



**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**AIR NAVIGATION ACT**

**(CHAPTER 6)**

**(Original Enactment: Act 11 of 1966)**

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## CHAPTER 6

## Air Navigation Act

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An Act to provide for the control and regulation of aviation so as to maintain, enhance and promote safety and security in civil aviation, and to provide for the implementation of Singapore's obligations under the Chicago Convention and any other international

convention, agreement, or understanding relating to safety of civil aviation to which the Government is a party.

[10/2014]

[13th May 1966]

PART I  
PRELIMINARY

**Short title**

1. This Act may be cited as the Air Navigation Act.

**Interpretation**

- 2.—(1) In this Act, unless the context otherwise requires —

“83 *bis* agreement” means an agreement entered into under Article 83 *bis* of the Chicago Convention;

“aerodrome” means any defined area of land or water in Singapore used, or intended or designed to be used, either wholly or partly, for the landing, taking off, movement, or servicing of aircraft, and includes any buildings, installations, and equipment on or adjacent to any such area used in connection with the aerodrome or its administration;

“aeronautical product” means anything that comprises or is intended to comprise any part of an aircraft or that is or is intended to be installed in or fitted or supplied to an aircraft, and includes fuel and other consumable items necessary for the operation of the aircraft;

“Air Accident Investigation Bureau of Singapore” or “AAIB” means the department established under section 13B;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by the reactions of the air against the surface of the earth;

“airport” includes an aerodrome;

“air traffic” means all aircraft in flight or operating on any manoeuvring area of an aerodrome;

“air traffic control service” means a service provided for the purposes of —

- (a) preventing collisions between aircraft, and between aircraft and obstructions on any manoeuvring area; and
- (b) expediting and maintaining an orderly flow of air traffic;

“air traffic service” means —

- (a) any aerodrome control service;
- (b) any area control service provided for controlled flights in such airspace of defined dimensions within which an air traffic control service is provided;
- (c) any approach control service provided for arriving or departing controlled flights;
- (d) any flight information service provided for the purpose of giving advice and information intended for the safe and efficient conduct of flights;
- (e) any alerting service provided to notify appropriate organisations regarding aircraft in need of search and rescue from the air, and to assist such organisations as required; or
- (f) any other air traffic service considered by the Authority to be necessary or desirable for the safe and efficient operation of the civil aviation system;

“Authority” means the Civil Aviation Authority of Singapore established under section 4 of the Civil Aviation Authority of Singapore Act (Cap. 41);

“auxiliary police officer” means a person appointed as such under Part IX of the Police Force Act (Cap. 235);

*[Act 16 of 2015 wef 01/06/2015]*

“aviation-related service” means any equipment, facility, or service (including any air traffic service) operated in support of or in conjunction with the civil aviation system;

“aviation safety instrument” means any licence, permit, certificate, authorisation, approval or other document issued

under or by virtue of this Act to, or in respect of, any person, aircraft, aerodrome, aeronautical procedure, aeronautical product, or aviation-related service, but does not include an airport licence within the meaning of the Civil Aviation Authority of Singapore Act or a permit referred to in section 7(3)(b)(ii) or 7A(3)(b)(ii);

*[Act 16 of 2015 wef 01/06/2015]*

“aviation safety subsidiary legislation” means any order made under section 3 or any regulations made under section 3A;

“aviation security” means a combination of measures and human and material resources intended to safeguard civil aviation against acts of unlawful interference;

“aviation security inspector” means a police officer or an individual who is appointed under section 17A(8) as an aviation security inspector, and includes the NCASA;

“aviation security regulation” means any regulation made under section 17F for the purposes of Part IIB, and includes any order made by the Minister before 1st April 2014<sup>1</sup> in relation to aviation security until revoked;

“Chicago Convention” means —

- (a) the Convention on International Civil Aviation done at Chicago on 7th December 1944;
- (b) the Protocols amending that Convention which Singapore ratifies; and
- (c) the Annexes to that Convention relating to international standards and recommended practices, being Annexes adopted in accordance with that Convention;

“command and control link” means the data link between a remotely piloted aircraft and a remote pilot station for the purposes of managing the flight of the remotely piloted aircraft;

*[Act 16 of 2015 wef 01/06/2015]*

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<sup>1</sup> Date of commencement of the Air Navigation (Amendment) Act 2014 (Act 10 of 2014).



“competent security officer” means any public officer designated as such by the Minister charged with the responsibility for homefront security;

*[Act 16 of 2015 wef 01/06/2015]*

“conduct” means any act or omission;

“Contracting State” means any country which is a party to the Chicago Convention;

“controlled area” means any area declared to be a controlled area under section 20;

“controlled flight” means any flight that is provided with or required by or under this Act to make use of an air traffic control service;

“crew”, in relation to an aircraft, includes every person having duties or functions on board the aircraft during the flight of the aircraft in connection with the flying or safety of the aircraft;

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

“Director-General of Civil Aviation” means the Chief Executive of the Authority and includes any individual appointed by the Authority to act in the place of the Chief Executive;

“erection of a structure” includes an addition or alteration to an existing structure;

“foreign aviation authority” means the competent authority responsible for regulating civil aviation in a country or territory other than Singapore;

“foreign registered aircraft” means an aircraft registered in a country or territory other than Singapore;

“foreign state aircraft” means aircraft used in the military, customs or police services of a country or territory other than Singapore;

“goods” and “articles” include mails and animals;

“Government aerodrome” means an aerodrome under the control of the Government and a naval, military or air force aerodrome;

“ICAO” means the International Civil Aviation Organization established under the Chicago Convention, and includes any successor to that Organization;

“Inspector of Accidents” or “Inspector” means any individual appointed as an Inspector of Accidents under section 13B(1), and includes the Chief Inspector of Accidents appointed under section 13B(2);

“land” includes land covered with water and any right in or over land;

“maintenance”, in relation to any aircraft or aeronautical product, means any task required to ensure, or that could affect, the continuing airworthiness of an aircraft or aeronautical product, including any one or combination of overhaul, repair, inspection, replacement of an aeronautical product, modification or defect rectification;

“manoeuvring area” means that part of an aerodrome to be used for the take-off and landing of aircraft and for the surface movement of aircraft associated with take-off and landing, but excludes any area set aside for loading, unloading or maintenance of aircraft;

“military aircraft” means aircraft used in the military services of any country or territory, and includes aircraft of any part of the Singapore Armed Forces (including any aircraft that is being constructed for any part of the Singapore Armed Forces);

“National Civil Aviation Security Authority” or “NCASA” means the National Civil Aviation Security Authority appointed under section 17A;

“National Civil Aviation Security Programme” or “NCASP” means the National Civil Aviation Security Programme required to be established for the purposes of Part IIB;

“navigation installation” means any building, facility, work, apparatus, equipment, or place, (whether or not part of an aerodrome) that is intended to assist in the control of air traffic or as an aid to air navigation, and includes any land adjacent to any such building, facility, work, apparatus, equipment, or place, and used in connection with any such building, facility, work, apparatus, equipment, or place;

“operate”, in relation to an aircraft, means to fly or use the aircraft, or to cause the aircraft to fly, be used, or be in any place, whether or not a person is present with the aircraft;

“operator”, for an unmanned aircraft, means a person engaged in, or offering to engage in, the operation of the unmanned aircraft, and where the unmanned aircraft is a remotely piloted aircraft, includes —

- (a) the person who causes the remotely piloted aircraft to fly; and
- (b) the remote pilot of the aircraft with duties essential to the operation of the remotely piloted aircraft, such as manipulating the flight controls as appropriate during flight time, if the remote pilot is not the operator;

*[Act 16 of 2015 wef 01/06/2015]*

“pilot-in-command”, in relation to an aircraft, means —

- (a) the pilot designated by the operator of the aircraft as being in command and charged with the safe conduct of a flight using that aircraft; and
- (b) if no such person under paragraph (a) is designated, a person who is, for the time being, in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

“remotely piloted aircraft” means an unmanned aircraft that is operated using a remotely piloted aircraft system;

*[Act 16 of 2015 wef 01/06/2015]*

“remotely piloted aircraft system” or “RPAS”, for a remotely piloted aircraft, means all of the following components:

- (a) the remotely piloted aircraft;
- (b) every remote pilot station associated with the remotely piloted aircraft in paragraph (a) containing the equipment used to pilot that aircraft;
- (c) the command and control links between the remotely piloted aircraft in paragraph (a) and its remote pilot station or stations and other command;
- (d) any other components as specified in the type design to fly that aircraft;

*[Act 16 of 2015 wef 01/06/2015]*

“safety inspector” means a safety inspector appointed under section 3E and includes the Director-General of Civil Aviation;

“security directive” means a security directive given by the NCASA under section 17D;

“Singapore operator” means an operator of aircraft whose principal place of business or permanent residence is in Singapore;

“Singapore registered aircraft” means an aircraft registered in Singapore;

“state aircraft” means —

- (a) aircraft of any part of the Singapore Armed Forces (including any aircraft that is commanded by a member of that Force in the course of his duties as such a member); and
- (b) aircraft used in the military, customs or police services of a country or territory other than Singapore;

“State of Registry” means the State on whose register the aircraft is entered;

“State of the Operator” means the State in which the operator’s principal place of business is located or, if there is no such place of business, the operator’s permanent residence;

“structure” includes any house, warehouse, office, shop, school and any other building whether permanent or temporary and whether used for the purpose of human habitation or otherwise, and also any wall, fence, platform, staging, gatepost, pillar, paling, frame, hoarding, bridge, cable, wire or any other artificial obstruction raised above ground level;

“unmanned aircraft” means an aircraft that may be flown or used without any individual on board the aircraft to operate it;

*[Act 16 of 2015 wef 01/06/2015]*

“unmanned aircraft system” means an unmanned aircraft and its associated elements;

*[Act 16 of 2015 wef 01/06/2015]*

“working day” means any day except Saturday, Sunday or a public holiday.

*[12/2007; 17/2009; 10/2014]*

(2) Any reference in this Act to any country or territory shall, unless the context otherwise requires, be construed as including a reference to the territorial waters, if any, adjacent to that country or territory.

### **Application of Act**

**2A.** Except as otherwise expressly provided by sections 2D, 2E and 29E, this Act shall apply to and in relation to every person, aircraft, aerodrome, aeronautical product, air service and aviation-related service, in Singapore.

*[10/2014]*

### **Extra-territorial application of Act**

**2B.—**(1) Except as otherwise expressly provided by sections 2D and 2E, this Part and Part II also extend to —

- (a) every foreign registered aircraft specified in any 83 *bis* agreement that has the effect of transferring functions or duties to Singapore;
- (b) every Singapore registered aircraft outside Singapore, subject to any 83 *bis* agreement that has the effect of transferring functions or duties to another Contracting State;

- (c) every holder of an aviation safety instrument while outside Singapore and exercising or purporting to exercise privileges accorded by that instrument;
- (d) every person in, or any of the crew of, any Singapore registered aircraft or aircraft operated by a Singapore operator, wherever they may be, in so far as this Act prohibits, requires or regulates the doing of anything by such persons in, or by any of the crew of, Singapore registered aircraft or aircraft operated by a Singapore operator; and
- (e) every other person wherever they may be, in so far as any provision of this Act prohibits, requires or regulates the doing of anything in relation to any Singapore registered aircraft or aircraft operated by a Singapore operator, by such other persons.

[10/2014]

(2) Except where an act or omission is required in order to comply with the laws of any foreign country, every holder of an aviation safety instrument who, while outside Singapore and exercising or purporting to exercise the privileges accorded by that instrument, commits an act or omission that would constitute an offence under this Act if it were committed in Singapore, shall be deemed to have committed an offence under this Act and may be proceeded against in Singapore as if the act or omission had occurred within Singapore.

[10/2014]

(2A) A person outside Singapore who operates an unmanned aircraft in a manner which, if the person were in Singapore, would be an offence under section 7, 7A, 7B or 7C, shall be guilty of an offence under section 7, 7A, 7B or 7C, as the case may be.

[Act 16 of 2015 wef 01/06/2015]

(3) Nothing in this section shall be interpreted as requiring a person or aircraft to contravene or be operated in contravention of a law of a foreign country or territory that applies to or in respect of the person or aircraft.

[10/2014]

**Article 83 *bis* agreements**

**2C.**—(1) A provision in this Act (referred to as the applied provision) shall apply to an aircraft that is registered in a Contracting State as if the aircraft were a Singapore registered aircraft if —

- (a) an 83 *bis* agreement to which Singapore is a party and which is in force has the effect of transferring a function of the Contracting State as the State of Registry in respect of the aircraft to Singapore; and
- (b) the agreement states that the applied provision relates to that function.

[10/2014]

(2) A provision in this Act (referred to as the disapplied provision) shall not apply to a Singapore registered aircraft if —

- (a) an 83 *bis* agreement to which Singapore is a party and which is in force has the effect of transferring a function of Singapore as the State of Registry in respect of the aircraft to a Contracting State; and
- (b) the agreement states that the disapplied provision relates to that function.

[10/2014]

(3) Notwithstanding anything in this Act, a reference in this Act (other than subsections (1) and (2) of this section) to or in relation to a Contracting State in which an aircraft is registered includes a reference to or in relation to another Contracting State to which any function of the State of Registry in respect of that aircraft has been transferred under an 83 *bis* agreement that has effect in relation to Singapore in accordance with Article 83 *bis* of the Chicago Convention.

[10/2014]

(4) If Singapore has entered into an 83 *bis* agreement or an 83 *bis* agreement to which Singapore is a party has been amended, the Authority shall, as soon as practicable, publish in the *Gazette*, a notice setting out all the following particulars of the agreement or amendment:

- (a) the Contracting State that is the other party to the agreement;

- (b) the date of commencement of the agreement or amendment;
- (c) the aircraft to which the agreement or amendment relates;
- (d) the functions of the State of Registry in respect of the aircraft that are transferred under the agreement or amendment;
- (e) the provisions of this Act that are stated in the agreement or amendment to be related to the functions.

[10/2014]

(5) If an 83 *bis* agreement has ceased to be in force, the Authority shall, as soon as practicable, publish in the *Gazette*, a notice setting out particulars of that cessation.

[10/2014]

(6) For the avoidance of doubt, any reference in this section to the Act includes a reference to any aviation safety subsidiary legislation.

[10/2014]

### **Exemption of state aircraft, etc.**

**2D.** This Act, with the exception of Part IIA and the provisions of any aviation safety subsidiary legislation —

- (a) shall not apply to any state aircraft or navigation by state aircraft; and
- (b) shall not limit the privileges or immunities of any foreign state aircraft and the officers and crew of any foreign state aircraft.

[10/2014]

### **Act is binding on Government**

**2E.**—(1) Except as otherwise expressly provided by this Act, this Act shall bind the Government, and shall apply to and in relation to aircraft belonging to or exclusively employed in the service of the Government, other than state aircraft, as they apply to or in relation to other Singapore registered aircraft or aircraft which are capable of being registered in Singapore.

[10/2014]

(2) Nothing in this Act renders the Government liable to be prosecuted for an offence, but this section shall not prevent the prosecution of —



- (a) a member of the crew of an aircraft owned by the Government; or
- (b) any other person employed by the Government.

[10/2014]

## PART II

### REGULATORY FRAMEWORK FOR SAFETY IN AVIATION

#### *Division 1 — General*

#### **Orders to give effect to international obligations and regulate air navigation**

3.—(1) The Authority may, with the approval of the Minister, by order published in the *Gazette*, provide for matters necessary or convenient to be prescribed for the control and regulation of aviation in and over Singapore for the safety of air navigation or for public safety or both, and for carrying out the Chicago Convention and any other international aviation convention, agreement, or understanding to which the Government is a party, in relation to safety of air navigation.

[10/2014]

[Act 16 of 2015 wef 01/06/2015]

(2) Without prejudice to the generality of the powers conferred by subsection (1) and without prejudice to any of the provisions of this Act, the Authority may, with the approval of the Minister, by order, make provision —

- (a) as to the registration of aircraft in Singapore;
- (b) for prohibiting aircraft from flying unless certificates of airworthiness issued or validated under the order are in force with respect to them and except upon compliance with such conditions as to maintenance or repair as may be specified in the order;
- (c) for the licensing, inspection and regulation of aerodromes, for access to aerodromes and places where aircraft have landed, for access to aircraft factories for the purpose of inspecting

work in aircraft factories carried on in relation to aircraft or parts of aircraft and for prohibiting or regulating the use of unlicensed aerodromes;

- (d) for prohibiting persons from engaging in, or being employed in or (except in the maintenance at unlicensed aerodromes of aircraft not used for or in connection with commercial, industrial or other gainful purposes) in connection with, air navigation in such capacities as may be specified in the order, except in accordance with provisions in that behalf contained in the order, and for the licensing of those employed at aerodromes licensed under the order in the inspection or supervision of aircraft;
- (e) as to the conditions under which, and in particular the aerodromes to or from which, aircraft entering or leaving Singapore may fly, and as to the conditions under which aircraft may fly from one part of Singapore 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 other commercial, industrial or gainful purposes and for prohibiting the carriage by air of goods of such classes as may be specified in the order;
- (g) for minimising or preventing interference with the use or effectiveness of apparatus used in connection with air navigation, and for prohibiting or regulating the use of such apparatus as aforesaid and the display of signs and lights liable to endanger aircraft;
- (ga) for regulating the conditions under which noise and vibration may be caused by aircraft on aerodromes;
- (gb) for applying the provisions of this Act or orders made under this section to unmanned aircraft and their operators (indoors or outdoors), design, maintenance and manufacture with such prescribed exceptions, modifications and adaptations as the differences between the manned aircraft and unmanned aircraft require;

*[Act 16 of 2015 wef 01/06/2015]*

- (h) generally for securing the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and property carried in aircraft, for preventing aircraft endangering other persons and property and, in particular, for the detention of aircraft for any of the purposes specified in this paragraph;
  - (i) for requiring persons engaged in, or employed in or in connection with, air navigation to supply meteorological information for the purposes of air navigation;
  - (j) for regulating the making of signals and other communications by or to aircraft and persons carried in aircraft;
  - (k) for regulating the use of the civil air ensign and any other ensign established by the Authority for purposes connected with air navigation;
  - (l) for prohibiting aircraft from flying over such areas in Singapore as may be specified in the order where necessary or expedient for the safety of air navigation or for public safety;
- [Act 16 of 2015 wef 01/06/2015]*
- (la) for prohibiting aircraft of a specified description or origin or registered in a specified country or territory from landing in, flying over or taking off from Singapore, in order to discharge or facilitate the discharge of an obligation binding on Singapore by virtue of its being a member of an international organisation or a party to an international agreement;
  - (m) for applying, adapting or modifying the enactments relating to customs in relation to aerodromes and to aircraft and to persons and property carried in aircraft and for preventing smuggling by air, and for permitting in connection with air navigation, subject to such conditions as appear to the Authority to be requisite or expedient for the protection of the revenue, the importation of goods into Singapore without payment of duty;

- (n) as to the manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or other document required by the order (including the examinations and tests to be undergone), and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such document;
- (o) for regulating the charges that may be made for the use of aerodromes licensed under the order and at Government aerodromes and for services provided at such aerodromes;
- (p) 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 the order and in respect of any other matters in respect of which it appears to the Authority to be expedient for the purpose of the order to charge fees;
- (q) for a right to appeal to the Minister against any decisions made by the Authority under the order or under section 7C (whose decision on appeal shall be final) and the procedure for such appeals.

[28/2000; 10/2014]

[Act 16 of 2015 wef 01/06/2015]

(3) An order 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 but shall, so far as practicable, be so framed as not to discriminate in like circumstances between aircraft registered in Singapore operated on charter terms by one air transport undertaking and such aircraft so operated by another such undertaking.

(3A) Where any order is made under this section regulating the conditions under which noise and vibration may be caused by aircraft on aerodromes, no liability shall lie in respect of nuisance by reason only of the noise and vibration caused by aircraft on an aerodrome to which the order applies, so long as the provisions of that order are duly complied with.

