



**BERMUDA**

**CIVIL AVIATION (AIR TRANSPORT LICENSING) ACT 2007**

**2007 : 15**

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WHEREAS it is expedient to repeal the Civil Aviation (Licensing of Air Transport and Commercial Flying) Act 1950 and to enact the Civil Aviation (Air Transport Licensing) Act 2007:

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

## **CIVIL AVIATION (AIR TRANSPORT LICENSING) ACT 2007**

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### **Short title and commencement**

- 1 (1) This Act may be cited as the Civil Aviation (Air Transport Licensing) Act 2007.
- (2) This Act shall come into operation on such day as the Minister may appoint by notice published in the Gazette.

### **Interpretation**

- 2 In this Act, except where the context otherwise requires—
- “aircraft” means an aircraft (including aeroplane, airship, balloon, flying boat, glider, helicopter and sea plane) other than military aircraft, that is to say, naval, military or air force aircraft and an aircraft commanded by a person in naval, military or air force service detailed for that purpose;
- “airline” means a person operating an aircraft for the purpose of providing an air transport service for reward;
- “air transport licence” means a licence granted under the provisions of section 9;
- “air transport service” means a service for the carriage by air of passengers or cargo;
- “Authority” means the Bermuda Civil Aviation Authority established by section 3 of the Bermuda Civil Aviation Authority Act 2016;
- “Bermudian airline” means an airline that has its principal place of business in Bermuda and is controlled by persons who possess Bermudian status or in respect of which the Minister has given his consent under section 9(4)(c);
- “Bermudian status” means Bermudian status by virtue of the Bermuda Immigration and Protection Act 1956;
- “cargo” includes mail and animals;
- “Director”*[Deleted by 2024 : 3 s. 2]*
- “Director-General” means the person appointed under section 24 of the Bermuda Civil Aviation Authority Act 2016;
- “external airline” means an airline that has its principal place of business in a country other than the United Kingdom or any territory for whose foreign relations Her Majesty’s Government in the United Kingdom is responsible;
- “flight” means a journey by air beginning when the aircraft in question takes off and ending when it next lands;
- “functions” includes powers and duties;
- “Minister” means the Minister responsible for civil aviation;
- “modifications” includes additions, omissions and amendments;
- “operator”, in relation to an aircraft, means the person having management of the aircraft for the time being, or in relation to a time, at that time;

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“Panel” means the Air Transport Licensing Panel established under section 3;

“prescribed” means prescribed by regulations made by the Minister;

“reward” in relation to a flight, includes any form of consideration given or promised wholly or partly for the carriage of passengers or cargo on such flight, irrespective of the person by whom or to whom the consideration has been given or promised.

*[Section 2 "Minister" deleted and substituted by BR 5/2011 para.5 effective 25 February 2011; "Department" deleted and "Authority" and "Director-General" inserted by 2016 : 28 s. 30 effective 1 October 2016; Section 2 definition "Director" deleted, and definition "Director-General" deleted and substituted by 2024 : 3 s. 2 effective 4 March 2024]*

### **Air Transport Licensing Panel**

3 (1) There shall be a Panel, to be known as the Air Transport Licensing Panel, which shall be constituted in accordance with the provisions of this section.

(2) The Panel shall consist of the following members—

- (a) a Chairperson who shall be the Director-General;
- (b) the Chief Executive Officer of the Board of the Bermuda Tourism Authority; and
- (c) the Financial Secretary.

(3) A quorum of the Panel shall be all three of its members.

(3A) The Minister may appoint a second person to act as alternate to a member appointed under subsection (2) if the member is unavailable when the Panel is required to perform any of its functions.

(3B) An alternate member shall be appointed in accordance with the requirements for the appointment of a member and his term of appointment shall continue as long as the member remains unavailable or for as long as the Chairperson determines.

(3C) The Minister shall appoint a person of equivalent or similar position to a member in paragraph (a) or (b) if the official title of that member ceases to exist.

(4) Subject to regulations made by the Minister under section 18(2)(i), the Panel may regulate its own procedure.

