising an operator to carry out flights for the purpose of public transport;

**Commercial Air Transport** has the same definition as "public transport" in paragraph 2 of the ANO.

**Foreign Air Operator** means any air operator other than a Singapore air operator who undertakes, whether directly, indirectly, by lease or any other arrangement, to engage in public transport within the borders or airspace of Singapore, whether on a scheduled or charter basis;

**Foreign Authority** means the civil aviation authority that issues and oversees the Air Operator Certificate of the foreign air operator.

## 8. BACKGROUND.

- 8.1 The responsibility for safety oversight of an aircraft operator lies primarily with the State of the Operator. As a Contracting State to the Convention on International Civil Aviation (Chicago Convention), Singapore is required to recognise as valid certificates such as the AOC issued by another Contracting State acting as State of the Operator, provided that the requirements under which the certificate is issued is at least equal to the applicable Standards specified in International Civil Aviation Organisation (ICAO) Annex 6<sup>1</sup>.
- 8.2 Annex 6 Part I paragraph 4.2.2.2 and Part III, Section II paragraph 2.2.2.2 require Contracting States to establish a programme with procedures for the surveillance of operations in its territory by foreign air operators and for taking appropriate action when necessary to preserve safety.
- 8.3 In accordance with ICAO guidance material Doc 8335², a State should develop procedures for the safety oversight of foreign air operators and for the authorisation or approval of such operators to operate within its territory in a manner consistent with the State's national regulatory requirements. As a minimum, a State should review the foreign air operator's safety and relevant documentation. The review should also be supplemented by safety-related information, if available, through ICAO or through other safety programmes such as ramp inspection programmes established by the State.

## 9. FOREIGN OPERATOR SURVEILLANCE PROGRAMME (FOSP).

9.1 Singapore's Foreign Operator Surveillance Programme (FOSP) aims to provide greater clarity and transparency on the safety oversight of foreign air operators and aircraft conducting aerial work, and uses a risk-based methodology to conduct safety assessment. It comprises the following two processes:

## (a) Grant & Renewal of Operations Permit

Safety assessment and document(s) review of foreign air operators and aircraft conducting aerial work prior to their commencement of operations into Singapore.

## (b) Continuing Surveillance

- (i) Safety assessment of operators operating in Singapore as and when there is new information that may affect the operations and airworthiness of aircraft; and
- (ii) Inspecting the aircraft when it is in Singapore.

AC FOS-1(2) - 2 - 29 July 2015

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<sup>&</sup>lt;sup>1</sup> Reference Annex 6 Part 1 paragraph 4.2.2.1 which states that "Contracting States shall recognise as valid an air operator certificate issued by another Contracting State, provided that the requirements under which the certificate was issued are at least equal to the applicable Standards specified in this Annex."

<sup>&</sup>lt;sup>2</sup> Part VI (State Responsibilities Regarding Commercial Air Transport Operations by Foreign Operators) of the ICAO Doc 8335 (Manual of Procedures for Operations Inspection, Certification and Continued Surveillance)

9.2 Foreign air operators and owners / operators of aircraft conducting aerial work shall also comply with the applicable paragraphs in the Air Navigation Act (ANA) and Air Navigation Order (ANO). A non-exhaustive list of applicable paragraphs is provided in **Annex A** for reference.

#### 10. OPERATIONS PERMIT.

- 10.1 Pursuant to paragraph 87A of the ANO<sup>3</sup>, foreign air operators must hold an Operations Permit granted by the CAAS before operating aircraft into or out of Singapore for the purpose of public transport or aerial work.
- 10.2.1 The Operations Permit may contain limitations to operations as necessary in the event that there are concerns with the operations and/or airworthiness of aircraft that could pose an imminent safety risk to the public. The Operations Permit may contain conditions that are not required under the foreign air operator's AOC.
- 10.3 The application process for an Operations Permit consists of the following phases:
  - (a) Application and Submission
  - (b) Evaluation
  - (c) Approval (or Authorisation)