[10/2014]

(3B) Where any structure or valuable tree or plant is reduced in height or removed or any expense is reasonably incurred in compliance with any order made under this section or the conditions of any such order, the owner or occupier of the land shall, unless the structure was erected or the tree or plant was planted in contravention of any such order or of the conditions imposed by the order, receive compensation to the extent to which he has suffered damage by reason of such reduction or removal or has incurred such expense.

[10/2014]

(4) An order made under this section may, for the purpose of securing compliance with the provisions of the order, provide for the imposition of penalties not exceeding a fine of \$100,000 or imprisonment for a term of 5 years or both for any offence under the order, and, in the case of any provision having effect by virtue of subsection (2)(I), may also for that purpose provide for the taking of such steps (including firing on aircraft) as may be specified in the order.

[12/2007]

(5) An order made under this section may contain such saving and transitional provisions and such incidental, consequential or supplementary provisions as are necessary or expedient for the purposes of the order.

[10/2014]

(6) The provisions of any order made under this section before 1st April 2014<sup>1</sup> in relation to regulation of air navigation shall continue in force as if made under this section as amended by that Act, and may from time to time be amended under this section as so amended by that Act until the provision is revoked by regulations made under section 3A on the same subject-matter.

[10/2014]

### **Regulations for this Part**

**3A.**—(1) The Authority may, with the approval of the Minister, make regulations prescribing matters necessary or convenient to be prescribed for the control and regulation of aviation in and over Singapore for the safety of air navigation or for public safety or both,

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<sup>1</sup> Date of commencement of the Air Navigation (Amendment) Act 2014 (Act 10 of 2014).

and for carrying out the Chicago Convention and any other international aviation convention, agreement, or understanding to which the Government is a party, in relation to safety of civil aviation, including but not limited to —

- (a) the design and manufacture of aircraft and aeronautical products;
- (b) the registration, marking and operation of aircraft;
- (c) the airworthiness of aircraft and any part thereof;
- (d) the manner of applying for aviation safety instruments, including the information that may be required, and the conditions to be satisfied, for the issue of aviation safety instruments;
- (e) regulating the conditions under which noise and vibration may be caused by aircraft on aerodromes;
- (f) requiring persons performing specified functions in relation to the operation or maintenance of aircraft and aerodromes to be the holders of aviation safety instruments, and providing for the grant, issue, cancellation, suspension or variation of such aviation safety instruments;
- (g) the planning, construction, establishment, operation and use of aerodromes, including the licensing of aerodromes;
- (h) regulation of air navigation services;
- (ha) applying the provisions of this Act or regulations made under this section to unmanned aircraft and their operators (indoors or outdoors), design, maintenance and manufacture with such prescribed exceptions, modifications and adaptations as the differences between the manned aircraft and unmanned aircraft require;  
*[Act 16 of 2015 wef 01/06/2015]*
- (hb) prohibiting aircraft from flying over such areas in Singapore as may be specified in the regulations where necessary or expedient for the safety of air navigation or for public safety;  
*[Act 16 of 2015 wef 01/06/2015]*

- (i) the prohibition of the construction of buildings, structures or objects, the restriction of the dimensions of buildings, structures or objects, and the removal in whole or in part or the marking or lighting of buildings, structures or objects (including trees or other natural obstacles) that constitute or may constitute obstructions, hazards or potential hazards to aircraft flying in the vicinity of an aerodrome, and such other measures as are necessary to ensure the safety of aircraft using an aerodrome or flying in the vicinity of an aerodrome;
- (j) the formal proof and authentication of instruments made or issued under this Act or the regulations made under this section;
- (k) empowering an officer authorised by the Authority to give or issue directives or instructions to all or any person holding an aviation safety instrument, being directives or instructions with respect to matters affecting the safe navigation and operation, or the maintenance, of aircraft, and providing for the manner in which such directives and instructions are to be notified;
- (l) providing for a right to appeal to the Minister against any decisions made by the Authority under the regulations or under section 7C (whose decision on appeal shall be final) and the procedure for such appeals;  
*[Act 16 of 2015 wef 01/06/2015]*
- (m) standards relating to the establishment and use of airspace;
- (n) prohibiting or regulating the carriage or consignment for carriage on board an aircraft of dangerous goods or munitions of war;
- (o) the reporting of reportable safety matters under section 4O to contribute to the improvement of aviation safety by ensuring that relevant information on safety matters is reported, collected, stored, protected and disseminated;
- (p) requiring the operator of an aircraft that is flying into or out of Singapore to have a policy of insurance that insures the operator in respect of such liabilities as may be prescribed;

- (q) prescribing fees (either by specifying amounts or by prescribing a method of calculation) in relation to services, applications or requests, or the doing of anything, under this Part or the regulations made under this section; and
- (r) prescribing such saving and transitional provisions and such incidental, consequential or supplementary provisions as may be necessary or expedient.

[10/2014]

[Act 16 of 2015 wef 01/06/2015]

(2) Without prejudice to the generality of subsection (1), regulations may also provide for or with respect to —

- (a) the appointment, authorisation approval, designation, classification or certification of —
  - (i) aircraft and aeronautical products;
  - (ii) aircraft operators;
  - (iii) pilots and flight crew members;
  - (iv) air traffic service personnel;
  - (v) aircraft maintenance personnel;
  - (vi) air traffic services, search and rescue services and aeronautical information services;
  - (vii) aerodromes, aerodrome operators and aerodrome rescue and fire-fighting services;
  - (viii) navigation installations;
  - (ix) aviation training organisations;
  - (x) aircraft design, manufacture and maintenance organisations;
  - (xi) aeronautical procedures;
  - (xii) aeronautical meteorological services;
  - (xiii) aeronautical telecommunications services;
  - (xiv) any person who conducts an examination or assessment for the purpose of determining the



- competency of an applicant for or the holder of an aviation safety instrument to hold or continue to hold the instrument, including the ratings to be included in an aviation safety instrument; or
- (xv) such other persons, aviation-related services, facilities, and equipment operated in support of the civil aviation system, or classes of such persons, aviation-related services, facilities and equipment operated in support of the civil aviation system, as may, in the interests of safety, be specified in the regulations;
- (b) the setting of standards, specifications, restrictions, and licensing requirements for all or any of those persons or things referred to in paragraph (a), including but not limited to —
- (i) the specification of the privileges, limitations, and ratings associated with aviation safety instruments or other forms of approval;
  - (ii) the setting of standards for training systems and techniques, including recurrent training requirements;
  - (iii) the setting of medical standards for personnel;
  - (iv) the requirement for proof of access to appropriate weather services;
  - (v) the specification of standards of design, construction, manufacture, maintenance, processing, testing, supply, approval, and identification of aircraft and aeronautical products;
  - (vi) the requirements for notification of insurance coverage for air services;
  - (vii) the format of aviation safety instruments, forms, and applications, including the specification of information required on all application forms for aviation safety instruments;

- (viii) the provision of information to the Authority by applicants for or holders of aviation safety instruments;
  - (ix) the requirements relating to the classification of aviation examiners and medical assessors and any related standards and restrictions on the exercise of their functions and powers;
  - (x) the requirements for the purposes of determining suitably qualified medical examiners and establishing the criteria for standard medical assessments; and
  - (xi) the requirements and criteria for determining medical experts acceptable to the Authority for the purposes of reaching an accredited medical conclusion;
- (c) the definitions, abbreviations, and units of measurement to apply within the civil aviation system; and
- (d) the provision of body samples for drug or alcohol tests, including the persons or bodies authorised to take body samples, the persons who may be required to provide such a body sample, and the procedure for the handling and analysis of body samples taken in connection with drug or alcohol tests.

[10/2014]

(3) Any regulations may apply generally or with respect to different classes of aircraft, aerodromes, aeronautical products, aeronautical procedures, or aviation-related services, or with respect to the same class of aircraft, aerodrome, aeronautical product, aeronautical procedure, or aviation-related service in different circumstances.

[10/2014]

(4) The Authority may, in making any regulations under subsection (1), provide that any contravention of any of the provisions of the regulations shall be an offence punishable —

- (a) in the case of a first offence under the regulations, with a fine not exceeding \$50,000 or with imprisonment for a term not exceeding 2 years or with both; and

(b) in the case of a second or subsequent offence under the regulations, with a fine not exceeding \$100,000 or with imprisonment for a term not exceeding 5 years or with both.

[10/2014]

(5) The Authority may, in making any regulations under subsection (1), provide for the imposition of financial penalties for conduct that is a contravention of or failure to comply with a provision of the regulations or a direction, instruction or condition issued, given, made or imposed under, or in force by virtue of, the regulations, being conduct that does not constitute an offence.

[10/2014]

(6) Where the regulations provide for the removal, marking or lighting of anything referred to in subsection (1)(i), the regulations shall also provide for the payment of compensation to any person who suffers loss or damage or incurs reasonable expense in or as a direct result of the removal, marking or lighting or complying with those regulations, unless that thing was erected or the tree or plant was planted in contravention of the regulations or of the conditions imposed by the regulations.

[10/2014]

(7) Where any regulation is made under this section regulating the conditions under which noise and vibration may be caused by aircraft on aerodromes, no liability shall lie in respect of nuisance by reason only of the noise and vibration caused by aircraft on an aerodrome to which the regulation applies, so long as the provisions of that regulation are duly complied with.

[10/2014]

(8) All regulations made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

[10/2014]

(9) For the avoidance of doubt, nothing in this Act authorises the making of any regulations providing that an aviation safety instrument shall be required by or in respect of the provision of airport services and facilities or the privilege to operate an airport within the meaning of the Civil Aviation Authority of Singapore Act (Cap. 41).

[10/2014]

**Incorporation by reference, etc.**

**3B.**—(1) Any aviation safety subsidiary legislation may make provision for or in relation to a matter by applying, adopting or incorporating by reference, with or without modification, any matter contained in any code, standard, rule, requirement, specification or other document, as in force at a particular time or from time to time, which relates to any matter with which the aviation safety subsidiary legislation deal, even if the code, standard, rule, requirement, specification or other document does not yet exist when the aviation safety subsidiary legislation is made, including but not limited to —

- (a) any code, standard, rule, requirement, specification or other document —
  - (i) prescribed under law by any other Contracting State of the ICAO;
  - (ii) recommended, issued or adopted by the Singapore Productivity, Innovation and Standards Board, or a body or an organisation inside or outside Singapore that has functions corresponding to the functions of the Singapore Productivity, Innovation and Standards Board in any particular aspect of civil aviation; or
  - (iii) issued or adopted by any aviation sport or aviation recreation organisation approved by the Authority;
- (b) any standards, requirements or recommended practices issued or adopted by international aviation organisations; or
- (c) any code, standard, rule, requirement, specification or other document issued or adopted by the Authority or any Government department or any other public authority constituted by any written law.

[10/2014]

(2) Material referred to in subsection (1) may be applied, adopted or incorporated by reference in any aviation safety subsidiary legislation —

- (a) in whole or in part; or

- (b) with modifications, additions, or variations specified in the regulation or order.

[10/2014]

(3) A copy of any material applied, adopted or incorporated by reference in any aviation safety subsidiary legislation, including any amendment to, or replacement of, the material, must be —

- (a) certified as a correct copy of the material by the Minister or the Authority (as the case may be); and

- (b) retained by the Authority.

[10/2014]

(4) Any material applied, adopted or incorporated in any aviation safety subsidiary legislation by reference under subsection (1) is to be treated for all purposes as forming part of the regulation or order; and, unless otherwise provided in the aviation safety subsidiary legislation, every amendment to any material incorporated by reference under subsection (1) that is made by the person or organisation originating the material is, subject to subsections (5) and (6), to be treated as being a part of that aviation safety subsidiary legislation.

[10/2014]

(5) Where any material referred to in subsection (1) is applied, adopted or incorporated by reference in any aviation safety subsidiary legislation, the Authority must give notice in the *Gazette* stating —

- (a) that the material is incorporated in the aviation safety subsidiary legislation and the date on which the relevant provision in the aviation safety subsidiary legislation was made;

- (b) that the material is available for inspection during working hours, free of charge;

- (c) the place where the material can be inspected;

- (d) that copies of the material can be purchased;

- (e) the place where the material can be purchased; and

- (f) if copies of the material are available in other ways, the details of where or how the material can be accessed or obtained.

[10/2014]

(6) The Authority shall cause a copy of every code, standard, requirement, rule or specification incorporated by reference under subsection (1) (other than a code, standard, rule, requirement, specification or other document recommended, issued or adopted by the Singapore Productivity, Innovation and Standards Board) to be made available for inspection by members of the public without charge at the office of the Director-General of Civil Aviation during normal office hours.

[10/2014]

(7) In this section, “modification” includes omissions, additions and substitutions.

[10/2014]

### **Use of code, standards, etc., in proceedings**

**3C.—**(1) This section applies to and in relation to any code, standard, rule, requirement, specification or other document issued by the Authority for the purpose of providing practical guidance or certainty in respect of any one or more of the requirements of this Part or any duty or other requirement prescribed in any aviation safety subsidiary legislation.

[10/2014]

(2) Subsection (4) shall have effect where —

- (a) a person is alleged to have committed an offence under this Part or any aviation safety subsidiary legislation —
  - (i) by reason of a contravention of any provision of this Part or of any aviation safety subsidiary legislation; or
  - (ii) by reason of a failure to discharge or perform a duty or other requirement imposed by this Part or any aviation safety subsidiary legislation; and
- (b) the matter to which the alleged contravention or failure relates is one to which, in the opinion of the court in the criminal proceedings, a code, standard, rule, requirement, specification or other document referred to in subsection (1) relates.

[10/2014]

(3) Subsection (4) shall have effect where —

- (a) a holder of an aviation safety instrument is alleged to have not satisfied any requirement of this Part or any aviation safety subsidiary legislation applicable to holders of that aviation safety instrument —
  - (i) by reason of a contravention of any provision of this Part or of any aviation safety subsidiary legislation; or
  - (ii) by reason of a failure to discharge or perform a duty or other requirement imposed by this Part or any aviation safety subsidiary legislation; and
- (b) the matter to which the alleged contravention or failure relates is one to which, in the opinion of the Authority or Minister in any administrative proceedings involving the exercise of any power under section 4C, 4D, 4E, 4H, 4J, 4K, 4L or 4N, a code, standard, rule, requirement, specification or other document referred to in subsection (1) relates.

[10/2014]

(4) In criminal proceedings referred to in subsection (2) or administrative proceedings referred to in subsection (3) —

- (a) compliance with a provision of such a code, standard, rule, requirement, specification or other document found by the court, Authority or Minister (as the case may be), to be relevant to a matter to which a contravention or failure alleged in the proceedings relates; or
- (b) a contravention of or a failure to comply with, whether by act or omission, any such provision so found,

may be relied on by any party to those proceedings as tending to negative or establish any liability which is in question in those proceedings.

[10/2014]

### **Meaning of “fit and proper person”**

**3D.—**(1) For the purpose of determining whether or not a person is a fit and proper person for any purpose under this Part, the Authority shall, having regard to the degree and nature of the person’s proposed

involvement in the Singapore civil aviation system, have regard to, and give such weight as the Authority considers appropriate to, all of the following matters:

- (a) the person's compliance history with aviation safety regulatory requirements;
- (b) the person's relevant knowledge, competency and experience;
- (c) any history of physical or mental health or serious behavioural problems;
- (d) any conviction for any offence, whether or not the conviction was in a Singapore court and whether or not the offence was committed before 1st April 2014<sup>1</sup>;
- (e) any evidence of the exercise of any power under section 4C, 4D, 4E, 4H, 4J, 4K, 4L or 4N in relation to the person for committing an aviation safety offence or for contravening any provision of this Act or any aviation safety subsidiary legislation;
- (f) whether the person is or was disqualified under section 4G from holding the same aviation safety instrument or such other related aviation safety instrument as the Authority shall specify by order under that section.

[10/2014]

(2) Subsection (1) applies to a body corporate with the following modifications:

- (a) paragraphs (a), (b), (d) and (e) of that subsection shall be read as if they refer to the body corporate and its officers; and
- (b) paragraphs (c) and (f) of that subsection shall be read as if they refer only to the officers of the body corporate.

[10/2014]

(3) For the avoidance of doubt —

- (a) the Authority shall not be confined to consideration of the matters specified in subsection (1) and may take into account such other matters and evidence as may be relevant; but

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<sup>1</sup> Date of commencement of the Air Navigation (Amendment) Act 2014 (Act 10 of 2014).



- (b) the Authority shall not take into account any reportable safety matter notified under section 4O by a person for the purpose of determining whether or not that person is a fit and proper person.

[10/2014]

- (4) The Authority may seek and receive such information (including medical reports) as the Authority thinks fit or consider information obtained from any source.

[10/2014]

- (5) If the Authority proposes to take into account any information that is or may be prejudicial to a person, the Authority shall, subject to subsection (6), as soon as is practicable, disclose that information to that person and give that person a reasonable opportunity to refute or comment on it.

[10/2014]

- (6) Nothing in subsection (5) requires the Authority to disclose any information, the disclosure of which would endanger the safety of any person.

[10/2014]

- (7) In this section —

“aviation safety offence” means an offence under this Act or any aviation safety subsidiary legislation;

“aviation safety regulatory requirement” shall not include any security directive or other requirement imposed by or under Part IIB.

[10/2014]

### **Appointment of safety inspectors and delegation**

**3E.—**(1) The Authority may in writing appoint as safety inspectors any of the following persons:

- (a) any employee of the Authority with suitable qualifications and experience to properly exercise the powers of a safety inspector;

- (b) any individual who is not an employee of the Authority and has suitable qualifications and experience to properly exercise the powers of a safety inspector.

[10/2014]

(2) The Authority must issue to each safety inspector an identification card, which must be carried at all times by the safety inspector when exercising powers under any provision in this Part or any aviation safety subsidiary legislation.

[10/2014]

(3) Subject to subsection (5), the Authority may delegate the exercise of all or any of the powers conferred or duties imposed upon it by any provision in this Part or any aviation safety subsidiary legislation —

(a) to the Director-General of Civil Aviation; or

(b) to such of its employees, and such other individuals who are not its employees, as it appoints under this section to be a safety inspector in relation to that provision,

and any reference in this Act or such aviation safety subsidiary legislation to the Authority shall include a reference to the Director-General of Civil Aviation or such a safety inspector.

[10/2014]

(4) Subject to subsection (5), the Director-General of Civil Aviation may, in writing, delegate to any employee of the Authority (whether or not appointed by the Authority to be a safety inspector) the exercise of all or any of the powers conferred or duties imposed upon him by any provision in this Act or any aviation safety subsidiary legislation; and any reference in this Act or such aviation safety subsidiary legislation to the Director-General of Civil Aviation shall include a reference to that employee.

[10/2014]

(5) Nothing in this section shall authorise delegating —

(a) the power of delegation conferred by this section;

(b) any power of the Authority to make aviation safety subsidiary legislation;

- (c) any power of the Director-General of Civil Aviation to make emergency directives of general application under section 4I; or
- (d) to any individual who is not an employee of the Authority any power under section 4C, 4D, 4E or 4G with respect to any aviation safety instrument.

[10/2014]

(6) Any delegation under subsection (1) or (2) may be general or in a particular case and may be subject to such conditions or limitations as set out in this Act or as the Authority may specify.

[10/2014]

(7) Every safety inspector who is not an employee of the Authority and acting under this section shall be deemed to be a public servant for the purposes of the Penal Code (Cap. 224).

[10/2014]

### *Division 2 — Aviation safety instruments*

#### **Requirement for aviation safety instrument**

**4.—(1)** The Authority may in any aviation safety subsidiary legislation provide that an aviation safety instrument shall be required by or in respect of all or any of the following:

- (a) aircraft operators;
- (b) aircraft owners;
- (c) aircraft pilots and flight crew members;
- (d) air traffic service personnel;
- (e) aircraft maintenance personnel;
- (f) air traffic services, search and rescue services and aeronautical information services;
- (g) aerodromes, aerodrome operators and aerodrome rescue and fire-fighting services;
- (h) navigation installations;
- (i) aviation training organisations;
- (j) aircraft design, manufacture, and maintenance organisations;

- (k) aeronautical procedures;
- (l) aeronautical meteorological services;
- (m) aeronautical telecommunications services;
- (n) such other persons, aircraft, aeronautical products, aviation-related services, facilities, and equipment operated in support of the civil aviation system, or classes of such persons, aircraft, aeronautical products, aviation-related services, facilities, and equipment operated in support of the civil aviation system, as may, in the interests of safety or security, be specified in the aviation safety subsidiary legislation;
- (o) any person who is an aviation examiner or medical assessor.

