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**AIR NAVIGATION ACT
(CHAPTER 6)**

**AIR NAVIGATION
(91 — GENERAL OPERATING RULES)
(AMENDMENT) REGULATIONS 2020**

In exercise of the powers conferred by section 3A of the Air Navigation Act, the Civil Aviation Authority of Singapore, with the approval of the Minister for Transport, makes the following Regulations:

Citation and commencement

1. These Regulations are the Air Navigation (91 — General Operating Rules) (Amendment) Regulations 2020 and come into operation on 1 April 2020.

New regulation 21A

2. The Air Navigation (91 — General Operating Rules) Regulations 2018 (G.N. No. S 441/2018) (called in these Regulations the principal Regulations) are amended by inserting, immediately after regulation 21, the following regulation:

“Disclosure and use of shielded information

21A.—(1) Subject to paragraph (2), a person commits an offence if —

- (a) the person is, or has been —
 - (i) an operator of a flight mentioned in regulation 3(1)(a) or (b); or
 - (ii) an associate of an operator mentioned in sub-paragraph (i);
- (b) the person uses information, or discloses information to another person or to a court;

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- (c) the person when using or disclosing information knew, or was reckless as to whether, the information is shielded information; and
 - (d) the information is shielded information.
 - (2) Paragraph (1) does not apply to any of the following:
 - (a) disclosure to a court in criminal proceedings for an offence under paragraph (1);
 - (b) disclosure or use for the purposes of an investigation under Part IIA of the Act or the Transport Safety Investigations Act 2018 (Act 36 of 2018) or reporting a known or suspected act of unlawful interference required by that Act;
 - (c) disclosure to the Authority for the purposes of maintaining or improving aviation safety;
 - (d) disclosure or use of Category 1 shielded information in accordance with paragraph (3);
 - (e) disclosure or use of Category 2 shielded information in accordance with paragraph (4).
 - (3) Category 1 shielded information may be disclosed or used for any of the following purposes:
 - (a) disclosure or use to enable inspection of the installed cockpit voice recorder, cockpit audio recording system, Class A airborne image recorder or Class A airborne image recording system (as the case may be) that recorded the Category 1 shielded information or from which that Category 1 shielded information is obtained;
 - (b) disclosure or use in order, and to the extent necessary, to maintain or improve aviation safety and in a form that does not identify any individual;
 - (c) disclosure or use in criminal proceedings unrelated to an applicable aviation occurrence to the extent authorised by the Director-General of Civil Aviation under paragraph (5).

(4) Category 2 shielded information may be disclosed or used for any of the following purposes:

- (a) disclosure or use for purposes relating to the airworthiness or maintenance of the aircraft;
- (b) disclosure or use in order, and to the extent necessary, to maintain or improve aviation safety and in a form that does not identify any individual;
- (c) disclosure or use in any civil proceedings, criminal proceedings or other proceedings unrelated to an applicable aviation occurrence to the extent authorised by the Director-General of Civil Aviation under paragraph (5).

(5) The Director-General of Civil Aviation may, after having regard to the likely effect that the disclosure or use might have on any current or future collection and availability of aviation safety related information, authorise (with or without conditions) —

- (a) the disclosure or use of Category 1 shielded information in any criminal proceedings unrelated to an applicable aviation occurrence; or
- (b) the disclosure or use of Category 2 shielded information in any civil proceedings, criminal proceedings or other proceedings unrelated to an applicable aviation occurrence.

(6) An operator or an associate of an operator (as the case may be) must, in respect of any shielded information that the operator or the associate discloses to another person or to a court, protect the shielded information by making reasonable security arrangements to prevent unauthorised access, collection, use, disclosure, copying, modification, disposal or similar risks.

(7) A person who contravenes paragraph (6) shall be guilty of an offence.

(8) A person who is guilty of an offence under paragraph (1) or (7) 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.

(9) In this regulation —

“applicable aviation occurrence” means an aviation occurrence to which the Transport Safety Investigations Act 2018 applies;

“associate”, in relation to an operator, means —

(a) an employee of that operator;

(b) a contractor or sub-contractor of that operator;
or

(c) an employee of a contractor or sub-contractor mentioned in paragraph (b);

“aviation occurrence”, “civil proceedings”, “criminal proceedings”, “investigation” and “other proceedings” have the meanings given by section 2 of the Transport Safety Investigations Act 2018;

“Category 1 shielded information” means any information recorded by or obtained from an installed cockpit voice recorder, cockpit audio recording system, Class A airborne image recorder or Class A airborne image recording system;

“Category 2 shielded information” means any information recorded by or obtained from an installed flight data recorder, airborne data recording system, Class B airborne image recorder, Class C airborne image recorder, Class B airborne image recording system or Class C airborne image recording system;

“shielded information” means any Category 1 shielded information and any Category 2 shielded information.”.

Amendment of regulation 34

3. Regulation 34(6) of the principal Regulations is amended by deleting the words “or “B Conditions” ” in sub-paragraph (a) and substituting the words “, “B Conditions” or “D Conditions” ”.

Amendment of regulation 47

4. Regulation 47 of the principal Regulations is amended —
- (a) by deleting paragraph (a) and substituting the following paragraph:

“(a) record in the journey log book or equivalent record, the information specified in regulation 108; and”; and
 - (b) by deleting the words “the information specified in regulation 108 and” in paragraph (b).

Amendment of regulation 74

5. Regulation 74(1) of the principal Regulations is amended by deleting the word “airspeed” in sub-paragraph (b) and substituting the word “altitude”.

Amendment of regulation 76

6. Regulation 76(3) of the principal Regulations is amended by deleting the word “altitude” in sub-paragraph (b) and substituting the word “attitude”.

Amendment of regulation 95

7. Regulation 95(2) of the principal Regulations is amended by deleting the words “Aviation Specification” and substituting the words “Aviation Specifications”.

Amendment of First Schedule

8. The First Schedule to the principal Regulations is amended —
- (a) by inserting, immediately after the definition of “Aeronautical Information Services” or “AIS”, the following definition:

““Aeronautical radio station” means a radio station on the surface that transmits or receives signals for the purpose of assisting aircraft.”; and
 - (b) by inserting, immediately after the words “involving the aircraft” in the definition of “Flight recorder”, the words

“, and includes the types of flight recorders specified in Aviation Specifications 2 — Flight Recorders issued by the Director-General of Civil Aviation”.

Amendment of Third Schedule

9. Paragraph 1 of the Third Schedule to the principal Regulations is amended by inserting, immediately after item (29) of sub-paragraph (b), the following item:

“(29A) a loss of communication with air traffic control;”.

Amendment of Sixth Schedule

10. Table 4 of the Sixth Schedule to the principal Regulations is amended —

(a) by inserting, immediately after the words “dangerous goods training” in item 2, the words “and recurrent training on safety and emergency procedures”; and

(b) by inserting, immediately after item 3, the following item:

4. Record of a cabin crew member’s recurrent training on safety and emergency procedures, where required	2 years after the completion of the training
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[G.N. Nos. S 677/2018; S 768/2018; S 179/2019]

Made on 27 March 2020.

EDMUND CHENG WAI WING
Chairman,
Civil Aviation Authority of
Singapore.

[LE/LGN/A1.8; AG/LEGIS/SL/6/2020/1 Vol. 1]

(To be presented to Parliament under section 3A(8) of the Air Navigation Act).