## **Application and Submission**

- 10.4 Applicants are required to apply for the Operations Permit online via the Air Transport Licensing and Administration System (ATLAS). The ATLAS is a one-stop web portal that facilitates the application, renewal and administration of licenses and permits for scheduled and non-scheduled air services<sup>4</sup>. Applicants have to complete an application form to apply for an ATLAS account. The application form can be obtained on the CAAS website<sup>5</sup>.
- 10.5 Once applicants have access to the ATLAS, the application for the Operations Permit should be submitted to CAAS via the ATLAS with the following supporting documents:
  - (a) Air Operator Certificate or equivalent;
  - (b) Operations Specifications in accordance to ICAO Annex 6 Appendix 6 format;
  - (c) Certificate of Registration for each aircraft;
  - (d) Certificate of Airworthiness for each aircraft;
  - (e) Noise Certificate for each aircraft type; and
  - (f) Certificate of Insurance.
- 10.6 CAAS may also require applicants to provide additional information on the following:
  - (a) Operational information such as approval to carry Dangerous Goods, approval for Special Operations such as low visibility, Reduced Vertical Separation Minima (RVSM) and Extended Twin-engine Operations (ETOPS), ADS-B, RNP/RNAV;
  - (b) Measures to ensure continuing airworthiness for aircraft more than 20 years old, including:
    - (i) Major aircraft maintenance release (Equivalent to 'C' check certificate of release)
    - (ii) State of Registry / Operator approved aging aircraft programme and reliability programme etc); and
  - (c) Lease arrangements for the aircraft, if applicable (wet or dry-leased).

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<sup>&</sup>lt;sup>3</sup> The paragraph 87A of the ANO was first promulgated on 17 June 2013 requiring foreign operators to obtain an "operating authorisation" in the form of an Operations Permit

<sup>&</sup>lt;sup>4</sup> More details of the ATLAS can be found at:

http://www.caas.gov.sg/caasWeb2010/export/sites/caas/en/eServices\_Forms/Air\_Transport\_Licensing\_Administration\_System.html?\_\_locale=en 
5http://www.caas.gov.sg/caasWeb2010/export/sites/caas/en/eServices Forms/Application of commercial flights for Foreign Air Operators.html

- 10.7 In addition to copies of supporting documents, CAAS may accept submission of the following supporting documentation through an official data source, such as the ICAO Online Aircraft System Information Service (OASIS):
  - (a) Air Operator Certificate or equivalent;
  - (b) Operations Specifications;
  - (c) Certificate of Registration for each aircraft;
  - (d) Certificate of Airworthiness for each aircraft;
  - (e) Noise Certificate for each aircraft type; and
  - (f) Certificate of Insurance.

The applicants are to notify CAAS if these documentations are to be obtained from an official source.

## **Evaluation**

- 10.8 CAAS considers various factors when evaluating the level of confidence in the foreign air operator. The evaluation is conducted based on a risk-based methodology. CAAS may request meeting(s) with the foreign air operator for further clarification. The risk-based methodology takes into account the following factors:
  - (a) Safety Oversight Capability of the State of Registry and / or State of Operator
    Safety information from the ICAO USOAP report and the FAA's IASA ratings are used to evaluate the safety oversight capabilities and the level of compliance with ICAO Standards of the State of the Operator.
  - (b) Operational Capability of the Foreign Air Operator

The operational capability of an foreign air operator is assessed based on information related but not limited to, the State of the Operator's evaluation of the operator's ramp inspection reports published by other CAAs, audits conducted by independent aviation audit organizations, the operator's safety records (number of accidents and serious incidents), its membership in international associations such as the International Air Transport Association (IATA)<sup>6</sup> that requires a safety audit, sanctions such as bans, on the operator by other CAAs, and the ability of the operators to resolve any safety concerns within a given period.