[10/2014]

(2) No person shall operate, maintain or service or do any other act in respect of any aircraft, aeronautical product or aviation-related service referred to in subsection (1)(a) to (o) for which an aviation safety instrument is required under any aviation safety subsidiary legislation unless —

- (a) the person holds an aviation safety instrument that is in force and authorises the person to do that act; or
- (b) the person is authorised by or under the aviation safety subsidiary legislation to do that act without the aviation safety instrument.

[10/2014]

(3) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 and, in the case of a second or subsequent conviction for the like offence, to a fine not exceeding \$100,000.

[10/2014]

(4) Subject to any such aviation safety subsidiary legislation, an aviation safety instrument may be issued by the Authority for such specified period and subject to such conditions as the Authority considers appropriate in each particular case.

[10/2014]

**Grant and renewal of aviation safety instruments**

**4A.**—(1) Every application for the grant or renewal of an aviation safety instrument shall be made to the Authority in the form prescribed by any aviation safety subsidiary legislation or, if there is no prescribed form, in such form as the Authority may require.

[10/2014]

(2) After considering any application for the grant or renewal of an aviation safety instrument, the Authority may, as soon as is practicable, grant the application if the Authority is satisfied that —

- (a) all things in respect of which the aviation safety instrument is sought meet the relevant requirements prescribed by the applicable aviation safety subsidiary legislation;
- (b) the applicant and any person who is to have or is likely to have control over the exercise of the privileges under the aviation safety instrument —
  - (i) either holds the relevant qualifications and experience prescribed by the applicable aviation safety subsidiary legislation or holds such foreign qualifications or certifications, licences or permits issued by a foreign aviation authority as are acceptable to the Authority under subsection (3);
  - (ii) is a fit and proper person to have such control or hold the aviation safety instrument; and
  - (iii) meets all other relevant requirements prescribed by the applicable aviation safety subsidiary legislation;
- (c) the applicant is not disqualified under section 4G from holding that aviation safety instrument; and
- (d) it is not contrary to the interests of aviation safety for the aviation safety instrument to be granted or renewed.

[10/2014]

(3) For the purpose of granting or renewing an aviation safety instrument, the Authority may, subject to any provisions in the applicable aviation safety subsidiary legislation, accept such foreign qualifications or recognise such certifications, licences or permits

issued by a foreign aviation authority as it considers appropriate in each case.

[10/2014]

(4) It shall be a condition of every current aviation safety instrument that the holder of, and any person who has or is likely to have control over the exercise of the privileges under, the aviation safety instrument continue to satisfy the fit and proper person test specified in subsection (2)(b)(ii).

[10/2014]

(5) Where the Authority refuses to grant an application for the grant or renewal of an aviation safety instrument under this section, the applicant may appeal against that decision to the Minister within the time and in the manner prescribed by the applicable aviation safety subsidiary legislation; and the Minister's decision on appeal shall be final.

[10/2014]

### **General duties of holder of aviation safety instrument**

**4B.**—(1) Unless otherwise provided by the applicable aviation safety subsidiary legislation, a person who is required by the applicable aviation safety subsidiary legislation for or in respect of any matter in section 4(1)(a) to (o) to hold an appropriate aviation safety instrument must ensure that the appropriate aviation safety instrument and all the necessary qualifications and other documents are held by that person before he does anything for which such an aviation safety instrument is required.

[10/2014]

(2) Where a person referred to in subsection (1) holds an aviation safety instrument, the person —

- (a) must comply with all the relevant aviation safety subsidiary legislation, and the conditions attached to the relevant aviation safety instrument the person holds;
- (b) must ensure that the activities or functions for which the aviation safety instrument has been granted are carried out by the person, and by all persons for whom the person is responsible, safely and in accordance with the relevant safety

standards and practices prescribed by the applicable aviation safety subsidiary legislation; and

- (c) where the aviation safety instrument authorises the provision of a service within the civil aviation system —
- (i) must, if so required by the applicable aviation safety subsidiary legislation, establish and follow a management system that will ensure compliance with the relevant safety standards prescribed by that aviation safety subsidiary legislation and the conditions attached to the aviation safety instrument;
  - (ii) must provide training and supervision to all employees of the person who are engaged in doing anything to which the aviation safety instrument relates, so as to maintain compliance with the relevant safety standards prescribed by the applicable aviation safety subsidiary legislation and the conditions attached to the aviation safety instrument and to promote safety; and
  - (iii) must provide sufficient resources to ensure compliance with the relevant safety standards prescribed by the applicable aviation safety subsidiary legislation and the conditions attached to the aviation safety instrument.

[10/2014]

### **Power to suspend or impose conditions on aviation safety instrument**

**4C.—**(1) The Authority may suspend any aviation safety instrument or impose conditions in respect of any such aviation safety instrument if —

- (a) the Authority considers such action necessary to ensure compliance with this Part or the applicable aviation safety subsidiary legislation;
- (b) the Authority is satisfied that the holder of the aviation safety instrument has failed to comply with any condition of the aviation safety instrument, any provision of this Part or the applicable aviation safety subsidiary legislation;

- (c) the Authority considers that the privileges or duties for which the aviation safety instrument has been granted are being carried out by the holder in a careless or incompetent manner; or
- (d) in the case of an aviation safety instrument relating to the use of any aircraft, aeronautical product, or the provision of any service, the Authority considers that there is reasonable doubt as to the airworthiness of the aircraft or as to the quality or safety of the aeronautical product or service to which the aviation safety instrument relates,

and the Authority considers that suspending the aviation safety instrument or imposing conditions in respect of the aviation safety instrument is necessary in the interests of safety.

[10/2014]

(2) The suspension of any aviation safety instrument and any conditions imposed under subsection (1) shall remain in force until the Authority determines what action, if any, referred to in subsection (3) is to be taken; but any such suspension or conditions expire 10 working days after the date that the suspension or conditions are imposed unless, before the expiry of that 10-working day period, the Authority extends the suspension or conditions for a further specified period.

[10/2014]

- (3) The Authority may take one or more of the following actions:
- (a) impose conditions in respect of any such aviation safety instrument for a specified period;
  - (b) withdraw any conditions in respect of any such aviation safety instrument;
  - (c) suspend any aviation safety instrument in whole or part for a specified period;
  - (d) revoke or partially revoke any aviation safety instrument under section 4D;
  - (e) impose permanent conditions under section 4D.

[10/2014]



(4) Any person whose aviation safety instrument has been suspended or made subject to conditions under subsection (3) shall forthwith produce that document to the Authority for appropriate endorsement.

[10/2014]

(5) The holder of an aviation safety instrument who is aggrieved by any decision of the Authority under this section may appeal to the Minister in the manner prescribed by the applicable aviation safety subsidiary legislation; and the Minister's decision on appeal shall be final.

[10/2014]

### **Power to revoke or impose permanent conditions on aviation safety instrument**

**4D.**—(1) The Authority may, if it considers it necessary in the interests of aviation safety and after an inspection, monitoring, or investigation carried out under this Part, revoke an aviation safety instrument or impose permanent conditions on an aviation safety instrument.

[10/2014]

(2) Without prejudice to the generality of subsection (1), the Authority may revoke or impose permanent conditions on an aviation safety instrument if the Authority considers that the revocation or imposition of permanent conditions is necessary in the interests of aviation safety.

[10/2014]

(3) Revocation under this section may be in respect of the whole or any part of an aviation safety instrument.

[10/2014]

(4) Before exercising any powers under this section, the Authority shall give notice to the holder of the aviation safety instrument concerned —

- (a) stating that it proposes to revoke or impose permanent conditions on the aviation safety instrument in the manner as specified in the notice; and
- (b) specifying the time (being not less than 28 days from the date of service of notice on such holder) within which written

representations may be made to the Authority with respect to the proposed revocation of the aviation safety instrument or the permanent conditions to be imposed on the aviation safety instrument, as the case may be.

[10/2014]

(5) Upon receipt of any written representation referred to in subsection (4)(b), the Authority shall consider the written representation and may —

- (a) reject the written representation; or
- (b) amend the proposed permanent condition in accordance with the written representation, or otherwise,

and, in either event, the Authority shall give notice in writing to the holder of the aviation safety instrument concerned of its decision.

[10/2014]

(6) A person whose aviation safety instrument is revoked or made subject to permanent conditions under this section must —

- (a) if the aviation safety instrument is made subject to permanent conditions or revoked in part, immediately produce the document to the Authority for appropriate endorsement; and
- (b) if the whole aviation safety instrument is revoked, immediately surrender the document to the Authority.

[10/2014]

(7) The holder of an aviation safety instrument who is aggrieved by any decision of the Authority under this section may appeal to the Minister in the manner prescribed by such aviation safety subsidiary legislation as is applicable; and the Minister's decision on appeal shall be final.

[10/2014]

### **Provisional orders to avoid imminent danger, etc.**

**4E.—**(1) Subject to subsection (4), where it appears to the Authority that a holder of an aviation safety instrument is contravening, or is likely to contravene, any condition of the aviation safety instrument, that there are reasonable grounds to believe there is a serious and imminent risk to air safety and that it is appropriate or requisite, to avoid any actual or imminent occurrence that endangers or threatens

to endanger the safety of the public, that a provisional order be made under this section, the Authority shall, instead of taking any decision under section 4C or 4D, by provisional order make such provision as appears to it requisite for securing compliance with that condition.

[10/2014]

(2) A provisional order —

- (a) shall require the holder of an aviation safety instrument to whom it relates (according to the circumstances of the case) to do, or not to do, such things as are specified in the provisional order or are of a description so specified;
- (b) shall take effect at such time, being the earliest practicable time, as is determined by or under the provisional order; and
- (c) may be revoked at any time by the Authority.

[10/2014]

(3) In determining whether it is appropriate or requisite that a provisional order be made, the Authority shall have regard, in particular, to the extent to which any person is likely to sustain loss or damage in consequence of anything which, in contravention of the condition of an aviation safety instrument, is likely to be done, or omitted to be done, before a decision under section 4C or 4D may be made.

[10/2014]

(4) Subject to subsections (5), (6) and (7), the Authority shall, by notice in writing, confirm a provisional order, with or without modifications, if —

- (a) the Authority is satisfied that the holder of an aviation safety instrument to whom the order relates has contravened, or is likely to contravene any condition of its instrument; and
- (b) the provision made by the order (with any modifications) is requisite for the purpose of securing compliance with that condition.

[10/2014]

(5) The Authority shall not confirm a provisional order in relation to a holder of an aviation safety instrument if it is satisfied —

- (a) that the duties imposed on the Authority under this Act or the Civil Aviation Authority of Singapore Act (Cap. 41) preclude the confirming of such a provisional order;
- (b) that the holder of an aviation safety instrument has agreed to take, and is taking, all such steps as it appears to the Authority for the time being to be appropriate for the holder of that instrument to take for the purpose of securing or facilitating compliance with the condition in question; or
- (c) that the contraventions were, or the apprehended contraventions are, of a trivial nature.

[10/2014]

(6) Before the Authority confirms a provisional order, the Authority shall give notice to the holder of an aviation safety instrument concerned —

- (a) stating that the Authority proposes to confirm the provisional order and setting out its effect;
- (b) setting out —
  - (i) the relevant condition of the aviation safety instrument for the purpose of securing compliance with which the provisional order is to be confirmed;
  - (ii) the acts or omissions which, in the Authority's opinion, constitute or would constitute contraventions of that condition; and
  - (iii) the other facts which, in the Authority's opinion, justify the confirmation of the provisional order; and
- (c) specifying the period (being not less than 28 days from the date of service of the notice) within which representations or objections with respect to the proposed confirmation may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

[10/2014]

(7) The Authority shall not confirm a provisional order with modifications except —

- (a) with the consent of the holder of an aviation safety instrument to whom the order relates; or
- (b) after —
  - (i) serving on that holder of an aviation safety instrument such notice of the proposal to confirm the provisional order with modifications and in that notice, specifying the period (being not less than 28 days from the date of service of the notice) within which representations or objections with respect to the proposed modifications may be made; and
  - (ii) considering any representations or objections which are duly made and not withdrawn.

[10/2014]

(8) In this section, “provisional order” means an order under this section which, if not previously confirmed in accordance with subsection (5), shall cease to have effect at the end of such period (not exceeding 3 months) as is determined by or under the order.

[10/2014]

### **Criteria for action under section 4C, 4D or 4E**

**4F.**—(1) For the purpose of determining whether an aviation safety instrument a person holds should be suspended or made subject to conditions under section 4C, or revoked or made subject to permanent conditions under section 4D, whether a provisional order should be made under section 4E in respect of that person, or whether the person should be disqualified under section 4G, the Authority may have regard to, and give such weight as it considers appropriate to, all of the following matters:

- (a) the person’s compliance history with aviation safety regulatory requirements;
- (b) any conviction for an offence, whether or not the conviction was in a Singapore court and whether or not the offence was committed before 1st April 2014<sup>1</sup>;

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<sup>1</sup> Date of commencement of the Air Navigation (Amendment) Act 2014 (Act 10 of 2014).

- (c) any evidence that the person has committed an aviation safety offence or has contravened any provision in this Act or any aviation safety subsidiary legislation.

[10/2014]

(2) For the avoidance of doubt, the Authority shall not be confined to consideration of the matters specified in subsection (1) and may take into account such other matters and evidence as may be relevant.

[10/2014]

(3) The Authority may seek and receive such information as the Authority thinks fit or consider information obtained from any source.

[10/2014]

(4) If the Authority proposes to take into account any information that is or may be prejudicial to a person, the Authority shall, subject to subsection (5), as soon as is practicable, but in the case of the suspension of an aviation safety instrument or the imposition of conditions under section 4C, no later than 5 working days after suspending the aviation safety instrument or imposing conditions, disclose that information to that person and give that person a reasonable opportunity to refute or comment on it.

[10/2014]

(5) Nothing in subsection (4) requires the Authority to disclose any information, the disclosure of which would endanger the safety of any person or before exercising any power under section 4E.

[10/2014]

(6) In this section —

“aviation safety offence” means an offence under this Act or any aviation safety subsidiary legislation;

“aviation safety regulatory requirement” shall not include any security directive or requirement imposed by or under Part IIB.

[10/2014]

### **Disqualification from holding aviation safety instrument**

**4G.**—(1) Where an aviation safety instrument is wholly revoked under section 4D, the person who was the holder of that aviation safety instrument shall also be disqualified, for such period as may be specified by the Authority, from holding the same aviation safety

instrument or such other related aviation safety instrument, as the Authority shall specify and inform the person by order.

[10/2014]

(2) A person commits an offence who applies for or obtains an aviation safety instrument while disqualified by an order of the Authority under this section from obtaining such an instrument and any such instrument so obtained shall be of no effect.

[10/2014]

(3) A former holder of an aviation safety instrument who is aggrieved by any decision of the Authority under this section may appeal to the Minister in the manner prescribed by such aviation safety subsidiary legislation as is applicable; and the Minister's decision on appeal shall be final.

[10/2014]

### **Directives affecting holder of aviation safety instrument**

**4H.**—(1) Subject to subsection (5), the Authority may, whether or not any administrative proceedings are instituted under section 4C, 4D or 4E, give a directive to the holder of any aviation safety instrument, according to the circumstances of the case, to do, or not to do, such things as are specified in the directive or are of a description as specified in the directive if —

- (a) the Authority considers such action necessary in the interests of promoting or protecting safety or public health or ensuring environmental sustainability;
- (b) the Authority is satisfied that the holder of the aviation safety instrument has failed to comply with any conditions of the aviation safety instrument;
- (c) the Authority considers that the privileges or duties for which the aviation safety instrument has been granted are being carried out by the holder in a careless or incompetent manner; or
- (d) in the case of an aviation safety instrument relating to the use of any aircraft, aeronautical product, or the provision of any service, or impose conditions in respect of any such document, the Authority considers that there is reasonable

doubt as to the airworthiness of the aircraft or as to the quality or safety of the aeronautical product or service to which the aviation safety instrument relates,

and that holder shall comply with that directive as soon as it takes effect.

[10/2014]

(2) Every directive under subsection (1) takes effect when the directive is given to the holder of an aviation safety instrument concerned or on a later date specified in the directive.

[10/2014]

(3) A directive under this section in respect of the holder of an aviation safety instrument shall not be inconsistent with any provision in this Act or any aviation safety subsidiary legislation, or the conditions of the aviation safety instrument.

[10/2014]

(4) The Authority may at any time revoke any directive given under this section.

[10/2014]

(5) Before giving a directive to any holder of an aviation safety instrument under subsection (1), the Authority shall, unless the Authority in respect of any particular directive considers that it is not practicable or desirable, give notice —

(a) stating that the Authority proposes to make the directive and setting out its effect; and

(b) specifying the time within which representations or objections to the proposed directive may be made,

and shall consider any representations or objections which are duly made.

[10/2014]

(6) Where a holder of any aviation safety instrument has been subject to administrative proceedings under section 4C, 4D or 4E (referred to in this subsection as the first administrative action) and a directive is given to the holder under this section in connection with those proceedings, and the holder of the aviation safety instrument continues to fail to comply with the directive of the Authority under this section, such failure shall constitute a fresh ground for



administrative proceedings under section 4C or 4D for every day or part thereof that the failure continues after the first administrative action.

[10/2014]

### **Emergency directives**

**4I.—(1)** Subject to subsection (2), the Director-General of Civil Aviation may from time to time and in accordance with subsections (3), (4) and (5), make such emergency directives of general application as may be necessary to alleviate or minimise any risk of the death of, or a serious injury to, any person or of damage to any property.

[10/2014]

(2) The Director-General of Civil Aviation shall not make any emergency directive of general application unless it is impracticable in the circumstances of the particular case for the Authority to make or amend any aviation safety subsidiary legislation to effectively alleviate or minimise the risk concerned.

[10/2014]

(3) Once such an emergency directive of general application is made, the Director-General of Civil Aviation shall cause to be published in the *Gazette* the emergency directive except that where for reasons of safety or security it is impracticable to notify the emergency directive in the *Gazette*, the Director-General of Civil Aviation must notify such person or persons as he thinks appropriate or necessary in the circumstances.

[10/2014]

(4) Every emergency directive of general application shall come into force immediately upon its being published in the *Gazette* or, where notified by service on any person under subsection (3), immediately upon service of the notification upon that person and in respect of that person only.

[10/2014]

(5) An emergency directive of general application made under this section may be in force for a period not exceeding 90 days unless earlier revoked under subsection (6), and may be renewed by the

Director-General of Civil Aviation once only for a further period not exceeding 30 days.

[10/2014]

(6) The Authority may, at any time when any emergency directive of general application made under subsection (1) is in force, revoke the emergency directive by publishing notice of that revocation in the *Gazette*.

[10/2014]

(7) So far as any emergency directive of general application is inconsistent with any aviation safety subsidiary legislation, the emergency directive shall prevail.

[10/2014]

### *Division 3 — Safety inspections and enforcement powers*

#### **Safety inspections and monitoring**

**4J.**—(1) The Authority may, by notice, require —

- (a) any holder of an aviation safety instrument; or
- (b) any person who operates, maintains or services, or does any other act in respect of, any aircraft or aeronautical product, or who provides any aviation-related service or air traffic service,

to undergo such inspection or monitoring as the Authority considers, on reasonable grounds, necessary in the interests of civil aviation safety.

[10/2014]

(2) For the purposes of any inspection or monitoring under subsection (1), the Director-General of Civil Aviation or a safety inspector may in respect of any person described in subsection (1)(a) or (b), by notice in writing, require from that person such information as the Director-General of Civil Aviation or safety inspector, as the case may be, considers relevant to the inspection or monitoring.