*[Section 3 subsection (2)(a) amended by 2016 : 28 s. 30 effective 1 October 2016; Section 3 amended by 2024 : 3 s. 3 effective 4 March 2024]*

### **Secretariat of the Panel**

4 The Authority shall be the Secretariat of the Panel and shall—

- (a) provide to the Panel such facilities and services as may be needed by the Panel for the performance of the Panel’s functions;
- (b) be responsible for the finances (including meeting the expenditure) of the Panel in the exercise of the Panel’s functions;

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- (c) when requested by the Panel, advise the Panel, in the exercise of its functions, on any technical matter; and
- (d) assist the Panel, in the exercise of its functions, in such other manner as may be required by the Panel.

*[Section 4 amended by 2016 : 28 s. 30 effective 1 October 2016]*

### **Functions of Panel**

- 5 (1) The functions of the Panel shall be—
- (a) to grant, refuse, revoke, suspend or vary any air transport licence in accordance with the provisions of this Act; and
  - (b) such other functions as are conferred on it by virtue of this Act.
- (2) The Minister may, after consultation with the Panel, give the Panel such directions of a general character as to the performance of its functions as the Minister thinks it appropriate to give in the interests of Bermuda.
- (3) The Panel shall have the power to do anything which is calculated to facilitate, or is conducive or incidental to, the performance of any of its functions.
- (4) A person who obstructs or improperly influences a member of the Panel in the performance of his or her functions under this Act, or attempts to do so, commits an offence.

### **Limitations on exercise of functions**

- 6 A person exercising any function under this Act shall do so in a manner which is consistent with—
- (a) any provision of law in force in Bermuda relating to civil aviation or any direction, order or notice made, given or issued under any such provision of law;
  - (b) any international convention relating to civil aviation adhered to for the time being by Her Majesty's Government in the United Kingdom or by Her Majesty's Government in Bermuda, insofar as such convention applies in relation to Bermuda or Bermudian airlines; and
  - (c) any agreement relating to civil aviation entered into and for the time being subsisting between Her Majesty's Government in the United Kingdom or Her Majesty's Government in Bermuda and Her Majesty's Government in any of Her Majesty's dominions or the government of any foreign state in so far as such agreement applies in relation to Bermuda or Bermudian airlines.

### **Duties of Panel**

- 7 (1) The Panel shall perform its functions in a manner which it considers is best calculated to—

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- (a) ensure that airlines provide air transport services which satisfy all substantial categories of public demand at the lowest charges consistent with—
    - (i) a high standard of safety in operating the services;
    - (ii) an economic return to efficient aircraft operators on the sums invested in providing the services; and
    - (iii) the sound development of a Bermudian civil air transport industry;
  - (b) ensure that Bermudian airlines compete as effectively as possible with other airlines in providing air transport services;
  - (c) further the reasonable interests of users of air transport services; and
  - (d) impose on the civil air transport industry of Bermuda, and on the services it provides for users of air transport services, the minimum restrictions that are consistent with its other duties under the Act.
- (2) In considering whether to grant an air transport licence, the Panel shall have regard to—
- (a) the effect on existing air transport services provided by airlines of authorising any new services which the applicant proposes to provide under such licence; and
  - (b) the advantages and disadvantages of authorising two or more airlines to provide services if—
    - (i) existing services are similar in terms of route to the services proposed in the application; or
    - (ii) two or more applicants have applied for air transport licences under which each proposes to provide similar services.
- (3) In performing its functions the Panel shall have regard to any advice received from the Minister with respect to the likely outcome of negotiations with the government of any country or territory for the purpose of securing any right required for the operation by a Bermudian airline of any air transport services outside Bermuda.

### **Restriction of unlicensed carriage by air for reward**

- 8 (1) No aircraft shall be used for the carriage for reward of passengers or cargo on a flight to which this subsection applies unless the operator—
- (a) holds a licence, granted to the operator by the Panel in pursuance of section 9, authorising the operator to operate aircraft on such flight as the flight in question; and
  - (b) complies with the terms of the licence.
- (2) Subject to subsection (3), subsection (1) applies to any flight in any part of the world by an aircraft registered in Bermuda except a flight operated by an external airline.

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(3) Subsection (1) does not apply—

- (a) any flight of a description specified in an instrument made by the Minister and published in the Gazette;
- (b) a particular flight, or series of flights, specified in an instrument made by the Minister and published in the Gazette.