- (c) Safety record of the aircraft to be deployed for operations
  - Factors such as the age of the aircraft, and other information such as past incidences and operational capability of its previous operator, if applicable, are considered. Information on the results of past ramp inspections done on the aircraft, if available, are also looked at. For older aircraft, in particular aircraft exceeding its design service life, CAAS' focus is on continuing airworthiness. Documentary evidence that such older aircraft undergo an approved aging aircraft programme comprising aspects such as frequent structural inspections and corrosion-prevention programmes will be required from the foreign air operator.
- (d) Safety record of the aircraft type to be deployed for operations

  Factors such as the accident and incident record of the aircraft type and whether it has been banned by other countries are taken into consideration. With the termination of production of a particular aircraft type, its maintenance and spares support are also reviewed. Internationally, there have been concerns with certain aircraft types arising from their increased accident rates<sup>7</sup>.
- 10.9 A team comprising at least two CAAS inspectors may visit the Operator's premise(s) to determine the Level of Confidence. The site visit typically spans between two (2) to five (5) days. The purpose of the visit is to assess areas where information is lacking in the submission by the operator during application, or potential areas of concern revealed by other CAAs or international organisations.

AC FOS-1(2) - 4 - 29 July 2015

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<sup>&</sup>lt;sup>6</sup> IATA requires its members to pass the IATA Operation Safety Audit (IOSA)

<sup>&</sup>lt;sup>7</sup> There has been accidents in recent years, some with fatalities, involving for example the Antonov aircraft, such as the crash of a Pacific East Asia Cargo Airlines An-12 aircraft in Philippines in April 2010, the crash of the Trans Air Congo An-12 aircraft into residential neighbourhood in March 2011 which killed a number of persons on ground, and the crash of an An-12 aircraft belonging to Avis Amur in Russia in August 2011. Together with other factors, the Antonov An-12 aircraft type was restricted from operating into Singapore.

## **Approval (Authorisation)**

- 10.10 Based on the evaluation, CAAS may:
  - (a) Grant / renew an Operations Permit, with technical or operating limitations if necessary (e.g. restrictions to certain aircraft type, no or limited all-weather operations or no carriage of Dangerous Goods etc);
  - (b) Request further information or require the foreign air operator to submit a Corrective Action Plan with objective evidence to address safety deficiencies identified for CAAS assessment; or
  - (c) Reject an application that does not meet the minimum Level of Confidence.
- 10.11 The validity of an Operations Permit is dependent on the Level of Confidence that CAAS has in the foreign air operator and can be:
  - (a) Up to one(1) year;
  - (b) Three (3) years; or
  - (c) Five (5) years.
- 10.12 Amendments made to the Operations Permit are not considered as new applications and hence, will not justify extension of the validity period. For example, if an operator applies to vary its Operations Permit to include more aircraft, the validity period of its Operations Permit will not be extended.
- 10.13 For Operations Permit issued to non-scheduled foreign air operators, CAAS normally grants a validity period not exceeding one year. Non-scheduled foreign air operators are also required to provide a forecasted schedule of its flight(s) to / from Singapore before the Operations Permit will be issued, as an indication of its intention to operate to / from Singapore. For Operations Permits issued to scheduled foreign air operators, CAAS may grant a longer validity period if the operator is assessed to be able to maintain good safety standards in the operations and airworthiness of its aircraft.

## Renewal

10.14 To renew the Operations Permit, applicants are to submit the application online via the ATLAS, together with the necessary supporting documents as mentioned in paragraph 10.5. CAAS may also request for additional supporting documents as mentioned in paragraph 10.6. An Operations Permit would only be renewed after CAAS is satisfied that the operator continues to meet the minimum Level of Confidence. The validity of a renewed Operations Permit starts from the expiry date of the existing Operations Permit.

## **Submission and Processing Times**

Applicants applying for / renewing an Operations Permit or for an amendment to an Operations Permit may refer to <a href="http://www.caas.gov.sg/caasWeb2010/export/sites/caas/en/eServices">http://www.caas.gov.sg/caasWeb2010/export/sites/caas/en/eServices</a> Forms/Air Transport Licensing Administration System.html? locale=en for the estimated submission and processing times for an application that is supported with complete documentation. Please note that the indicated processing times do not include time taken for clarification, requests for further information, the conduct of site visit(s) or for payment to be received by CAAS.