[10/2014]

(3) Any person to whom a notice under subsection (1) or (2) is given who, without reasonable excuse, fails to comply with the requirements of the notice shall be guilty of an offence and shall be liable on

conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

[10/2014]

### **Investigating holder of aviation safety instrument**

**4K.**—(1) Without prejudice to sections 4J and 4L, the Director-General of Civil Aviation or a safety inspector may require the holder of an aviation safety instrument to undergo an investigation conducted by the Director-General of Civil Aviation or a safety inspector if the Director-General of Civil Aviation or safety inspector, as the case may be —

- (a) has reasonable grounds to believe that the holder has failed to comply with any condition of the aviation safety instrument, or considers that the privileges or duties for which the aviation safety instrument has been granted are being carried out by the holder in a careless or incompetent manner; and
- (b) believes, on reasonable grounds, that the investigation is necessary in the interests of civil aviation safety.

[10/2014]

(2) If the Director-General of Civil Aviation or a safety inspector requires any holder of an aviation safety instrument to undergo an investigation under this section, he must —

- (a) inform the holder, in writing, of the date on which the investigation will begin;
- (b) conclude the investigation as soon as practicable; and
- (c) inform the holder, in writing, of the results of the investigation, including any recommendations arising out of the investigation and the grounds for those recommendations.

[10/2014]

### **Power to detain aircraft, aeronautical products, etc.**

**4L.**—(1) Where the Director-General of Civil Aviation believes on reasonable grounds that the operation or use of any aircraft or aeronautical product or any class of aircraft or aeronautical products may endanger persons or property and that prompt action is necessary

to prevent the danger, the Director-General of Civil Aviation may do all or any of the following:

- (a) prohibit or impose conditions on the operation of the aircraft or all aircraft of that class;
- (b) prohibit or impose conditions on the use of the aeronautical product or aeronautical products of that class;
- (c) detain particular aircraft or seize particular aeronautical products where necessary in order to prevent their operation or use.

[10/2014]

(2) Where the Director-General of Civil Aviation believes on reasonable grounds that the operation or use of any aircraft or aeronautical product or any class of aircraft or aeronautical products may endanger persons or property and notifies the Authority, the Authority may do all or any of the following:

- (a) detain the aircraft or any aircraft of that class;
- (b) seize the aeronautical product or any aeronautical products of that class;
- (c) prohibit or impose conditions on the operation of the aircraft or aircraft of that class, or the use of any aeronautical product or any aeronautical products of that class.

[10/2014]

(3) Any detention or seizure under subsection (1) or (2) shall be maintained for only such time as is necessary in the interest of safety; but, if any aircraft, aeronautical products, or parts thereof are required for the purpose of evidence in any prosecution under this Act, those aircraft, aeronautical products, or parts thereof may be retained by the Director-General of Civil Aviation or the Authority for such period as the Director-General of Civil Aviation or the Authority, as the case may be, considers necessary for that purpose.

[10/2014]

(4) The Director-General of Civil Aviation or the Authority, as the case may be, shall, if requested by the owner or the person for the time being in charge of an aircraft detained or an aeronautical product seized under subsection (1) or (2), as the case may be, provide in

writing to the owner or that person the reasons for the detention or seizure.

[10/2014]

(5) Any person who is aggrieved by any decision of the Director-General of Civil Aviation or the Authority under this section may appeal to the Minister in the manner prescribed by such order made under such aviation safety subsidiary legislation as is applicable; and the Minister's decision on appeal shall be final.

[10/2014]

(6) For the purpose of subsections (1) and (2), the Director-General of Civil Aviation or the Authority, as the case may be, shall notify any prohibitions or conditions to such persons as the Director-General of Civil Aviation or the Authority considers necessary by such means of communication, whether or not of a permanent nature, as he or it considers appropriate in the circumstances.

[10/2014]

### **Power to obtain information**

**4M.**—(1) For the purpose of finding out whether the provisions of this Act or any applicable aviation safety subsidiary legislation is being complied with, a safety inspector may by notice require any holder of an aviation safety instrument or other person to furnish, within a reasonable period specified in the notice, and in such form and manner as may be specified in the notice, all documents and information relating to any matter —

(a) which a safety inspector considers necessary for that purpose; and

[Act 16 of 2015 wef 01/06/2015]

(b) which are within the knowledge of that person or in his custody or under his control.

[10/2014]

[Act 16 of 2015 wef 01/06/2015]

(2) The power to require a person to furnish any document or information under subsection (1) includes the power —

(a) to require that person, or any individual who is or was an officer or employee of that person —

- (i) to provide an explanation of the document or information; or
- (ii) to attend before a safety inspector for an interview and to answer any question and give a statement about the document or information;

*[Act 16 of 2015 wef 01/06/2015]*

- (b) if the document or information is not furnished, to require that person to state, to the best of his knowledge and belief, where it is; and
- (c) if the information is recorded otherwise than in legible form, to require the information to be made available to the Authority in legible form.

*[10/2014]*

(2A) Where a person is required to attend before a safety inspector for an interview, the safety inspector must —

- (a) record the person's answers or statement at the interview in writing;
- (b) read over that written record in paragraph (a) of the person's answers or statement or, if the person is for any reason unable to understand or communicate in spoken English sufficiently, use an interpreter to inform the person about contents of the written record; and
- (c) then require the person to sign that written record.

*[Act 16 of 2015 wef 01/06/2015]*

(3) Any person who, without reasonable excuse, fails to do anything required of him by notice under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

*[10/2014]*

(4) Any person who —

- (a) intentionally alters, suppresses or destroys any document or information which he has been required by a notice under subsection (1) to furnish; or

- (b) in furnishing any document or information required under subsection (1), makes any statement which he knows to be false in a material particular or recklessly makes such a statement,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

[10/2014]

(5) If any person fails to comply with a notice under subsection (1), the court may, on the application of the Authority, make such order as the court thinks fit to secure compliance with such notice, and any such order may provide that all the costs or expenses of and incidental to the application shall be borne by such person or by any officer of a company or other body who is responsible for the failure.

[10/2014]

(6) The Authority or any safety inspector, as the case may be, shall be entitled without payment to keep any document or information, or any copy or extract of any document or information, furnished under subsection (1).

[10/2014]

[Act 16 of 2015 wef 01/06/2015]

### **Power of entry to premises, aircraft, etc.**

**4N.—**(1) For the purpose of finding out whether the provisions of this Act or any applicable aviation safety subsidiary legislation is being complied with, the Director-General of Civil Aviation and every safety inspector shall have right of access at any reasonable time to the following:

- (a) any aircraft, aerodrome, building, or place;
- (b) any document or record concerning any aircraft, aeronautical product, or aviation-related service.

[10/2014]

(2) In addition, where the Director-General of Civil Aviation or any safety inspector —

- (a) has reasonable grounds to believe that —
- (i) any breach of any provision in this Part or the applicable aviation safety subsidiary legislation is being or about to be committed;
  - (ii) a condition imposed under any aviation safety instrument is not being complied with; or
  - (iii) a situation exists within the civil aviation system or is about to exist that constitutes a danger to persons or property; and
- (b) has reasonable grounds for suspecting that there is on, or in, any aircraft, aerodrome, building, or place, any particular thing which may be evidential material relevant to an offence under any provision of this Part or of any applicable aviation safety subsidiary legislation,

the Director-General of Civil Aviation or the safety inspector may enter at any reasonable time the aircraft, aerodrome, building, or place and exercise any powers referred to in subsection (4) to determine whether or not a matter referred to in paragraph (a)(i), (ii) and (iii) exists.

[10/2014]

(3) The Director-General of Civil Aviation or any safety inspector is authorised to enter any aircraft, aerodrome, building, or place under subsection (1) only if the occupier of the aircraft, aerodrome, building, or place has consented to the entry or after giving 6 hours' prior notice of that entry.

[10/2014]

(4) Every person who is authorised to have access to or to enter any aircraft, aerodrome, building, or place under subsection (1) or (2) may —

- (a) require any person who is in possession of an aviation safety instrument, or any certificate, book, manual, record, list, notice, or other document that is required to be kept by or under this Act, relating or reasonably believed to relate to the commission of an offence or the non-compliance with the



condition (wherever and by whomsoever kept) and take and retain extracts or copies thereof to produce or surrender it;

- (b) compel any person who is able to operate any equipment at the premises to do so for the purpose of enabling the authorised person to ascertain whether the equipment, or a disk, tape or other storage device that can be used or associated with the equipment, contains information that is relevant to the investigation;
- (c) if such information is found in exercise of the power in paragraph (b), produce, or compel the production of, the information in documentary form, and keep or copy the documents so produced or transfer, or compel the transfer of, the information to a disk, tape or other storage device, and remove it from the premises;
- (d) require any person in possession of, or having control of, any machinery, equipment or other thing relating to the maintenance, operation or servicing of any aircraft or aeronautical product, or the provision of air traffic service or aviation-related services to produce the machinery, equipment or other thing for inspection and to answer questions or provide information relating to the machinery, equipment or other thing;
- (e) inspect and test any machinery, equipment or other thing referred to in paragraph (d);
- (f) if the Director-General of Civil Aviation or safety inspector considers it necessary to do so for the purpose of obtaining evidence of the contravention of any provision of this Part or any applicable aviation safety subsidiary legislation, or any condition of an aviation safety instrument, seize any machinery, equipment, substance, record or other thing;
- (g) inspect, examine and take samples of any substance or thing on or in the aircraft, aerodrome, building, or place; or

- (h) photograph, or make sketches of, the aircraft, aerodrome, building, or place and any substance or thing on or in the aircraft, aerodrome, building, or place.

[10/2014]

(5) If the Director-General of Civil Aviation or a safety inspector seizes anything under this section, it may be retained by him until the completion of any proceedings (including proceedings on appeal) in which it may be evidence but, in the case of records, the person from whom the records were seized shall be permitted to inspect and make copies of the records.

[10/2014]

(6) Subsection (5) ceases to have effect in relation to things seized if, on the application of a person aggrieved by the seizure, the court in which proceedings referred to in that subsection are instituted so orders.

[10/2014]

(7) The Director-General of Civil Aviation or a safety inspector —

(a) may arrest without warrant any person whom he reasonably believes has committed an arrestable offence under this Act; and

(b) may exercise all or any of the powers in relation to investigations into an arrestable offence conferred on a police officer by the Criminal Procedure Code (Cap. 68) in any case relating to the commission of an arrestable offence under this Act or in any case where an arrestable offence is disclosed under any written law in the course of an investigation under this Act.

[10/2014]

(8) For the purposes of subsection (7), when the Director-General of Civil Aviation or a safety inspector is exercising the powers of a police officer under that subsection, he shall be deemed to be an officer not below the rank of inspector of police.

[10/2014]

### **Obligation to notify reportable safety matters**

**40.**—(1) If a responsible person has knowledge of any reportable safety matter, he must, where required to do so under the applicable

aviation safety subsidiary legislation, notify the Authority of the reportable safety matter in the manner prescribed in the aviation safety subsidiary legislation, including those of the particulars of the matter prescribed by that subsidiary legislation that are known.

[10/2014]

(2) A responsible person shall be guilty of an offence if the person fails to comply with subsection (1).

[10/2014]

(3) A responsible person is not excused from giving any information required by subsection (1) on the ground that the disclosure of the information might tend to incriminate the person or expose the person to a penalty.

[10/2014]

(4) Where a responsible person claims, before giving any information that he is required by subsection (1) to give, that the disclosure of the information might tend to incriminate him —

- (a) that information;
- (b) the giving of the information; and
- (c) any information, document or thing obtained as a direct or indirect consequence of the giving of the information,

shall not be admissible in evidence against the person in any criminal proceedings other than proceedings for an offence under section 29C.

[10/2014]

(5) In this section —

“reportable safety matter” means safety matter that is prescribed by any aviation safety subsidiary legislation to be a reportable safety matter;

“responsible person”, in relation to a reportable safety matter, means —

- (a) a person who operates, maintains, or services, or does any other act in respect of, any aircraft, aeronautical product or aviation-related service; or
- (b) any other person,

who is prescribed by the applicable aviation safety subsidiary legislation for the purposes of this definition in relation to the reportable safety matter concerned;

“safety matter” means —

- (a) the occurrence of any incident involving any Singapore registered aircraft or any aircraft operated by a Singapore operator which endangers or which, if not corrected, would endanger an aircraft, its occupants or any other person, including and not limited to defects or malfunctioning of the aircraft or any part of the aircraft;
- (b) the occurrence of any incident involving any facility on the ground used or intended to be used for purposes of or in connection with the operation of an aircraft, which endangers or which, if not corrected, would endanger an aircraft, its occupants or any other person, including and not limited to defects or malfunctioning of the facility or any part of the facility;
- (c) any information that relates to compliance, or failure to comply, with any provision of this Act or of any applicable aviation safety subsidiary legislation, or with the law of any Contracting State in which the aircraft operates;
- (d) such other occurrence that affected, is affecting, or might affect safety of transport by air as may be prescribed by any aviation safety subsidiary legislation to be a safety matter.

[10/2014]

### **Exemption of aircraft and parts thereof from seizure on patent claims**

**5.—(1)** Subject to subsection (2), the importation into, and storage in, Singapore of spare parts and spare equipment for an aircraft to which this section applies and the use and installation of the parts and spare equipment in the repair of such an aircraft shall not entail any seizure or detention of the aircraft or of the spare parts or spare equipment or any proceedings being brought against the owner or

operator of the aircraft or the owner of the spare parts or spare equipment or any other interference with the aircraft by or on behalf of any person in Singapore on the ground that the spare parts or spare equipment or their installation are or is an infringement of any patent, design or model

(2) This subsection shall not apply in relation to any spare parts or spare equipment which are sold or distributed in Singapore or are exported from Singapore for sale or distribution.

(3) This section applies to an aircraft, other than an aircraft used in military, customs or police service, registered in any country or territory in the case of which there is for the time being in force an order made by the Minister, with a view to the fulfilment of the provisions of the Chicago Convention to which this section relates, that the benefits of those provisions apply to that country or territory, and to such other aircraft as the Minister may, by order, specify.

[7/97]

#### *Division 4 — Special powers and prohibited activities*

[Act 16 of 2015 wef 01/06/2015]

### **Special powers in case of emergency**

**6.—**(1) In time of war, whether actual or imminent, or when a Proclamation of Emergency under the Constitution is in force, the Minister may, by order, regulate or prohibit, either absolutely or subject to such conditions as may be contained in the order, and notwithstanding the provisions of this Part or any subsidiary legislation made under this Part, the navigation of all or any descriptions of aircraft over Singapore or any portion of Singapore; and may, by order, provide for taking possession of and using for the purposes of the Singapore Armed Forces or of any visiting force lawfully present in Singapore any aerodrome or any aircraft in Singapore or any machinery, plant, material or things found in or on the aerodrome or aircraft, and for regulating or prohibiting the use, erection, building, maintenance or establishment of any aerodrome, flying school, or landing ground, of any class or description.

[10/2014]

(2) An order made under this section may make, for the purpose of the order, such provisions as an order under section 3 may make for the purpose of securing compliance with the provisions of the order having effect by virtue of section 3(2)(l).

(3) Subject to subsection (4), any person who suffers direct injury or loss, owing to the operation of an order of the Minister under this section, shall be entitled to receive compensation from the Government from such public funds as may lawfully be applied for the purpose, the amount thereof to be fixed, in default of agreement, by a single arbitrator to be agreed upon or failing agreement to be appointed by the Chief Justice.

(4) No compensation shall be payable under subsection (3) by reason of the operation of a general order under this section prohibiting flying in Singapore or any part of Singapore.

### **Prohibited photography over protected areas**

7.—(1) The Minister may by order published in the *Gazette* declare any area to be a protected area within the meaning of this section.

[7/97]

(2) If —

- (a) an unmanned aircraft has on board equipment for taking photographs when flying; and
- (b) a photograph is taken of the whole or any part of a protected area using that photographic equipment on board the unmanned aircraft,

the operator of the unmanned aircraft, and the person taking the photograph if the person is not the operator, shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

[Act 16 of 2015 wef 01/06/2015]

(3) In proceedings for an offence under subsection (2) —

- (a) it is not necessary for the prosecution to prove that an accused knew or had reason to believe that —
  - (i) the area is a protected area; or

- (ii) the unmanned aircraft had on board equipment for taking photographs when flying; but
- (b) it is a defence to the charge for the accused to prove, on a balance of probabilities, that —
- (i) the photograph of the whole or any part of the protected area using photographic equipment on board the unmanned aircraft was not taken intentionally but was taken because of weather conditions or other unavoidable cause; or
  - (ii) the accused has in force a permit from a competent security officer and had, in accordance with that permit, taken, or caused to be taken, any photograph of the whole or any part of a protected area using photographic equipment on board the unmanned aircraft.

*[Act 16 of 2015 wef 01/06/2015]*

(4) Every offence under this section is an arrestable offence within the meaning of the Criminal Procedure Code (Cap. 68).

*[Act 16 of 2015 wef 01/06/2015]*

(5) In this section, a reference to taking a photograph includes a reference to —

- (a) making a film or a video-recording; and
- (b) making a recording of images for the purpose of broadcasting or live-streaming the images.

*[Act 16 of 2015 wef 01/06/2015]*

*[Act 16 of 2015 wef 01/06/2015]*

### **Permit needed for certain overflight by unmanned aircraft**

**7A.—**(1) A person must not operate an unmanned aircraft to fly, at any height, over any part of any protected area declared under section

(2) Every operator of an unmanned aircraft who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

- (3) In proceedings for an offence under subsection (2) —
- (a) it is not necessary for the prosecution to prove that an accused knew or had reason to believe that the area flown over is a protected area; but
  - (b) it is a defence to the charge for the accused to prove, on a balance of probabilities, that —
    - (i) the accused did not intentionally cause the unmanned aircraft to fly over the protected area, and the overflight was not due to any want of reasonable care on the part of the accused; or
    - (ii) the overflight was authorised by and in accordance with a permit from a competent security officer.
- (4) Every offence under this section is an arrestable offence within the meaning of the Criminal Procedure Code (Cap. 68).

*[Act 16 of 2015 wef 01/06/2015]*

### **Absolute prohibition of carriage of dangerous materials on unmanned aircraft**

**7B.**—(1) If —

- (a) a person operates an unmanned aircraft to fly indoors or at any height over any area in Singapore; and
- (b) the unmanned aircraft carries a prohibited item when so flying,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

- (2) In proceedings for an offence under subsection (1) —
- (a) it is not necessary for the prosecution to prove that an accused knew that the unmanned aircraft carried a prohibited item when flying; but
  - (b) it is a defence to the charge for the accused to prove, on a balance of probabilities, that he did not know, and could not reasonably have been expected to know, that the unmanned aircraft carried a prohibited item when flying.



(3) Every offence under this section is an arrestable offence within the meaning of the Criminal Procedure Code (Cap. 68).

(4) In this section, “prohibited item” means —

- (a) any weapon, substance or other thing the possession of which (for any purpose) would constitute an offence under any of the following written laws:
  - (i) the Arms and Explosives Act (Cap. 13);
  - (ii) the Corrosive and Explosive Substances and Offensive Weapons Act (Cap. 65);
  - (iii) the Dangerous Fireworks Act (Cap. 72);
- (b) any biological agent, biological agent waste or toxin within the meaning of the Biological Agents and Toxins Act (Cap. 24A);
- (c) any radioactive material, radioactive substance or radioactive waste within the meaning of the Radiation Protection Act (Cap. 262); or
- (d) any other hazardous material (whether gaseous, liquid or solid) that is prescribed, in a notification published in the *Gazette*, by the Minister charged with the responsibility for homefront security to be a prohibited item for the purposes of this section.

[Act 16 of 2015 wef 01/06/2015]

### **Discharge from unmanned aircraft**

**7C.—(1)** If —

- (a) a person operates an unmanned aircraft to fly indoors or at any height over any area in Singapore; and
- (b) the unmanned aircraft when so flying discharges anything (whether gaseous, liquid or solid),

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

(2) In proceedings for an offence under subsection (1), it is not necessary for the prosecution to prove that an accused knew or had

reason to believe that the unmanned aircraft discharged anything while in flight, but it is a defence to the charge if the accused proves, on a balance of probabilities, that —

- (a) the accused —
  - (i) did not intentionally cause the thing to discharge from the unmanned aircraft and the discharge was not due to any want of reasonable care; and
  - (ii) took all reasonably practicable steps to stop or reduce further discharge of that thing from the unmanned aircraft as soon as practicable after discovering the discharge;
- (b) the thing escaped from the unmanned aircraft operated by the accused in consequence of damage, other than intentional damage, to the unmanned aircraft and all reasonable precautions were taken by the accused after the occurrence of the damage or the discovery of the discharge for the purpose of preventing or minimising further discharge from the unmanned aircraft; or
- (c) the accused has in force a discharge permit from the Authority and had caused the thing to be discharged from the unmanned aircraft in accordance with that discharge permit.

(3) However, it is not a defence to a charge for an offence under subsection (1) if —

- (a) no individual dies or is hurt;
- (b) no property is destroyed or damaged; or
- (c) no hazard is caused to another aircraft, to anyone or any property,

as a result of anything discharged from an unmanned aircraft in flight.

(4) For the purposes of subsection (2)(b), damage to an unmanned aircraft or to its equipment is intentional damage if the damage arose in circumstances in which the operator of the unmanned aircraft —

- (a) acted with intent to cause the damage; or

(b) acted recklessly and with knowledge that damage would probably result.

(5) A person who is refused a discharge permit, or whose discharge permit is cancelled by the Authority, may appeal to the Minister against the Authority's refusal or cancellation, as the case may be, in the manner prescribed under section 3 or 3A; and the Minister's decision on appeal is final.

(6) In this section, "discharge", from an unmanned aircraft, includes dropping from an unmanned aircraft but does not include the discharge of exhaust from an unmanned aircraft during flight.

(7) To avoid doubt, this section does not affect the operation of the Military Manoeuvres Act (Cap. 182).

*[Act 16 of 2015 wef 01/06/2015]*

#### *Division 5 — Serious risks to aviation safety*

### **Interference with aeronautical facilities**

**8.**—(1) This section shall apply if the Authority believes on reasonable grounds that an installation is or may be, either actively or passively, causing interference with communications to or from aircraft, or communications to or from centres established for air traffic control, or with navigational aids or with surveillance systems, in circumstances that are likely to endanger the safety of aircraft engaged in international air navigation or air navigation within, to or from Singapore.

*[10/2014]*

(2) The Authority may serve a notice on the proprietor directing the proprietor to permit the installation to be inspected and tested by a safety inspector at a reasonable time.

*[10/2014]*

(3) Upon the service of the notice, the safety inspector may enter the premises or place where the installation is installed, kept or operated and inspect or test the installation.

*[10/2014]*

(4) A safety inspector exercising powers under subsection (3) shall produce his identification card if requested to do so.

*[10/2014]*

(5) If as a result of such an inspection or otherwise, the Authority considers it necessary to do so for the safety of aircraft referred to in subsection (1), the Authority may serve a notice on the proprietor directing the proprietor to make such modifications to the installation, or to take such other action, as is necessary to eliminate the cause of the interference, within a reasonable time specified in the notice.

[10/2014]

(6) If the installation has been installed and is used and operated in accordance with all applicable laws, the proprietor may recover from the Authority the amount of all reasonable expenses incurred, and of losses actually suffered, in complying with a direction under subsection (5).

[10/2014]

(7) If a direction under subsection (5) is not complied with to its satisfaction, the Authority may —

- (a) authorise any of its officers, with such reasonable assistance as the officer requires, to enter the premises or place in which the installation is installed, kept or operated, with such force as is necessary and reasonable, and to take the action that was so directed; and
- (b) recover all expenses reasonably incurred by the Authority in the exercise of its powers under this subsection from the proprietor in default.

[10/2014]

(8) Without prejudice to the right of the Authority to exercise the powers under subsection (7), if any person on whom a direction under subsection (5) is served fails, without reasonable excuse, to comply with the requirements of that notice, that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day or part thereof during which the offence continues after conviction.

[10/2014]

(9) In this section —

“installation” includes any electrical or other equipment or device or any structure;

“proprietor”, in relation to an installation, means the owner or user of the installation or the owner or occupier of the premises or place where the installation is installed, kept or operated.

[10/2014]

### **Tampering with aircraft, etc.**

**8A.**—(1) A person must not tamper with —

- (a) an aircraft or any part of such aircraft; or
- (b) an aeronautical product that is of such a type that tampering with it may endanger the safety of an aircraft or any person or property,

if tampering with it may endanger the safety of the aircraft or any person or property.

[10/2014]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

[10/2014]

### **Interference with crew and unruly passengers, etc.**

**8B.**—(1) A person who, while in an aircraft that is in flight —

- (a) does any act that interferes with a crew member of the aircraft in the course of the performance of the crew member’s duties connected with the safe operation of the aircraft;
- (b) behaves in a threatening, offensive, insulting or disorderly manner towards a crew member of the aircraft; or
- (c) does any act that threatens the safety of an aircraft or of persons onboard an aircraft,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

[10/2014]

(2) A person who fails to comply with any commands given to the person directly by the pilot-in-command, or indirectly by the pilot-in-command through a crew member, for the purpose of securing the safe operation of the aircraft in flight and the safety and well-being of all passengers and crew on board and the safety of cargo carried on the aircraft, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

[10/2014]

(3) A person who —

- (a) boards an aircraft in such a state of intoxication as to be incapable of looking after himself, or as to jeopardise or be likely to jeopardise the good order and discipline required on board an aircraft; or
- (b) becomes intoxicated onboard an aircraft in flight to such an extent as to be incapable of looking after himself, or as to jeopardise or be likely to jeopardise the good order and discipline required on board an aircraft,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

[10/2014]

(4) A person who —

- (a) operates a portable electronic device on board an aircraft in breach of any aviation safety subsidiary legislation; or
- (b) smokes in an aircraft when instructed not to smoke by any crew member or any passenger information sign or placard in the aircraft,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

[10/2014]

(5) In any proceedings against a person for an offence under subsection (3), it shall be a defence for the person charged to prove —

- (a) that he, at the material time, was in a state of intoxication or became intoxicated not because of being under the influence of any alcohol, drugs or other intoxicating substances; or
- (b) that he, at the material time, was in a state of intoxication or became intoxicated as a result of taking prescription medication in accordance with a medical authorisation.

[10/2014]

(6) For the purposes of this section, an aircraft is in flight from the time when all its external doors are closed after embarkation until the time when any external door is opened for disembarkation.

[10/2014]

### **Dangerous activity involving aircraft, aeronautical product, etc.**

**8C.**—(1) A person must not operate, maintain or service, or do any other act in respect of, any aircraft, aeronautical product or aviation-related service in a manner that the person knows or ought reasonably to know —

- (a) could endanger the life of another person; or
- (b) could endanger the person or the property of another person.

[10/2014]

(2) A person must not cause or permit any aircraft, aeronautical product or aviation-related service to be operated, maintained or serviced, or cause or permit any other act to be done in respect of any aircraft, aeronautical product or aviation-related service, in a manner that the person knows or ought reasonably to know —

- (a) could endanger the life of another person; or
- (b) could endanger the person or the property of another person.

[10/2014]

(3) A person must not secrete himself in an aircraft for the purpose of being carried in the aircraft, or travel in an aircraft, without the consent of the operator or pilot-in-command of the aircraft.

[10/2014]

(4) Any person who contravenes subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not

exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

[10/2014]

### **Flying without satisfying safety requirements**

**8D.**—(1) An owner or operator, or the pilot-in-command of a Singapore registered aircraft must not commence a flight in the aircraft, or permit a flight in the aircraft to commence, if —

- (a) there is no aviation safety instrument known as a certificate of airworthiness in force in respect of the aircraft; and
- (b) any aviation safety subsidiary legislation does not authorise the flight without a certificate of airworthiness.

[10/2014]

(2) An owner or operator, or the pilot-in-command of a Singapore registered aircraft, or the Singapore operator of a foreign registered aircraft must not commence a flight in the aircraft, or permit a flight in the aircraft to commence, if one or more of the following apply:

- (a) there is outstanding a requirement imposed by or under any applicable aviation safety subsidiary legislation in relation to the maintenance of the aircraft;
- (b) the aircraft will require maintenance before the flight can end;
- (c) there is a defect or damage that may endanger the safety of the aircraft or any person or property;
- (d) the aircraft is unsafe for flight.

[10/2014]

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

[10/2014]

### **Trespassing at aerodromes, etc.**

**8E.**—(1) A person shall not, without prior authorisation from the Authority —

- (a) enter or remain within a prohibited area in an aerodrome;



- (b) bring or leave any property on a prohibited area within an aerodrome;
- (c) operate any vehicle on a prohibited area within an aerodrome;
- (d) bring any animal or bird on to a prohibited area within an aerodrome; or
- (e) permit any animal or bird under his possession or control to trespass on a prohibited area within an aerodrome.

[10/2014]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[10/2014]

(3) Where a person contravenes subsection (1), or any property, vehicle, animal or bird is found in contravention of subsection (1), the Director-General of Civil Aviation or any safety inspector, may without warrant, arrest and remove that person, property, vehicle, animal or bird, as the case may be.

[10/2014]

(4) In this section, “prohibited area”, in relation to an aerodrome, means any part of the aerodrome upon which is posted a notice relating to that part of the aerodrome, being a notice to the effect that trespassing upon that part of the aerodrome is prohibited and purporting to have been posted with the authority of the Authority.

[10/2014]

### **Trespass, nuisance and responsibility for damage**

**9.—**(1) Subject to subsections (2) and (3), no action shall lie in respect of trespass or in respect of nuisance, by reason only of the flight of aircraft over any property at a height above the ground which, having regard to wind, weather, and all the circumstances of the case is reasonable, or the ordinary incidents of the flight, so long as the provisions of this Part and any subsidiary legislation made under this Part are duly complied with.

(2) Where material damage or loss is caused by an aircraft in flight, taking off, or landing, or by any person in any such aircraft, or by any article falling from any such aircraft, to any person or property on land

or water, damages shall be recoverable from the owner of the aircraft in respect of the damage or loss, without proof of negligence or intention or other cause of action, as though the damage or loss had been caused by his wilful act, neglect or default, except where the damage or loss was caused by or contributed to by the negligence of the person by whom the damage or loss was suffered.

(3) Where material damage or loss referred to in subsection (2) is caused in circumstances in which —

- (a) damages are recoverable from the owner in respect of the damage or loss by virtue only of this section; and
- (b) a legal liability is created in some person other than the owner to pay damages in respect of that damage or loss,

the owner shall be entitled to be indemnified by that other person against any claim in respect of that damage or loss.

(4) Where any aircraft has been bona fide demised, let, or hired out for a period exceeding 14 days to any other person by the owner of the aircraft and no pilot, commander, navigator, or operative member of the crew of the aircraft is in the employment of the owner, this section shall have effect as though for references to the owner there were substituted references to the person to whom the aircraft has been so demised, let, or hired out.

### **Penalty for dangerous flying**

**10.**—(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, the pilot or the person in charge of the aircraft, and also the owner of the aircraft, unless he proves to the satisfaction of the court that the aircraft was so flown without his actual fault or privity, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

[10/2014]

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

(3) This section shall be in addition to and not in derogation of any provisions made by the Minister under the powers conferred by section 3 or by the Authority under the powers conferred by section 3A.

[10/2014]

### **Wreck and salvage**

**11.**—(1) Any services 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; and 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.

(2) Subsection (1) 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 adjacent to any part of Singapore.

(3) The Minister may, by regulations, direct that any provisions of any written 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 regulations, apply in relation to aircraft as those provisions apply in relation to vessels.

(4) For the purposes of this section, any provisions of any written law which relate to vessels laid by or neglected as unfit for sea service shall be deemed to be provisions relating to wreck.

**12.** [*Repealed by Act 12 of 2007*]

## PART IIA

## ACCIDENTS AND INCIDENTS INVESTIGATION

*Division 1 — General***Interpretation of this Part**

13. In this Part, unless the context otherwise requires —

“accident” means an accident associated with the operation of any aircraft involving circumstances prescribed by regulations made for the purposes of this Part;

“accredited representative” means a person appointed by a Contracting State, on the basis of his qualifications, for the purpose of participating in an investigation conducted by another State, and includes any other person so recognised under Annex 13;

“Annex 13” means Annex 13 to the Chicago Convention as amended from time to time by the Council of the International Civil Aviation Organisation;

“aviation safety issue” means any conduct, transaction, process, practice, occurrence, circumstance or matter that affects, or might affect, aviation safety, but not any of the following:

- (a) any accident or serious incident;
- (b) any conduct, transaction, process, practice, occurrence, circumstance or matter that may constitute such offence as may be prescribed by the voluntary reporting rules;
- (c) any reportable safety matter within the meaning of section 4O;
- (d) matters showing a serious and imminent threat to a person’s health or life;
- (e) any act of unlawful interference within the meaning of section 17;
- (f) any other conduct, transaction, process, practice, occurrence, circumstance or matter that is prescribed

by the voluntary reporting rules to be excluded from this definition;

“cause”, in relation to any accident or incident, means any action, omission, event, condition, or a combination of any action, omission, event or condition, which led to the accident or incident, the identification of which does not imply the assignment of fault or the determination of administrative, civil or criminal liability;

“civil aircraft” means aircraft that is a Singapore registered aircraft and any other aircraft that is not military aircraft;

“designated person” means a person designated by the Minister for the purposes of the voluntary reporting scheme established by the voluntary reporting rules;

“flight recorder” means any type of recorder installed in the aircraft for the purpose of complementing accident or incident investigation;

“flying display” means a civilian organised event (including any rehearsal for such event) which —

(a) consists, wholly or partly, of an exhibition of flying of any civil or military aircraft; and

(b) takes place at an aerodrome or premises other than a naval, military or air force aerodrome or premises;

“incident” means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of such operation;

“non-contracting State” means any State which is not a party to the Chicago Convention;

“serious incident” means an incident involving circumstances prescribed by regulations made for the purposes of this Part;

“State of Design” means the State having jurisdiction over the organisation responsible for the type design of the aircraft;

“State of Manufacture” means the State having jurisdiction over the organisation responsible for the final assembly of the aircraft;

“voluntary reporting rules” means rules made under section 13F.

[10/2014]

### **Accidents, etc., to which this Part applies**

**13A.** This Part shall apply only in relation to —

- (a) an accident or incident involving a civil aircraft; or
- (b) an accident or incident involving a military aircraft during a flying display in Singapore.

[10/2014]

### **Air Accident Investigation Bureau of Singapore and Inspectors**

**13B.**—(1) For the purposes of this Part, the Minister may appoint as an Inspector of Accidents any individual (whether or not a public officer) who has suitable qualifications and experience to properly exercise the powers of an Inspector of Accidents under this Part.

[10/2014]

(2) Where 2 or more public officers are appointed as Inspectors, the Minister must appoint from among them a Chief Inspector of Accidents.

[10/2014]

(3) There shall be established a department of the Government known as the Air Accident Investigation Bureau of Singapore or AAIB, comprising such number of public officers who are Inspectors of Accidents and such other public officers as are necessary for the proper functioning of the AAIB.

[10/2014]

(4) The function of the AAIB shall be to carry out investigations into any accident or serious incident —

- (a) that occurs in Singapore;
- (b) that occurs outside Singapore, that involves a Singapore registered aircraft or an aircraft operated by a Singapore operator and if either of the following apply:

- (i) the occurrence is in any non-contracting State which does not intend to carry out an investigation of the accident or serious incident in accordance with Annex 13;
  - (ii) the investigation has been delegated to Singapore by another Contracting State by mutual arrangement and consent; or
- (c) that occurs in a location which cannot be definitely established as being in the territory of any State and that involves a Singapore registered aircraft or an aircraft operated by a Singapore operator.

[10/2014]

(5) In addition to subsection (4), the AAIB —

- (a) may carry out such other investigations into incidents (other than serious incidents) —
  - (i) that occurs in Singapore from which air safety lessons may be derived; or
  - (ii) that occurs outside Singapore, that involves a Singapore registered aircraft or an aircraft operated by a Singapore operator, and from which air safety lessons may be derived; and
- (b) may discharge such other function which is incidental or conducive to the attainment or furtherance of the purposes of this Part as may be prescribed by regulations made for the purposes of this Part.

[10/2014]

(6) In exercising any power under this Part, the AAIB and every Inspector must ensure that the power conferred on the AAIB and an Inspector must be exercised in a manner that is consistent with Singapore's obligations under the Chicago Convention.

[10/2014]

(7) The AAIB must, as soon as practicable after an investigation under this Part has been completed, publish, by electronic or other means, a report in relation to the investigation.

[10/2014]

**Purpose of investigations under this Part**

**13C.**—(1) The sole objective of an investigation of an accident or incident under this Part shall be the prevention of accidents and incidents, and not to apportion blame or liability.

[10/2014]

(2) Any investigation carried out under this Part shall be separate from any judicial or administrative proceedings to apportion blame or liability.

[10/2014]

**Relationship with other laws**

**13D.**—(1) For the avoidance of doubt, nothing in this Part shall limit the powers of any authority to investigate accidents under any written law for the time being in force relating to merchant shipping.

[10/2014]

(2) Nothing in this Part shall limit the powers of cancelling, suspending or endorsing any aviation safety instrument or other approval, licence, permit or other document issued or granted under this Act or any of its subsidiary legislation.

[10/2014]

*Division 2 — Reporting of accidents, serious incidents and aviation safety issues*

**Compulsory reporting of accidents and serious incidents**

**13E.**—(1) If a relevant person has knowledge of —

- (a) an accident or a serious incident occurring in Singapore; or
- (b) an accident or a serious incident outside Singapore involving a Singapore registered aircraft or an aircraft operated by a Singapore operator,

the relevant person must give notice of the accident or serious incident to the AAIB within such time and in such manner as may be so prescribed.

[10/2014]



(2) In this section, “relevant person” means —

- (a) the owner, operator or pilot-in-command of the aircraft at the time of the accident or serious incident;
- (b) where the accident or serious incident occurs on or adjacent to an aerodrome in Singapore, the owner or operator of the aerodrome;
- (c) where the accident or serious incident occurs in Singapore airspace, the provider of air traffic services;
- (d) where the accident or serious incident occurs during a flying display in Singapore, the organiser of the flying display; and
- (e) in all other accidents, serious incidents or incidents, such persons as may be prescribed by regulations made for the purposes of this Part.

[10/2014]

(3) A relevant person who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

[10/2014]

### **Voluntary reporting scheme**

**13F.**—(1) Rules (referred to in this Act as the voluntary reporting rules) may be made by the Minister under this section to establish a scheme —

- (a) for the voluntary and confidential reporting of aviation safety issues;
- (b) to identify deficiencies and problems arising out of such reports; and
- (c) to provide data for safety improvements to the Singapore aviation system.

[10/2014]

- (2) The voluntary reporting rules must prescribe for —
- (a) the voluntary and confidential reporting of aviation safety issues to one or more persons designated in the rules (referred to in this Part as a designated person);
  - (b) the manner in which such reports are to be made;
  - (c) the use and disclosure by a designated person of information contained in such reports and information the designated person obtains or generates in the course of considering any such report, which shall not be inconsistent with section 13G; and
  - (d) any other matters necessary or incidental to the establishment or operation of a scheme in accordance with subsection (1).

[10/2014]

(3) All voluntary reporting rules made shall be presented to Parliament as soon as possible after publication in the *Gazette*.

[10/2014]

### **Protection for reporting aviation safety issues**

**13G.—**(1) Subject to subsection (4) —

- (a) a report of an aviation safety issue made by a person (referred to in this section as the reporter) to a designated person in accordance with the voluntary reporting rules or any evidence of the contents of such a report; and
- (b) the fact that such a report of an aviation safety issue was made by the reporter to a designated person,

shall not be admissible in evidence against the reporter in any administrative proceedings before any tribunal in Singapore, any civil proceedings or any criminal proceedings before any court other than criminal proceedings for an offence under section 29C.