## 11. CONTINUING SURVEILLANCE.

- 11.1 The holder of an Operations Permit would be subjected to continuing surveillance comprising:
  - (a) Ramp Inspections based on the Level of Confidence;
  - (b) Continuous Assessment on the Level of Confidence; and
  - (c) Investigations, if necessary.

## Ramp inspection

- 11.2 Ramp inspections are by their nature on-the-spot assessments which cannot substitute or replace safety oversight responsibilities of the State of the Operator or the State of Registry. Ramp inspections serve as proxies but they are not intended to, and they cannot, guarantee the airworthiness of a particular aircraft or the capability of the operator's flight operations. The frequency of ramp inspections is dependent on CAAS' Level of Confidence in the operator. The ramp inspection is normally carried out during the transit or stop over of the aircraft in Singapore and CAAS normally conducts these inspections without prior notification to the operator. CAAS would take necessary measures in order to minimise disruption to the operator's operations during the inspection.
- 11.3 The ramp inspections may cover areas of flight operations, airworthiness, cabin safety and cargo handling, including dangerous goods. Foreign air operators are to assist and facilitate CAAS' inspectors such as providing ground transportation to the aircraft if needed. Foreign air operators are to ensure that documents on the aircraft are valid and the condition of the aircraft meets ICAO standards. For further information on ramp inspections, please refer to Information Circular IC9/2014.
- 11.4 Pursuant to paragraph 73 of the Air Navigation Order, CAAS' inspectors can immediately ground or delay the departure of the aircraft in the event that there is sufficient evidence to show or there are reasonable grounds to believe that the aircraft is unsafe or illegal to conduct or continue for flight.

## **Confidence Level Assessment**

11.5 CAAS performs periodic assessments on foreign air operators, and the results of these assessments may result in adjustments to CAAS' Levels of Confidence in the operators. The periodic assessments would take into consideration, but not limited to, the operators' ramp inspections results, the operator's results from the IATA Operational Safety Audit (IOSA), incidences and accidents involving the operator and any feedback from the public.

## **Investigations**

11.6 CAAS may conduct an investigation in the event CAAS finds significant safety issues with the foreign air operator. The investigation aims to find out any non-compliance(s) with the Singapore regulations and the conditions contained in its Operations Permit. Should the holder of an Operations Permit fails to address the non-compliances and/or safety concerns, CAAS may vary, suspend or revoke the Operations Permit. Pursuant to paragraph 60 of the ANO, CAAS may provisionally suspend the Operations Permit pending investigation of the case.

## 12. FEES.

- 12.1 The Foreign Operator Surveillance Programme incurs administration and operational costs to CAAS which are recoverable from the operator. The Twelfth Schedule to the ANO contains the fee payable by the foreign air operator.
- The basic fee is derived based on the principle of recovery of the anticipated time and effort required for the surveillance works, which include inspections and documentations review. The S\$40 per aircraft fee is a proxy of the man-hours spent to conduct an assessment and validate the documents of each aircraft submitted by the operator. For example, an operator intending to operate seven aircraft into / from Singapore will have to pay a total of:

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$300 (if Ops permit granted is up to 1 year) + ($40 x 7) = $580; or $450 (if Ops permit granted is valid for 3 years) + ($40 x 7) = $730; or $600 (if Ops permit granted valid for 5 years) + ($40 x 7) = $880.
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12.3 The application fee to amend or vary the existing Operations Permit prior to the expiry date is based on a basic fee of S\$33 plus S\$40 per aircraft at the point of application. For example, a foreign air operator intending to add five aircraft to the Operations Permit will have to pay a total of  $S$33 + ($40 \times 5) = $233$ .

AC FOS-1(2) - 6 - 29 July 2015

12.4 CAAS would inform the foreign air operator or appointed agent of the total amount payable. The fees are to be paid and received by CAAS before the issuance of the Operations Permit. Failure to make the payment could result in the cancellation of the application. For applications of non-scheduled operations or to amend the Operations Permit, CAAS may accept a signed letter of undertaking from the operator's Singapore-based office or Singapore-based appointed agent that the fees will be paid to CAAS upon the issuance of the amended Operations Permit.