[10/2014]

(2) A person is not entitled to take disciplinary action against his employee using information derived from a report of an aviation safety issue made by the employee to a designated person in accordance with the voluntary reporting rules.

[10/2014]

(3) A tribunal is not entitled to make a decision of an administrative character (whether or not in the exercise of a discretion) under any written law against a reporter using information derived from a report of an aviation safety issue made by the reporter to a designated person in accordance with the voluntary reporting rules.

[10/2014]

(4) For the avoidance of doubt, this section does not prevent the use of information derived from a source that is not a report of an aviation safety issue made to any designated person in accordance with the voluntary reporting rules.

[10/2014]

(5) In this section, “tribunal” includes any person or body of persons constituted and vested by or under any written law to make a decision of an administrative character.

[10/2014]

### *Division 3 — Investigations*

#### **Powers of Inspectors, etc.**

**14.—**(1) For the purposes of enabling him to carry out an investigation into an accident or incident under and in accordance with this Part and any regulations made for the purposes of this Part, an Inspector shall, where the whole or any part of the investigation is carried out in Singapore —

- (a) have free and unhampered access to the site of the accident or incident as well as to the aircraft, its contents or its wreckage;
- (b) have immediate and unrestricted access to and use of the contents of the flight recorders, air traffic service provider’s records and any other recordings;
- (c) have access to and be provided with the results of examinations of the bodies of victims or of tests made on samples taken from the bodies of the victims;
- (d) have immediate access to and be provided with the results of examinations of the persons involved in the operation of the aircraft or of tests made on samples taken from such persons; and

- (e) have free access to any relevant information or records held by any relevant person within the meaning of section 13E(2), any maintenance contractor or sub-contractor of an operator of an aircraft, the hirer, the designer or the manufacturer of the aircraft, and by the authorities for civil aviation or airport operation or air traffic services.

[10/2014]

(2) For the purposes of enabling him to carry out an investigation into an accident or incident under and in accordance with this Part and any regulations made for the purposes of this Part, an Inspector may, where the whole or any part of the investigation is carried out in Singapore —

- (a) by summons under his hand —
- (i) call before him and examine any person as he thinks fit;
  - (ii) require such person to answer any question or furnish any information or produce any books, papers, documents and articles which he may consider relevant; and
  - (iii) make copies of and retain any such books, papers, documents and articles until the completion of the investigation;
- (b) take statements from all such persons as he thinks fit and require any such person to make and sign a declaration of the truth of the statement made by him;
- (c) on production, if required, of his credentials, enter and inspect any place, building or aircraft the entry or inspection of which appears to him to be necessary for the purposes of the investigation;
- (d) on production, if required, of his credentials, remove, test, take measures for the preservation of or otherwise deal with any aircraft other than an aircraft involved in the accident or incident where it appears to him to be necessary for the purposes of the investigation;

- (e) take possession of, examine, remove, test or take measures for the preservation of any object or evidence as he considers necessary for the purposes of the investigation;
- (f) require an immediate listing of evidence and removal of debris or components for examination or analysis purposes;
- (g) require the readout of the flight recorders;
- (h) in the case of a fatal accident, require a complete autopsy examination of fatally injured flight crew, and, when necessary, passengers and aviation personnel by a pathologist, and if a pathologist experienced in the investigation of aircraft accidents is available, by such pathologist, and require the autopsy report or reports to be submitted to an Inspector;
- (i) where appropriate, require the medical examination or toxicological examination of the crew, passengers and aviation personnel involved in the accident or incident by a medical practitioner, and if a medical practitioner experienced in the investigation of aircraft accidents is available, by such medical practitioner, and require the medical report or toxicological report or both, as the case may be, to be submitted to an Inspector;
- (j) require the crew, passengers and aviation personnel involved in the accident or incident to undergo such other tests (including a breathalyser test) as he considers necessary for the purposes of the investigation, and require the test report or reports to be submitted to an Inspector; and
- (k) have such other powers as may be prescribed in regulations made for the purposes of this Part.

[10/2014]

(3) Without prejudice to the generality of subsections (1) and (2), an Inspector may request another Contracting State to provide such information, facilities or experts as he may consider necessary for the purposes of an investigation.

[10/2014]

(4) A person to whom a summons or requirement is given by an Inspector in accordance with this section shall be guilty of an offence if the person —

- (a) fails to attend before the Inspector in accordance with the summons or requirement;
- (b) refuses to take an oath or make an affirmation when required by the Inspector to do so;
- (c) refuses or fails to answer a question lawfully put to the person; or
- (d) fails to produce to the Inspector the specified evidential material in accordance with the summons or requirement,

and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

[10/2014]

(5) A person is not excused from answering a question or producing evidential material in response to a summons or requirement made by an Inspector under this Part on the ground that the answer, or the production of the material, might tend to incriminate the person.

[10/2014]

(6) Where an individual claims, before answering a question or producing evidential material that he is required by an Inspector under this Part to give, that the answer or the production of evidential material might tend to incriminate him —

- (a) that answer or evidential material;
- (b) the giving of the answer or the production of evidential material; and
- (c) any information, document or thing obtained as a direct or indirect consequence of the giving of the answer or the production of evidential material,

shall not be admissible in evidence against that individual in any civil proceedings or any criminal proceedings other than proceedings for an offence in respect of the falsity of the answer or evidential material produced.

[10/2014]

(7) Subsection (6) shall apply notwithstanding any other written law.

[10/2014]

### **Securing of accident sites, etc.**

**14A.**—(1) Subject to subsection (2), where an accident or a serious incident occurs in Singapore —

- (a) no person other than the Chief Inspector of Accidents, an investigator in charge of the investigation into that accident or serious incident (referred to in this Part as the investigator-in-charge) or an authorised person shall have access to the aircraft involved in the accident or serious incident, the contents of the aircraft or the site of the accident or serious incident; and
- (b) no person shall move or interfere with the aircraft, its contents or the site of the accident or serious incident except under the authority of the Chief Inspector of Accidents or the investigator-in-charge.

[10/2014]

(2) Subsection (1) shall not apply if the conduct was necessary —

- (a) to extricate persons or animals from an accident site;
- (b) to remove any mail, valuable property or dangerous goods from the accident site;
- (c) to prevent destruction of any aircraft, the wreckage of an aircraft or other evidence by fire or other cause;
- (d) to move an aircraft, or the wreckage of an aircraft, to a safe place if the aircraft or wreckage is in water; or
- (e) to prevent any danger or obstruction to the public, air navigation or other transport.

[10/2014]

(3) In this section, “authorised person” —

- (a) means any person authorised by the Chief Inspector of Accidents or the investigator-in-charge either generally or specifically to have access to any aircraft involved in an

accident or a serious incident, and includes any police officer or any officer of customs; and

- (b) in relation to an accident involving a military aircraft belonging to the Singapore Armed Forces, includes any person authorised by the Chief of Air Force.

[10/2014]

### **Appointment of accredited representative, adviser and expert**

**14B.**—(1) Where an accident or incident occurs outside Singapore in a Contracting State and —

- (a) where Singapore is the State of Registry, State of the Operator, State of Manufacture or State of Design of the aircraft involved in the accident or incident; or
- (b) where Singapore, at the request of the Contracting State conducting the investigation, is requested to provide information, facilities or experts to that Contracting State in connection with the investigation,

the Minister may appoint an accredited representative and one or more advisers to assist the accredited representative.

[10/2014]

(2) The Minister may also appoint an expert to participate in the investigation into an accident which occurs in another Contracting State where Singapore has a special interest in the accident by virtue of fatalities or injuries to citizens of Singapore.

[10/2014]

(3) The accredited representative and an adviser appointed by the Minister under subsection (1) may, for the purposes of the investigation in which they are participating, exercise such rights and powers of an Inspector in respect of any aircraft, records, information, documents, objects, witnesses or other evidence in Singapore or held by any person in Singapore specified in section 14.

[10/2014]

### **Obstructing investigations, etc.**

**14C.**—(1) Where —

- (a) a person engages in conduct;



- (b) the person knows that the conduct, or is reckless as to whether the conduct, will adversely affect an investigation under this Part that is being conducted at that time or that could be conducted at a later time;
- (c) the conduct has the result of adversely affecting such an investigation (whether or not the investigation has started at that time); and
- (d) the conduct is not authorised by the Chief Inspector of Accidents, an Inspector or any person acting under the authority of the Minister, Chief Inspector of Accidents or Inspector under this Part,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

[10/2014]

(2) Subsection (1) shall not apply if the person has a reasonable excuse, the burden of proof of which lies with that person.

[10/2014]

### **Limitations on disclosure of records of investigation, etc.**

**14D.**—(1) In this section, “restricted information” means —

- (a) all statements (whether oral or in writing) obtained from persons by an Inspector, or by a person acting under the authority of the Minister or Chief Inspector of Accidents, in the course of an investigation under this Part (including any record of any such statement);
- (b) all communications with any person having been involved in the operation of an aircraft that is being or has been investigated under this Part;
- (c) all medical or private information regarding persons (including deceased persons) involved in the accident or incident that is being or has been investigated under this Part;
- (d) any cockpit voice recording and transcript from such recording;

- (e) any air traffic services recording and transcript from such recording;
- (f) any cockpit airborne image recording and any part or transcript from such recording;
- (g) records of the analysis of information or evidential material acquired in the course of an investigation under this Part (such as but not limited to flight recorder information), including any opinion expressed by a person in the analysis of such information or evidential material;
- (h) information that is contained in a report of an aviation safety issue made under the voluntary reporting rules;
- (i) information that is obtained or generated by a designated person in the course of considering a report of an aviation safety issue made under the voluntary reporting rules; and
- (j) records of the analysis of information contained in a report of an aviation safety issue made under the voluntary reporting rules, including opinions expressed by a person in that analysis.

[10/2014]

(2) Subject to subsection (3), a person who is or has been an Inspector, a member of the staff of the AAIB, or an adviser, or who has or has had access to any restricted information, shall not disclose or make available any restricted information to any other person or a court.

[10/2014]

(3) Subsection (2) shall not apply —

- (a) to anything done by a person in performing functions or exercising powers under, or in connection with, this Part or the subsidiary legislation made for the purposes of this Part;
- (b) to disclosure to a court in criminal proceedings for an offence under any provision of this Part or the subsidiary legislation made for the purposes of this Part or under section 29C; or
- (c) to disclosure where the High Court determines that the benefits resulting from the disclosure outweigh the adverse

domestic and international impact the disclosure may have on that or any future investigation.

[10/2014]

(4) If a person is prohibited by this section from disclosing any restricted information, then the person cannot be required by any court to disclose the information, and any information disclosed by the person in contravention of this section shall not be admissible in any civil proceedings or any criminal proceedings (other than proceedings against the person under this section).

[10/2014]

(5) A report referred to in section 13B(7) is not admissible in evidence in any civil proceedings and any criminal proceedings, that is not an inquiry under the Coroners Act (Cap. 63A).

[10/2014]

(6) Notwithstanding anything in the National Library Board Act (Cap. 197), the Minister, the Chief Inspector of Accidents, an inspector and an investigator-in-charge shall not be required to hold aircraft records or factual information concerning an accident or incident that is being or has been investigated under this Part beyond such time as is necessary for the completion of the investigation and reports.

[10/2014]

## Regulations

**14E.**—(1) The Minister may, for the purposes of this Part, make regulations in relation to the conduct of investigations into accidents or incidents, including providing for —

- (a) the determination of the circumstances and causes of such accidents and incidents with a view to avoiding similar occurrences in the future; and
- (b) permitting the participation or representation of such accredited representatives and advisers in any investigation as is provided for in Annex 13, including recovery or reimbursement of reasonable expenses incurred by the accredited representatives and advisers by reason of their

participation in the investigation from owners or operators of the aircraft involved.

[10/2014]

(2) All regulations made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

[10/2014]

(3) The provisions of any order made under section 3 by the Minister before 1st April 2014<sup>1</sup> in relation to investigations into accidents and incidents involving aircraft and in force immediately before that date shall continue in force as if made under this section until the provision is revoked or repealed by regulations made under this section.

[10/2014]

### **Information as to air transport undertakings and use of customs aerodromes**

15.—(1) The Minister may make regulations —

(a) requiring any person —

- (i) who carries on the business of carrying passengers or goods in aircraft for hire or reward on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be specified in the regulations; or
- (ii) who is the holder of a licence in respect of a customs aerodrome,

to furnish to such authorities as may be specified in the regulations such information relating to the use of aircraft for the purpose of his business and to the persons employed in connection with that use, or, as the case may be, relating to the use of the aerodrome and to the persons employed in aircraft arriving at the aerodrome or departing therefrom, as may be prescribed by the regulations;

(b) requiring the owner, or the pilot or other person in charge, of any aircraft arriving at, or departing from, any customs aerodrome to furnish to the holder of the licence in respect of

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<sup>1</sup> Date of commencement of the Air Navigation (Amendment) Act 2014 (Act 10 of 2014).

that aerodrome such information as may be necessary to enable the holder of the licence to comply with such of the provisions of the regulations as relate to him;

- (c) prescribing the times at which, and the form and manner in which, any information required under the regulations is to be furnished,

except that a person carrying on such a business as is mentioned in paragraph (a)(i) shall not be required to furnish information relating to the use of aircraft on journeys wholly outside Singapore, or relating to persons exclusively employed outside Singapore, unless the person carrying on the business is either a citizen of Singapore or of a Commonwealth country or a body corporate incorporated under the law of Singapore.

(2) Regulations made under this section may provide for imposing on any person who contravenes any provision of the regulations such penalties (not exceeding a fine of \$500 and a further fine of \$100 for every day during which the contravention continues after conviction) as may be specified in the regulations.

(3) No information with respect to any particular undertaking which has been obtained by virtue of regulations made under this section shall, without the consent of the person carrying on that undertaking, be disclosed otherwise than in connection with the execution of such regulations, and if any person discloses any such information in contravention of this subsection, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one year or to both.

(4) Nothing in subsection (3) 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 of regulations made under this section, or for the purpose of any report of any such proceedings, but, save as aforesaid, the restriction imposed by this subsection shall, in relation to any legal proceedings (including 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 consent of the person carrying on the undertaking to which the information relates.

(5) In this section, “customs aerodrome” means an aerodrome for the time being appointed as a place of landing and departure of aircraft for the purposes of any written law relating to customs.

### **Licensing of air transport and commercial flying**

**16.—**(1) The Minister may make regulations —

(a) to secure that aircraft shall not be used in Singapore by any person —

(i) for flying, 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 at different points) as may be specified in the regulations;  
or

(ii) for such flying undertaken for the purpose of any trade or business as may be so specified,

except under the authority of, and in accordance with, a licence or permit granted by such licensing authority as is specified in the regulations;

(aa) providing that an eligibility certificate or document shall be required to be obtained before a licence or permit may be granted or continue to be held under the regulations;

(ab) providing for applications for an eligibility certificate or document referred to in paragraph (aa) and for the circumstances in which such a certificate or document may or shall be granted, refused, revoked or suspended by such licensing authority as is specified in the regulations;

(b) as to the circumstances in which a licence or permit under the regulations may or shall be granted, refused, revoked or suspended, and in particular as to the matters to which the licensing authority specified in the regulations is to have regard in deciding whether to grant or refuse such a licence or permit;

- (c) as to appeals to the Minister against decisions by any licensing authority under the regulations with regard to any eligibility certificate or document referred to in paragraph (aa) or any licence or permit;
- (ca) requiring prior consent or approval from such licensing authority as is specified in the regulations to the transfer or assignment of any licence or permit;
- (d) as to the conditions which may be attached to such an eligibility certificate or document referred to in paragraph (aa), or a licence or permit (including conditions as to the fares, freight 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 an eligibility certificate or document referred to in paragraph (aa), or a licence or permit to such authorities as may be specified in the regulations;
- (f) prescribing the fees to be paid in respect of the application for and the grant of any eligibility certificate or document referred to in paragraph (aa), or a licence or permit under the regulations,

and such regulations may make different provision as respects different classes of aircraft and different classes of eligibility certificates or documents, licences and permits.

[10/2014]

(2) Regulations made under this section may, for the purpose of securing compliance with those regulations, provide for the imposition of the following penalties:

- (a) in the case of a first offence under the regulations, a fine not exceeding \$5,000 or imprisonment for a term not exceeding 3 months or both; and
- (b) in the case of a second or subsequent offence under the regulations, a fine not exceeding \$50,000 or imprisonment for a term not exceeding 2 years or both.

## PART IIB

## AVIATION SECURITY

**Interpretation of this Part**

17.—(1) In this Part, unless the context otherwise requires —

“act of unlawful interference” means the doing or attempting to do anything such as to jeopardise the safety of civil aviation and air transport, and includes any of the following:

- (a) unlawful taking control of an aircraft by force, or threat of force, or any other form of intimidation or by any trick or false pretence;
- (b) destroying an aircraft that is in service;
- (c) hostage-taking on board an aircraft or at an airport;
- (d) forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility that puts the safety of the aircraft, or any person on board or outside the aircraft, at risk;
- (e) introducing on board an aircraft or at an airport a weapon or hazardous device or material intended for criminal purposes;
- (f) use of an aircraft in service for the purpose of causing death, serious bodily injury or serious damage to property or the environment;
- (g) putting the safety of an aircraft in flight or on the ground, or of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility at risk by communicating false or misleading information;

*[Deleted by Act 16 of 2015 wef 01/06/2015]*

“aviation industry participant” means —

- (a) an airport operator who holds an airport licence under the Civil Aviation Authority of Singapore Act (Cap. 41)



or who is exempted from holding such a licence under section 43 of that Act;

- (b) an aircraft operator;
- (c) an air cargo agent;
- (d) the Authority;
- (e) a person who occupies or controls an area of an airport (whether under a lease, sublease or other arrangement);  
or
- (f) a contractor who provides services to any person mentioned in paragraphs (a) to (e);

“aviation security incident” means a threatened act of unlawful interference or an act of unlawful interference;

“in service”, in relation to an aircraft, includes the period the aircraft is in flight;

“passenger” includes an intending passenger;

“security programme”, in relation to an aviation industry participant, means a programme prepared in accordance with the aviation security regulations, and containing matters prescribed in those regulations to show that the aviation industry participant —

- (a) is aware of the participant’s general responsibility to contribute to the maintenance of aviation security;
- (b) has developed an integrated, responsible and proactive approach to managing aviation security;
- (c) is aware of, and has the capacity to meet, the specific obligations imposed on the participant under this Part;  
and
- (d) has taken into account relevant features of the participant’s operation in developing activities and strategies for managing aviation security.

[10/2014]

(2) For the purposes of this Part, a reference to an aviation industry participant shall not include a reference to —

- (a) the Singapore Police Force;
- (b) the Singapore Civil Defence Force; and
- (c) the Singapore Armed Forces.

[10/2014]

### **National Civil Aviation Security Authority**

**17A.**—(1) The Minister shall appoint a public officer or a statutory authority established by any public Act for a public purpose as the National Civil Aviation Security Authority.

[10/2014]

(2) The National Civil Aviation Security Authority shall, in consultation with the Authority and the National Civil Aviation Security Committee, be responsible for the development, implementation and maintenance of the National Civil Aviation Security Programme or NCASP in Singapore to safeguard civil aviation operations against acts of unlawful interference.

[10/2014]

(3) Without prejudice to the generality of subsection (2), the functions of the National Civil Aviation Security Authority shall be —

- (a) to define and allocate tasks and co-ordinate activities between aviation industry participants, persons engaged in civil aviation related activities, the departments, agencies and organisations of Singapore and other entities concerned with or responsible for the implementation of various aspects of the NCASP;
- (b) to require such aviation industry participants as are prescribed by any aviation security regulations to have an aviation security programme to develop, and comply with, aviation security programmes in accordance with the requirements in those regulations and to review and approve these aviation security programmes;
- (c) to ensure the development and implementation of a programme known as the National Civil Aviation Security Training Programme for the training of personnel of all entities involved with or responsible for the implementation of various aspects of the NCASP;

- (d) to develop, implement and maintain a programme known as the National Civil Aviation Security Quality Control Programme to determine compliance with and validate the effectiveness of the NCASP;
- (e) to advise and make recommendations to the Minister on matters relating to civil aviation security, including the implementation of international conventions entered into by or on behalf of Singapore and any revision to any written law arising from that implementation; and
- (f) to carry out such other functions relating to aviation security as may be prescribed under any aviation security regulations.