#### AIR NAVIGATION ORDER - APPLICABLE TO FOREIGN AIR OPERATORS

#### PART II: REGISTRATION AND MARKING OF AIRCRAFT

- 3. Aircraft to be registered.
- Nationality and registration marks.

## PART III: AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

- 6. Certificate of Airworthiness to be in force.
- 12. Equipment of aircraft.
- 13. Radio and radio navigation equipment of aircraft
- 17. Access and inspection for airworthiness purposes

## **PART IV: AIRCRAFT CREW AND LICENSING**

- Composition of crew of aircraft.
- 19. Members of flight crew licences.
- 21. Validation of licences
- 24. Glider pilot minimum age

## **PART V: OPERATION OF AIRCRAFT**

- 30. Aircraft not registered in Singapore aerodrome operating minima.
- 30A. Flight despatchers not to use psychoactive substances, etc.
- 35. Operation of radio in aircraft.
- 37. Use of flight recorders and preservation of records.
- 38. Towing of gliders.
- 39. Towing, picking up and raising of persons and articles.
- 40. Dropping of persons and articles.
- 43. Method of carriage of persons.
- 45. Imperilling safety of aircraft.
- 46. Imperilling safety of any person or property.
- 47. Intoxication in aircraft.
- 50. Stowaways.

## PART VB: CARRIAGE OF MUNITIONS OF WAR AND DANGEROUS GOODS

- 50B. Definitions of this part
- 50C. Permit for carriage of munitions of war
- 50D. Permit for carriage of dangerous goods
- 50DA. Approval for transport of dangerous goods or other purposes
- 50DB. Dangerous goods in air mail
- 50E. Responsibilities of operator and shipper
- 50F. Power to inspect, examine and obtain samples, etc
- 50G. Reporting and investigation of occurrences
- 50H. Exemption from the provisions of Technical Instructions
- 501. No derogation from paragraph 50C

## **PART VI: AIRCRAFT NOISE**

51. Control of aircraft noise.

## **PART VII: FATIGUE OF CREW**

- 53. Fatigue of crew operator's responsibilities.
- 54. Fatigue of crew responsibilities of crew.

## PART VIIA: EXHIBITIONS OF FLYING

55A. Exhibitions of flying.

## PART VIII: DOCUMENTS AND RECORDS

- 56. Documents to be carried.
- 58. Production of documents and records.
- 58A. Power to inspect and copy documents and records.
- 59. Preservation of documents, etc.
- 60. Revocation, suspension and variation of certificates, licences and other documents
- 61. Offences in relation to documents and records

## **PART IX: CONTROL OF AIR TRAFFIC**

- 62. Rules of the air.
- 63. Power to prohibit or restrict flying.
- 64. Kites and parasails.
- 64A. Captive balloons.

AC FOS-1(2) - 8 - 29 July 2015

- 64B. Free flight aerial objects
- 64D. Prohibition of activities within certain areas and of hazardous aerial activities
- 64E. Notification in cases not requiring permit
- 64F. Paragraphs 64 to 64E not to apply in certain circumstances
- 64G. Power to demand names and addresses, etc.
- 64H. Offences
- 64I Definitions

## PART X: AERODROMES, AERONAUTICAL LIGHTS AND DANGEROUS LIGHTS

- 65. Aerodromes: public transport of passengers and instruction in flying.
- 66. Use of Government aerodromes.
- 68. Charges at Government aerodromes and certified aerodromes.
- 69. Use of aerodromes by aircraft of Contracting States.
- 70. Noise and vibrations caused by aircraft on aerodrome

## **PART XI: GENERAL**

- 73. Power to prevent aircraft flying.
- 73A. Approval of persons to furnish reports.
- 74. Right of access to aerodromes and other places.
- 75. Obstruction of persons.
- 76. Enforcement of directions.
- 77. Fees.
- 79. Regulations by the Minister
- 80. Penalties.
- 81. Extraterritorial effect of this Order.
- 84. Exemption from this Order.
- 85. Saving
- 86. Application of this Order to certain types of aircraft.
- 87A. Issue of Operations Permit.
- 88A. Directives
- 88B. Advisory Circulars
- 88C. Units of Measurement
- 88D. Exemption from Requirements and Manuals of Standards.
- 89. Saving and transitional.