[10/2014]

(4) Notice of every appointment under subsection (1) shall be published in the *Gazette*.

[10/2014]

(5) The National Civil Aviation Security Authority may, in writing, and subject to such conditions or restrictions as it thinks fit, delegate all or any of its powers under this Part or any aviation security regulations to any aviation security inspector, or to any officer or employee of the National Civil Aviation Security Authority who carries on activities that relate to national security, except the power of delegation conferred by this section.

[10/2014]

(6) Any power delegated under subsection (5) to an aviation security inspector or an officer or employee of the National Civil Aviation Security Authority may be performed or exercised by the inspector, officer or employee to whom the power has been delegated in the name and on behalf of the National Civil Aviation Security Authority.

[10/2014]

(7) No delegation under this section shall prevent the performance or exercise of any function, duty or power by the National Civil Aviation Security Authority.

[10/2014]

(8) The National Civil Aviation Security Authority shall appoint in writing —

- (a) such number of police officers; and

- (b) such other individuals (whether or not public officers) each with suitable qualifications and experience to properly exercise the powers of an aviation security inspector,

to be aviation security inspectors for the purposes of this Part.

[10/2014]

(9) The National Civil Aviation Security Authority must issue to each aviation security inspector an identification card, which must be carried at all times by the aviation security inspector when exercising powers under any provision in this Part or any aviation security regulations.

[10/2014]

### **National Civil Aviation Security Committee**

**17B.**—(1) There shall also be a National Civil Aviation Security Committee, comprising such persons as the Minister may appoint, whose function is —

- (a) to advise the National Civil Aviation Security Authority on civil aviation security policies, strategic matters and decisions, and the measures necessary to meet threats to civil aviation;
- (b) to continually review such measures and make recommendations for changes in response to information on new threats, developments in aviation security technology and techniques and other relevant factors;
- (c) to co-ordinate aviation security measures among aviation industry participants, persons engaged in civil aviation related activities, and the departments, agencies and organisations of Singapore and other entities concerned with or responsible for the implementation of various aspects of the NCASP;
- (d) to promote security considerations in the design of new airports or alterations to existing facilities;
- (e) to recommend the promulgation of, and co-ordinate the implementation of changes in, national aviation security policies, in consultation with the National Civil Aviation Security Authority; and

- (f) to consider recommendations made by aviation industry participants and, where appropriate, recommend changes to the NCASP, airport security programmes or operator security programmes to the National Civil Aviation Security Authority.

[10/2014]

(2) If any member of the National Civil Aviation Security Committee dies, resigns or is removed from office by the Minister, the Minister may appoint another person to fill the vacancy, and the person so appointed shall hold office for the remainder of the term for which the vacating member was appointed.

[10/2014]

(3) Subject to the provisions of this Act or any aviation security regulations, the National Civil Aviation Security Committee may determine its own procedure.

[10/2014]

(4) The National Civil Aviation Security Committee may appoint, from among its own members or other persons who are not members of the National Civil Aviation Security Committee, such number of sub-committees as it may think fit consisting of its members or other persons, or both its members and other persons, for purposes which, in the opinion of the National Civil Aviation Security Committee, would be better regulated and managed by means of such sub-committees.

[10/2014]

### **Powers of NCASA, aviation security inspectors, etc.**

**17C.**—(1) The National Civil Aviation Security Authority, any police officer authorised by the NCASA and any aviation security inspector may exercise the powers specified in subsection (2), for all or any of the following purposes:

- (a) determining whether a person is complying with any provision of or requirement under this Part or any aviation security regulations;
- (b) investigating a possible contravention of any provision of or requirement under this Part or any aviation security regulations;

- (c) determining whether a security directive should be issued to any person referred to in section 17D(1).

[10/2014]

(2) For the purposes of subsection (1), the National Civil Aviation Security Authority, any police officer authorised by the NCASA and any aviation security inspector may —

- (a) enter and inspect —
- (i) any part of an airport;
  - (ii) any area, building (other than a residence) or vehicle under the control of an aviation industry participant or person referred to in section 17D(1)(b); and
  - (iii) if an aviation industry participant or a person referred to in section 17D(1)(b) operates from a residence or a part of a residence, the residence or the part of the residence from which the participant or person, as the case may be, operates;
- (b) inspect equipment in a place or vehicle mentioned in paragraph (a);
- (c) observe the operating procedures of an aviation industry participant or person referred to in section 17D(1)(b);
- (d) discuss those procedures referred to in paragraph (c) with an employee of the aviation industry participant or person referred to in section 17D(1)(b) or with another aviation industry participant or such person;
- (e) inspect, photograph or copy a document or record made or kept by an aviation industry participant or person referred to in section 17D(1)(b);
- (f) operate equipment at a place mentioned in paragraph (a) for the purposes of gaining access to a document or record made or kept by an aviation industry participant or person referred to in section 17D(1)(b);
- (g) enter and inspect an aircraft at an airport;
- (h) inspect equipment in the aircraft mentioned in paragraph (g);

- (i) observe the operating procedures for the aircraft (whether carried out by the crew or some other person);
- (j) discuss those procedures referred to in paragraph (i) with a person carrying them out or with another aviation industry participant or person referred to in section 17D(1)(b); and
- (k) inspect, photograph or copy a document or record held in the aircraft that relates to a passenger or an item of cargo.

[10/2014]

(3) The National Civil Aviation Security Authority, any police officer authorised by the NCASA and any aviation security inspector may exercise a power specified in subsection (2) —

- (a) if the power is exercised within the boundaries of an airport — at any time and without notice;
- (b) at any time and without notice, if the power is exercised outside the boundaries of an airport and is a power specified —
  - (i) in subsection (2)(a)(ii), (c) or (d);
  - (ii) in subsection (2)(e) to the extent that it relates to subsection (2)(a) or (d); or
  - (iii) in subsection (2)(f) to the extent that it relates to subsection (2)(a)(iii); and
- (c) otherwise — after giving the aviation industry participant concerned reasonable notice.

[10/2014]

(4) An auxiliary police officer who is authorised in writing by the National Civil Aviation Security Authority may assist the National Civil Aviation Security Authority, a police officer authorised by the NCASA or an aviation security inspector exercising in Singapore any power under any provision in this Part or any aviation security regulations.

[10/2014]

### Security directives

**17D.**—(1) The National Civil Aviation Security Authority may, in writing (referred to in this Act as a security directive), require any of

the following persons to carry out, within the time delimited by the security directive, such security measures as the National Civil Aviation Security Authority may specify in the security directive:

- (a) any aviation industry participant or class of aviation industry participants;
- (b) any person who is not an aviation industry participant, or any class of persons who are not aviation industry participants —
  - (i) who operate, maintain, or service, or do any other act in respect of any aircraft, aeronautical product, aviation-related service, air traffic service, or aeronautical procedure (whether or not at an airport); or
  - (ii) who have access to the airside, or to a protected area or protected place within an airport, for the purposes of any business carried on or service provided by the person or persons.

[10/2014]

(2) The National Civil Aviation Security Authority may, at any time, vary or rescind a security directive given under subsection (1), and that security directive shall have effect until it is so varied or rescinded, or rescinded and replaced by another security directive.

[10/2014]

(3) If —

- (a) a security directive is given to a person, or to the class of persons to which the person belongs, under subsection (1);
- (b) the security directive is in force; and
- (c) the person fails to comply or do anything required of the person by the security directive,

that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

[10/2014]

(4) Subsection (3) shall not apply if the person has a reasonable excuse, the burden of proof of which lies with the person.

[10/2014]



(5) Notwithstanding subsection (1), a security directive need not be in writing in cases of extreme urgency, in order to respond rapidly —

- (a) to any specific aviation security incident requiring immediate action or additional security measures; or
- (b) to a change in the nature of an existing general threat of an act of unlawful interference, requiring immediate action or additional security measures,

and in such case, the National Civil Aviation Security Authority may issue a verbal security directive to any person, which shall be confirmed in writing as soon as practicable thereafter.

[10/2014]

(6) In this section, “security measure” includes —

- (a) any measure, equipment and procedures to carry out screening or re-screening and clearing of —
  - (i) any person boarding an aircraft; or
  - (ii) any baggage, cargo or other thing to be carried on an aircraft;
- (b) passenger check-in and boarding procedures, including procedures for dealing with —
  - (i) diplomats and other special passengers, their diplomatic bags and baggage;
  - (ii) passengers with reduced mobility or a medical condition;
  - (iii) transit passengers, passengers in custody and suspect behaviour in passengers; and
  - (iv) anomalies in passenger reconciliation that may arise during check-in or boarding;
- (c) any security measures and procedures to be used within an airport, including measures —
  - (i) to control access at the airport and maintain the integrity of access control systems;

- (ii) to deter and detect unauthorised access into the airside area by people, aircraft, vehicles or things;
  - (iii) to deter and detect unauthorised access into the airside security zone by people, aircraft, vehicles or things;
  - (iv) to deter and detect unauthorised access into a landside security zone by people, vehicles or things;
  - (v) to assess, identify and respond to unknown substances;
  - (vi) to investigate, secure, and remove unattended or suspect vehicles, aircraft or things, including baggage and cargo; and
  - (vii) to ensure the security of passwords, keys and key lists, electronic access cards and other security privileges;
- (d) any measure to deter unauthorised possession of firearms, weapons and other prohibited items in an airport or aircraft, including procedures —
- (i) for dealing with surrendered firearms, other weapons and prohibited items;
  - (ii) for handling and movement of firearms and other weapons; and
  - (iii) for using firearms and other weapons in the airside area or landside security zones;
- (e) any measure and procedures for responding to and investigating aviation security incidents and threats and breaches of aviation security, including measures by an aircraft operator or the pilot-in-command of an aircraft in Singapore —
- (i) to hold the aircraft in a particular position or within a particular area until specified actions are taken or until a specified event occurs;
  - (ii) to ensure that the aircraft leaves a particular place or a particular area;
  - (iii) to ensure that the aircraft lands at a particular place or within a particular area; or

- (iv) to ensure that the aircraft lands outside of a particular area;
- (f) any measure and procedures —
  - (i) for reporting aviation security incidents or security breaches, including occurrences that threaten the security of the airport or any aircraft in the airport;
  - (ii) for evacuation and emergency management in case of an aviation security incident, security threat or breach of security, including an aircraft hijacking, a bomb threat or a failure of critical security equipment; or
  - (iii) for responding to any security directive verbally given under subsection (5), including procedures to communicate the directive within the airport;
- (g) any measure and procedures to undertake reasonable searches of —
  - (i) any person boarding an aircraft;
  - (ii) any thing to be carried on an aircraft;
  - (iii) any aircraft or class of aircraft, or any aerodrome or class of aerodromes or any navigation installation or class of navigation installations specified in a security directive; or
  - (iv) any unattended item, substance, or vehicle in an aerodrome or aircraft within an aerodrome;
- (h) any measure to seize any item or substance specified in a security directive if the person given the security directive (or the person's agent) has reasonable grounds to believe that there is no lawful authority or reasonable excuse for the item or substance to be carried on an aircraft; and
- (i) any measure by an aircraft operator or the pilot-in-command of an aircraft in Singapore and that is not in flight —
  - (i) to hold the aircraft in a particular position or within a particular area until specified actions are taken or until a specified event occurs;

- (ii) to take particular actions, or ensure that particular actions are taken, on or in relation to an aircraft;
- (iii) to take particular actions, or ensure that particular actions are taken, in relation to a person or thing on, or to be carried by, the aircraft; or
- (iv) to allow any police officer, any aviation security inspector or any other person authorised by the NCASA to inspect the aircraft.

[10/2014]

### **Requirement to have security programme**

**17E.**—(1) An aviation industry participant shall be guilty of an offence if —

- (a) the aviation industry participant is required by any aviation security regulations to have a security programme; and
- (b) there is not such a programme in force for that aviation industry participant.

[10/2014]

(2) An aviation industry participant shall be guilty of an offence if —

- (a) the aviation industry participant is required by any aviation security regulations to have a security programme, and there is such a programme in force for that aviation industry participant; but
- (b) the aviation industry participant fails to comply with that programme.

[10/2014]

(3) Subsections (1) and (2) do not apply to an aviation industry participant who has a reasonable excuse.

[10/2014]

(4) An aviation industry participant who is guilty of an offence under subsection (1) or (2) shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

[10/2014]

(5) For the purposes of this Part, if the National Civil Aviation Security Authority approves a security programme in respect of an aviation industry participant, the programme comes into force for that participant at the time specified in the notice of approval.

[10/2014]

### **Aviation security regulations**

**17F.**—(1) In the interests of safety or security within the civil aviation system, the Minister may make regulations in the *Gazette* prescribing matters necessary or convenient to be prescribed for carrying out or giving effect to this Part, including but not limited to all or any of the following matters:

- (a) the matters to be contained in each security programme, each security programme for a particular kind of aviation industry participant, or each security programme for a particular class of a particular kind of aviation industry participant;
- (b) the requirements with respect to security programmes, including —
  - (i) requiring aviation industry participants to prepare or alter such programmes;
  - (ii) requiring the approval by the National Civil Aviation Security Authority of programmes and of alterations of them;
  - (iii) empowering the National Civil Aviation Security Authority to prepare and alter such programmes; and
  - (iv) requiring specified persons in addition to aviation industry participants to comply with such security programmes as in force at a particular time or from time to time;
- (c) the requirements relating to —
  - (i) the management and control of passengers (including persons in custody) on board an aircraft;
  - (ii) the security features on an aircraft;

- (iii) pre-flight checks of aircraft cabins and other parts of an aircraft;
  - (iv) procedures to be used and measures to be taken in relation to baggage that is loaded, or is intended to be loaded, onto a prescribed aircraft;
  - (v) unattended aircraft; or
  - (vi) such other matters for the purposes of safeguarding against acts of unlawful interference;
- (d) the prevention of interference with aerodromes and other aviation-related facilities;
- (e) the control of access to different parts of an aerodrome and other aviation-related facility, including —
- (i) conditions of entry, the issue and use of security passes and other identification systems;
  - (ii) the provision of lighting, fencing and storage facilities in the different parts of aerodromes and other aviation-related facilities;
  - (iii) requirements for the approval of building works within, or adjacent to, the different parts of aerodromes or other aviation-related facilities;
  - (iv) the screening of people, vehicles or goods (other than cargo) for entry to different parts of aerodromes or other aviation-related facilities;
  - (v) requirements relating to the entry of cargo to the different parts of aerodromes or other aviation-related facilities;
  - (vi) the security checking (including background checking) of persons who have access to the different parts of aerodromes or other aviation-related facilities;
  - (vii) the movement, management or operation of aircraft (including unattended aircraft), vehicles and other

machinery in the different parts of aerodromes or other aviation-related facilities; and

- (viii) the management of people and goods (including the management of unaccompanied, unidentified or suspicious goods) in the different parts of aerodromes or other aviation-related facilities and the sale or disposal of vehicles or goods abandoned therein;
- (f) the control of things likely to be hazardous to aviation security, including but not limited to any of the following:
  - (i) the safe carriage of firearms and other dangerous or hazardous goods or substances by air;
  - (ii) the construction, use, or operation of anything likely to be hazardous to aviation security;
- (g) the requirements for or in relation to the giving of security directives under section 17D;
- (h) the fees to be paid in respect of the issue, validation or renewal of any licence, registration or other document required by the regulations and in respect of any other matters in respect of which it appears to the Minister to be expedient for the purpose of the regulations to charge fees.

[10/2014]

(2) The regulations made under this section may provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$100,000 or with imprisonment for a term not exceeding 5 years or with both.

[10/2014]

(3) All aviation security regulations made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

[10/2014]

(4) The provisions of any order made by the Minister before 1st April 2014<sup>1</sup> in relation to aviation security and in force immediately before that date shall continue in force as if made

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<sup>1</sup> Date of commencement of the Air Navigation (Amendment) Act 2014 (Act 10 of 2014).

under this Part, and may from time to time be amended or revoked under this section.

[10/2014]

[Act 16 of 2015 wef 01/06/2015]

### PART III

## CONTROL OF OBSTRUCTIONS IN VICINITY OF AERODROMES

### **Indication of presence of obstructions near aerodromes**

**18.**—(1) Subject to subsection (2), if the Authority is satisfied, with respect to any structure in the vicinity of an aerodrome to which this section applies, that, in order to avoid danger to aircraft flying in that vicinity in darkness or conditions of poor visibility, provision ought to be made (whether by lighting or otherwise) for giving to the aircraft warning of the presence of that structure, it may by order authorise (subject to any conditions specified in the order) the proprietor of the aerodrome, and any person acting under the proprietor's instructions —

- (a) to execute, install, maintain, operate, and, as occasion requires, repair and 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 of the powers conferred by the order to enter upon and pass over (with or without vehicles) any such land as may be specified in the order.

[10/2014]

(2) No order shall be made under subsection (1) in relation to any structure if it appears to the Authority that there have been made, and are being carried out, satisfactory arrangements for the giving of such warning of the presence of the structure.

[10/2014]

(3) The Authority shall, before making any order under subsection (1), cause to be published, in such manner as it 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 2 months after the publication of the notice as may be specified in the notice, be made to the Authority by any person appearing to the Authority 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 this section, be made with such modifications (if any) of the original draft as the Authority thinks proper.

[10/2014]

(4) Every order made under subsection (1) 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 14 days previously, the 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 proprietor to have an interest in that land, 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;
- (b) that if, within 14 days after service of such notice on any person having such an interest, the 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 Authority; and
- (c) for requiring the proprietor of the aerodrome to which the order relates to pay to any person having an interest in any land affected by the order such compensation for any damage or loss which that person may suffer in consequence of the order as may, in default of agreement, be determined from time to time by a single arbitrator appointed by the Chief Justice.

[10/2014]

(5) For the purposes of this section, 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 structure to which the 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.

(6) 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; and, subject to subsection (8), so long as any such order in respect of an aerodrome is in force, no person shall, except with the consent of the 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.

(7) If any person contravenes any of the provisions of subsection (6), he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

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

(a) notice of the doing of that work is given as soon as possible to the proprietor of the aerodrome; and

(b) the giving of warning of the presence of the structure in the manner provided by any order made under this section in force in relation thereto is not interrupted.

(9) In this section —

(a) “aerodrome to which this section applies” means any premises which, by virtue of an order made under section 3, are for the time being licensed as an aerodrome for public use or any Government aerodrome; and

(b) “proprietor of the aerodrome”, in relation to any premises used or appropriated for use as an aerodrome, means the airport licensee or exempt airport operator under the Civil

Aviation Authority of Singapore Act (Cap. 41) for those premises, or, in the case of a Government aerodrome, the officer in charge of such aerodrome.

[17/2009]

### **Savings**

**19.**—(1) Subject to subsection (2), this Part shall not apply to aircraft belonging to or exclusively employed in the service of the Government or of the Singapore Armed Forces or of any visiting force lawfully present in Singapore.

(2) The Authority may, by order, apply to any aircraft referred to in subsection (1), with or without modification, any of the provisions of this Part or of any subsidiary legislation made under this Part.

[10/2014]

(3) Nothing in this Part, or in any subsidiary legislation made under this Part, shall prejudice or affect the rights, powers or privileges of any general or local lighthouse authority.

### **Power to declare an area a controlled area**

**20.** Whenever it appears to the Authority that it is or is likely to become necessary for the safety of air navigation in the vicinity of an aerodrome or for securing the efficient operation of any aid to air navigation, whether situated at or in the vicinity of an aerodrome or elsewhere that any area should be cleared or kept clear of obstructions, it may declare the area to be a controlled area for the purposes of this Part and shall define the boundaries of that area.