## AIR NAVIGATION ACT - APPLICABLE TO FOREIGN AIR OPERATORS

## PART I: PRELIMINARY

- 1. Short title
- 2. Interpretation
- 2A. Application of Act
- 2B. Extra-territorial application of Act
- 2D. Exemption of state aircraft, etc.
- 2E. Act is binding on Government

## PART II: REGULATORY FRAMEWORK FOR SAFETY IN AVIATION

#### **Division 1 - General**

- 3. Orders to give effect to international obligations and regulate air navigation
- 3A. Regulations for this Part
- 3B. Incorporation by reference, etc.
- 3C. Use of code, standards, etc., in proceedings
- 3D. Meaning of "fit and proper person"
- 3E. Appointment of safety inspectors and delegation

## **Division 2 – Aviation safety instruments**

- 4. Requirement for aviation safety instrument
- 4A. Grant and renewal of aviation safety instruments
- 4B. General duties of holder of aviation safety instrument
- 4C. Power to suspend or impose conditions on aviation safety instrument
- 4D. Power to revoke or impose permanent conditions on aviation safety instrument
- 4E. Provisional orders to avoid imminent danger, etc.
- 4F. Criteria for action under section 4C, 4D or 4E
- 4G. Disqualification from holding aviation safety instrument
- 4H. Directives affecting holder of aviation safety instrument
- 41. Emergency directives

## Division 3 – Safety inspections and enforcement powers

- 4J. Safety inspections and monitoring
- 4K. Investigating holder of aviation safety instrument
- 4L. Power to detain aircraft, aeronautical products, etc.
- 4M. Power to obtain information
- 4N. Power of entry to premises, aircraft, etc.
- 40. Obligation to notify reportable safety matters
- 5. Exemption of aircraft and parts thereof from seizure on patent claims

## Division 4 - Special powers and prohibited photography

- 6. Special powers in case of emergency
- 7. Prohibited carriage and prohibited photography over protected areas

## Division 5 - Serious risks to aviation safety

- 8A. Tampering with aircraft, etc.
- 8B. Interference with crew and unruly passengers, etc.
- 8C. Dangerous activity involving aircraft, aeronautical product, etc.
- 9. Trespass, nuisance and responsibility for damage

- 10. Penalty for dangerous flying
- 11. Wreck and salvage

## **PART IIA: ACCIDENTS AND INCIDENTS INVESTIGATION**

#### **Division 1 – General**

- 13. Interpretation of this Part
- 13A. Accidents, etc., to which this Part applies

## Division 2 - Reporting of accidents, serious incidents and aviation safety issues

13E. Compulsory reporting of accidents and serious incidents

## **Division 3 - Investigations**

- 14. Powers of Inspectors, etc.
- 16. Licensing of air transport and commercial flying

## **PART IIB: AVIATION SECURITY**

- 17. Interpretation of this Part
- 17E. Requirement to have security programme
- 17F. Aviation security regulations

## **PART IIIA: MISCELLANEOUS MATTERS**

- 27A. Offences by bodies corporate, etc
- 28. Certain offences and penalty
- 28A. Compounding of offences
- 29. Power to make regulations
- 29A. Fees and charges
- 29B. Financial penalties payable to Consolidated Fund
- 29C. False information
- 29D. Obstructing performance of official duties
- 29E. General exemption
- 29F. Delegation of Minister's powers

## PART IV: RESTRICTION ON CLAIMS FOR DAMAGES AND COMPENSATION

30. Restriction on claims for damages and compensation

## **PART V: SAVING PROVISIONS**

31. Saving provisions