[10/2014]

### **Power to prohibit or regulate erection of structures and planting trees in controlled area**

**21.** The Authority may, by order, prohibit absolutely or conditionally or regulate the erection of any structure above a height specified in the order, or the planting of any tree or other high growing vegetation, within a controlled area or any part of that area.

[10/2014]

**Notice to remove or alter structure, trees and other vegetation in controlled area**

**22.**—(1) The Authority, or any officer authorised by the Authority in that behalf, may, by notice in writing, require the owner or occupier of any land subject to any order made under section 21, within such time (not being less than one month from the date of the service of such notice upon the person concerned) as may be fixed by the notice —

- (a) to remove or reduce in height any structure on the land, which is above the height specified in the order, whether the structure was erected before or after the making of the order, or any tree or other high growing vegetation, either planted in contravention of the order, or likely, in the opinion of the Authority or the officer to cause an obstruction to aircraft or to hinder the efficient operation of any aid to air navigation;
- (b) to take such steps in regard to, or to effect such alterations to, any structure, tree or other vegetation on any land within a controlled area, or any part of the area, as may be necessary to comply with any conditions imposed by any order made under section 21 applicable to the structure, tree or vegetation or in the case of any structure erected or tree or vegetation existing before the making of the order, which would have been applicable to the structure, tree or other vegetation if it had been erected or planted after the making of the order.

[10/2014]

(2) If default shall be made in complying with the provisions of the notice within the time fixed by the notice, any officer authorised by the Authority either generally or specially in that behalf may enter upon the land and cause such action to be taken as is required by the notice and may recover the cost of and all expenses incurred in doing any necessary work from the person in default.

[10/2014]

**Power of entry on land**

**23.**—(1) Subject to subsection (2), any officer authorised in that behalf by the Authority and any person employed in that behalf under the supervision of that officer may enter upon, survey and take levels

of any controlled area and may do all other acts necessary for the survey and for the purpose of marking out the boundaries of the area or any part of that area.

[10/2014]

(2) No such officer or person shall enter into any building or enclosed garden or compound attached to any building without the consent of the occupier unless he shall have previously given the occupier at least 3 clear days' notice in writing of his intention to do so.

### **Damage caused by reduction or removal of structure or valuable tree or plant**

**24.** When any structure or valuable tree or plant is reduced in height or removed or any expense is reasonably incurred in compliance with any order or the conditions of any order, the owner or occupier of the land shall, unless the structure was erected or the tree or plant was planted in contravention of any order or of the conditions imposed by such order, receive compensation to the extent to which he has suffered damage by reason of such reduction or removal or has incurred such expense.

### **Damage caused by entry on land under section 23**

**25.** Where any damage is done to property in the exercise or purported exercise of any power conferred by section 23, the owner or occupier shall receive compensation to the extent to which he has suffered the damage.

### **Compensation for loss of value of land**

**26.** Where any land in a controlled area is affected by any order made under section 21 prohibiting or regulating the erection of any structure or the planting of any tree or vegetation, the owner or occupier of such land shall be entitled to compensation to the extent (if any) that the value of his land or his interest in the land is shown to have been, by reason of the provisions of the order, depreciated in relation to the current ordinary market value of neighbouring land not included in that order.

**Procedure for settling claims for compensation under section 24, 25 or 26**

27. Where any person is entitled to any compensation by virtue of section 24, 25 or 26, the amount of the compensation shall be determined by agreement or, in default of agreement, by a single arbitrator appointed by the Chief Justice.

## PART IIIA

## MISCELLANEOUS MATTERS

**Offences by bodies corporate, etc.**

27A.—(1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any neglect on his part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

*[12/2007; 10/2014]*

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

*[12/2007]*

(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any neglect on his part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

*[12/2007]*

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

- (a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or
- (b) to be attributable to any neglect on the part of such an officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[12/2007]

(5) In this section —

“body corporate” includes a limited liability partnership which has the same meaning as in section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“officer” —

- (a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or
- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of such a committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

[12/2007]

(6) The Minister may make regulations to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

[12/2007]

### **Certain offences and penalty**

**28.**—(1) Any person who does any act in contravention of, or fails without reasonable excuse to comply with the terms of, any order or notice made or issued under section 21 or 22 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

(2) Any person who wilfully obstructs any person in the exercise of any of the powers conferred by this Part or by any subsidiary legislation made under this Part shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

### **Compounding of offences**

**28A.**—(1) The relevant person may, in his discretion, compound any offence under this Act or any of its subsidiary legislation which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding —

- (a) one-half of the amount of the maximum fine that is prescribed for the offence; or
- (b) \$5,000,

whichever is the lower.

*[32/86; 12/2007; 10/2014]*

(1A) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

*[12/2007]*

(2) The Minister may make rules to prescribe the offences which may be compounded.

*[32/86]*

(3) All sums collected under this section shall be paid to the Consolidated Fund.

*[10/2014]*

(4) In this section, “relevant person”, in relation to an offence that is prescribed as compoundable, means —



- (a) for an offence under Part IIA or IIB or under any subsidiary legislation made for the purpose of either Part, any public officer authorised by the Minister for the purpose of this section; and
- (b) for all other offences, the Director-General of Civil Aviation, or any officer of the Authority authorised by the Director-General of Civil Aviation for the purpose of this section.

[10/2014]

### **Power to make regulations**

**29.** The Minister may make regulations generally for carrying into effect the provisions of this Part.

### **Fees and charges**

**29A.**—(1) Where power is conferred by this Act to make subsidiary legislation prescribing fees or charges, the subsidiary legislation may —

- (a) prescribe or fix different rates of fees and charges in respect of different classes of persons, aerodromes, aircraft, aeronautical products, aviation-related services, air traffic services, or aeronautical procedures, or on the basis of different times of use, or on any other differential basis;
- (b) specify the persons by whom and to whom any fees or charges are payable;
- (c) prescribe a penalty for late payment of any fee or charge, or any additional fees or charges for work or services carried out outside normal working hours or on public holidays;
- (d) provide for the refund or waiver of any fee or charge in whole or in part, in any specified case or class of cases;
- (e) provide for the granting of a rebate of such fees or charges to any person who is liable to pay them —
  - (i) based on the quantity of services used by the person liable to pay the fees or charges; and

- (ii) be offered on an equal percentage basis to any other person using a similar quantity of such services; and
- (f) require returns to be made by persons by whom any fees or charges are payable, and prescribe conditions relating to the making of such returns.

[10/2014]

(2) Where any fee or charge that is payable under this Act or any of its subsidiary legislation for an aviation safety instrument is not paid by the date prescribed or fixed under the Act or subsidiary legislation for payment of that fee or charge, the Authority may suspend the aviation safety instrument to which the unpaid fee or charge relates.

[10/2014]

### **Financial penalties payable to Consolidated Fund**

**29B.**—(1) Any financial penalty imposed on any person by the Authority under this Act or any subsidiary legislation made under this Act —

- (a) shall be collected, and may be sued for and recovered by the Authority;
- (b) shall be deemed to be a debt due to the Government for the purposes of section 127 of the Bankruptcy Act (Cap. 20) and section 10 of the Government Proceedings Act (Cap. 121); and
- (c) shall be paid to the Consolidated Fund upon such collection or recovery,

and where the person is the holder of an aviation safety instrument, or a licence or permit, that person's liability to pay shall not be affected by his aviation safety instrument, licence or permit ceasing, for any reason, to be in force.

[10/2014]

(2) The members, officers and employees of the Authority shall, in relation to their administration, assessment, collection and enforcement of payment of —

- (a) the composition sums imposed under section 28A; or

- (b) the financial penalties due and payable by any person under this Act or any of its subsidiary legislation,

be deemed to be public officers for the purposes of the Financial Procedure Act (Cap. 109), and section 20 of that Act shall apply to these members, officers and employees of the Authority notwithstanding that they are not or were not in the employment of the Government.

[10/2014]

### **False information**

**29C.**—(1) A person commits an offence who —

- (a) by any means, provides to the Authority or any other person information relevant to the Authority's or the person's exercise of powers under this Act, or under any of its subsidiary legislation, knowing the information to be false; or
- (b) being an applicant for any aviation safety instrument or other licence or permit, fails, without reasonable excuse, to provide to the Authority or other person information known to that applicant which is relevant to the Authority's or other person's exercise of powers under this Act, or under any of its subsidiary legislation.

[10/2014]

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

[10/2014]

### **Obstructing performance of official duties**

**29D.**—(1) Without prejudice to section 14C, a person who refuses to give access to, or obstructs, hinders or delays —

- (a) the Director-General of Civil Aviation, any safety inspector or any officer or employee of the Authority authorised to act for or assist the Authority;
- (b) the National Civil Aviation Security Authority, any police officer authorised to act for or assist the National Civil

Aviation Security Authority or any aviation security inspector;

[Act 16 of 2015 wef 01/06/2015]

- (c) any Inspector under Part IIA or any officer of the AAIB acting under the authority of the Minister or the Chief Inspector of Accidents pursuant to that Part; or

[Act 16 of 2015 wef 01/06/2015]

- (d) an authorised person within the meaning of section 29G,

[Act 16 of 2015 wef 01/06/2015]

in the discharge of his duties under this Act or any subsidiary legislation made under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

[10/2014]

(2) It shall not be an offence under subsection (1) for any person to refuse to comply with any request, demand or order made or given by any safety inspector or aviation security inspector who fails to declare his office and refuses to produce his identification card on demand being made by that person.

[10/2014]

### General exemption

**29E.** The Minister may, by order published in the *Gazette*, exempt any person or premises or any class of persons or premises from all or any of the provisions of this Act or of its subsidiary legislation, subject to such terms or conditions as may be specified in the order.

[10/2014]

### Delegation of Minister's powers

**29F.—**(1) Subject to subsection (3), the Minister may from time to time, either generally or particularly, in writing delegate to the Authority or any public officer in his Ministry any of the Minister's functions and powers under this Act or any of its subsidiary legislation.

[10/2014]

(2) The Authority or a public officer referred to in subsection (1) may exercise any functions or powers so delegated to the Authority or public officer, as the case may be, in the same manner and with the

same effect as if they had been conferred on the Authority or public officer directly by this section and not by delegation, but subject to any general or special directions given or conditions imposed by the Minister.

[10/2014]

- (3) Nothing in this section shall authorise delegating —
- (a) the power of delegation conferred by this section;
  - (b) any power of the Minister to make subsidiary legislation under this Act; or
  - (c) any power of the Minister to determine appeals from the decision of the Authority, the National Civil Aviation Security Authority or any licensing authority specified in the regulations made under section 16.

[10/2014]

(4) In this Act or any subsidiary legislation made under this Act, any reference to the Minister determining an appeal shall include a reference to such Minister of State for his Ministry as is designated by the Minister to hear, in his place, that appeal.

[10/2014]

### **Interception, etc., of unmanned aircraft**

**29G.**—(1) Where an authorised person has reason to believe that an unmanned aircraft is being operated in a manner —

- (a) that contravenes any provision of this Act or any aviation safety subsidiary legislation; or
- (b) that poses a serious and an imminent risk to safety of the public,

the authorised person may, subject to subsection (3), exercise all or any of the powers in subsection (2) in relation to the unmanned aircraft for either purpose:

- (i) preventing further contravention of any provision of this Act or any aviation safety subsidiary legislation;
- (ii) preventing or stopping any actual or imminent occurrence that endangers or threatens to endanger the safety of the public.

(2) For the purposes of subsection (1), the powers that may be exercised by an authorised person in relation to an unmanned aircraft are without warrant —

- (a) to direct any person whom the authorised person reasonably believes to be involved in the operation of the unmanned aircraft —
  - (i) to end the flight of the unmanned aircraft, or land it, safely in the fastest practicable way; or
  - (ii) to fly the unmanned aircraft in the manner specified by the authorised person;
- (b) with such assistance and by such force as is necessary —
  - (i) to assume control of an unmanned aircraft to fly the aircraft or to end the flight of the aircraft, or land it, safely in the fastest practicable way; or
  - (ii) to end the flight of the unmanned aircraft in the fastest and safest practicable way; or
- (c) to seize the unmanned aircraft and any component of the unmanned aircraft system for that aircraft, or other thing, that the authorised person believes on reasonable grounds —
  - (i) to be evidential material; or
  - (ii) needs to be seized to prevent its concealment, loss or destruction, or its use in committing, continuing or repeating an offence under this Act or any aviation safety subsidiary legislation.

(3) In authorising any person under subsection (1), the Commissioner of Police or the Authority, as the case may be, may do all or any of the following:

- (a) limit the powers in subsection (2) that the authorised person may exercise;
- (b) limit when the authorised person may exercise his powers in subsection (2) or any of them;
- (c) limit where in Singapore the authorised person may exercise his powers in subsection (2) or any of them;

- (d) limit the circumstances in which the authorised person may exercise his powers in subsection (2) or any of them;
- (e) limit the offences in respect of which the authorised person may exercise his powers in subsection (2) or any of them.

(4) Any person who, without reasonable excuse, contravenes any direction under subsection (2)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(5) A Magistrate may, on an application by the Authority, make an order authorising the Authority to destroy or otherwise dispose of any thing seized under subsection (2)(c) by a safety inspector, if the Magistrate is satisfied that —

- (a) apart from this section, a safety inspector or the Authority is required to return the thing to a person; and
- (b) the safety inspector or the Authority cannot, despite making reasonable efforts, locate the person or the person has refused to take possession of that thing.

(6) In this section, “evidential material” means any thing that is relevant to proving a contravention of any provision of this Act or any aviation safety subsidiary legislation (whether or not an offence).

(7) In this section, an authorised person is —

- (a) a police officer, or an auxiliary police officer, of or above the rank of sergeant and authorised by the Commissioner of Police to exercise powers under this section;
- (b) a safety inspector authorised by the Authority to exercise powers under this section; or
- (c) an individual with the suitable qualifications and experience to properly exercise one or more of the powers in subsection (2) and authorised by the Authority to do so.

(8) To avoid doubt, nothing in this section derogates from the provisions of the Criminal Procedure Code (Cap. 68) or section 201B of the Singapore Armed Forces Act (Cap. 295).

*[Act 16 of 2015 wef 01/06/2015]*

## PART IV

RESTRICTION ON CLAIMS FOR DAMAGES AND  
COMPENSATION**Restriction on claims for damages and compensation**

**30.** No damages or compensation in respect of any subsidiary legislation made under this Act, or of any act done under this Act or such subsidiary legislation, shall be recoverable —

- (a) save under and in accordance with the relevant provisions of this Act and of any of its subsidiary legislation; and
- (b) unless the claim is made within 3 months of the happening of the event which gave rise to the claim or within such further time as the Minister may, in any case or class of case, allow.

## PART V

## SAVING PROVISIONS

**Saving provisions**

**31.—**(1) All subsidiary legislation that was in force immediately before the commencement of this Act, shall continue in force until revoked or replaced by subsidiary legislation made under those provisions, or otherwise terminated, and shall be deemed to have been made under this Act.

(2) Subject to subsection (3), any instrument that was in force immediately before the commencement of this Act shall continue in force until superseded, revoked or otherwise terminated and shall be deemed to have been issued, served or granted under this Act, and this Act and any of its subsidiary legislation shall apply to, or in relation to, the instrument accordingly.

(3) No such instrument that is expressed to continue in force for a definite period shall continue in force after the expiration of that period unless it is renewed in accordance with this Act and any of its subsidiary legislation.



(4) In this section “instrument” means any instruction or other requirement, any notice and any certificate, licence, validation or other authority.

LEGISLATIVE HISTORY  
AIR NAVIGATION ACT  
(CHAPTER 6)

This Legislative History is provided for the convenience of users of the Air Navigation Act. It is not part of the Act.

**1. Act 11 of 1966 — Air Navigation Act 1966**

Date of First Reading : 23 February 1966  
(Bill No. 10/66 published on  
2 March 1966)

Date of Second and Third Readings : 21 April 1966

Date of commencement : 13 May 1966

**2. 1970 Revised Edition — Air Navigation Act (Chapter 87)**

Date of operation : 15 April 1971

**3. Act 12 of 1971 — Tokyo Convention Act 1971**

Date of First Reading : 30 July 1971  
(Bill No. 4/71 published on  
2 August 1971)

Date of Second and Third Readings : 19 October 1971

Date of commencement : 1 January 1972

**4. 1985 Revised Edition — Air Navigation Act (Chapter 6)**

Date of operation : 30 March 1987

**5. Act 32 of 1986 — Statutes (Miscellaneous Amendments) Act 1986**

Date of First Reading : 27 October 1986  
(Bill No. 24/86 published on  
31 October 1986)

Date of Second and Third Readings : 9 December 1986

Date of commencement : 23 January 1987 (item (1) of the  
Schedule — amendment of Air  
Navigation Act)

**6. Act 7 of 1997 — Statutes (Miscellaneous Amendments) Act 1997**

Date of First Reading : 11 July 1997  
(Bill No. 6/97 published on  
12 July 1997)

Date of Second and Third Readings : 25 August 1997  
 Date of commencement : 1 October 1997 (item (1) of the Second Schedule — amendment of Air Navigation Act)

**7. Act 28 of 2000 — Statutes (Miscellaneous Amendments and Repeal) Act 2000**

Date of First Reading : 25 August 2000  
 (Bill No. 22/2000 published on 26 August 2000)  
 Date of Second and Third Readings : 9 October 2000  
 Date of commencement : 1 November 2000 (section 3 — amendment of Air Navigation Act)

**8. Act 4 of 2003 — Customs (Amendment) Act 2003**

(Consequential amendments made to Act by)

Date of First Reading : 10 March 2003  
 (Bill No. 6/2003 published on 11 March 2003)  
 Date of Second and Third Readings : 21 March 2003  
 Date of commencement : 1 April 2003 (item (1) of the Schedule — amendment of Air Navigation Act)

**9. Act 12 of 2007 — Air Navigation (Amendment) Act 2007**

Date of First Reading : 8 November 2006  
 (Bill No. 24/2006 published on 9 November 2006)  
 Date of Second and Third Readings : 23 January 2007  
 Date of commencement : 19 February 2007

**10. Act 17 of 2009 — Civil Aviation Authority of Singapore Act 2009**

(Consequential amendments made to Act by)

Date of First Reading : 23 March 2009  
 (Bill No. 10/2009 published on 23 March 2009)  
 Date of Second and Third Readings : 13 April 2009

Date of commencement : 1 July 2009 (item 2 of the Schedule — amendment of Air Navigation Act)

**11. Act 10 of 2014 — Air Navigation (Amendment) Act 2014**

Date of First Reading : 20 January 2014  
(Bill No. 6/2014 published on 20 January 2014)

Date of Second and Third Readings : 17 February 2014

Date of commencement : 1 April 2014

**12. 2014 Revised Edition — Air Navigation Act (Chapter 6)**

Date of operation : 31 July 2014

**13. Act 16 of 2015 — Unmanned Aircraft (Public Safety and Security) Act 2015**

Date of First Reading : 13 April 2015 (Bill No. 13/2015 published on 13 April 2015)

Date of Second and Third Readings : 11 May 2015

Date of commencement : 1 June 2015

**COMPARATIVE TABLE**  
**AIR NAVIGATION ACT**  
**(CHAPTER 6)**

The following provisions in the 1985 Revised Edition of the Air Navigation Act have been renumbered by the Law Revision Commissioners in this 2014 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Air Navigation Act.

<b>2014 Ed.</b>	<b>1985 Ed.</b>
<b>5</b> —(1) and (2)	<b>5</b> —(2)
<b>6</b> —(3) and (4)	<b>6</b> —(3)
<b>9</b> —(1), (2) and (3)	<b>9</b> —(1)
(4)	(2)
<b>10</b> —(1) and (2)	<b>10</b> —(1)
(3)	(2)
<b>18</b> —(1) and (2)	<b>18</b> —(1)
(3)	(2)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(7)
(9)	(8)
<b>23</b> —(1) and (2)	<b>23</b>
<b>31</b> —(2) and (3)	<b>31</b> —(2)
(4)	(3)