(4) An instrument made in pursuance of subsection (3)(a) shall come into effect on the date it is published in the Gazette or at such later date as may be specified in the instrument.

(5) An instrument made in pursuance of subsection (3)(b) may come into effect, after it is made, either before or after it is published in the Gazette, but if it comes into effect before such publication the Minister shall publish it in the Gazette as soon as practicable after making such instrument.

(6) The operator of an aircraft shall be guilty of an offence if the aircraft is used on a flight in contravention of subsection (1).

(7) A person shall be guilty of an offence if that person, by negotiating a contract or otherwise howsoever, makes available accommodation for the carriage of passengers or cargo on a flight when that person knew, or ought to have known, that the accommodation was likely to be provided on an aircraft used, or to be used, in contravention of subsection (1).

(8) If the Director-General has reason to believe that an aircraft is to be used in contravention of subsection (1) on a particular flight beginning in Bermuda, or that any term of an air transport licence relating to such a flight and falling to be complied with at or after the end of the flight may not be complied with, the Director-General may—

- (a) give to the person appearing to it to be in command of the aircraft a direction that the person shall not permit the aircraft to take off until the Director-General has informed the person that the direction is cancelled, and a person who fails to comply with such direction shall be guilty of an offence;
- (b) whether or not such a direction has been given, detain the aircraft until the Director-General is satisfied that the aircraft will not be used on the flight in contravention of subsection (1) or, as the case may be, that the term will be complied with.

*[Section 8 amended by 2024 : 3 s. 4 effective 4 March 2024]*

### **Grant and refusal of air transport licences**

9 (1) An application for the grant of an airport transport licence shall be made to the Panel in such form and contain such particulars as the Panel may specify by notice published in such manner as it thinks fit.

(2) The Panel shall, pursuant to an application made under subsection (1)—

- (a) grant a licence to the applicant in the terms requested in the application;

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- (b) in respect of an application to operate a flight referred to in section 8(2), if it is not satisfied that the requirements of either or both of subsections (3)(a) and (b) have been met, grant a conditional licence, but only if—
  - (i) it is satisfied that such requirements will be met within a reasonable time which it shall specify; and
  - (ii) the granting of the licence is conditional on the satisfaction of those requirements within the specified time;
- (c) grant a licence to the applicant in the terms requested in the application, with such modifications as the Panel thinks fit; or
- (d) refuse to grant a licence.

(3) The Panel shall refuse to grant a licence in pursuance of an application under subsection (1) (other than a conditional licence mentioned in subsection (2)(b)) if it is not satisfied—

- (a) in respect of an application to operate a flight referred to in section 8(2), that the applicant is a fit person to operate aircraft under the authority of the licence, having regard to—
  - (i) the experience in the field of aviation and the past activities of the applicant (or, if the applicant is a body corporate, of the persons appearing to the Panel to control that body) and the applicant's employees' experience in the field of aviation and their past activities generally; and
  - (ii) the resources of the applicant and the financial arrangements made by the applicant, and whether they are adequate for discharging the applicant's actual and potential obligations in respect of the business activities in which the applicant is engaged (if any) and in which the applicant may be expected to engage if the applicant is granted the licence; and
- (b) in respect of any application, as to the adequacy of the insurance covering the applicant's potential obligations.

(4) Subject to subsection (5), in respect of an application under subsection (1) to operate a flight referred to in section 8(2), the Panel shall refuse to grant a licence if the Panel is not satisfied that the applicant is—

- (a) a person with Bermudian status;
- (b) a person, incorporated under the law of Bermuda, which is controlled by persons with Bermudian status; or
- (c) a person in respect of whom, although that person does not qualify under paragraph (a) or (b), the Minister has consented to the grant of the licence.

(5) If the Panel proposes to refuse to grant a licence by reason only of the provisions of subsection (4)(a) or (b), it shall give the Minister notice of the proposal and

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postpone its decision on the application until the Minister's consent to the grant of the licence is given or refused.

(6) Nothing in the provisions of subsections (3), (4) or (5) shall be construed as prejudicing the Panel's power, in its discretion, to refuse to grant a licence otherwise than in pursuance of any of those provisions.

(7) An air transport licence may contain such terms as the Panel thinks fit, and (without prejudice to the generality of the Panel's power to decide those terms) the terms may—

- (a) be, or include, a schedule of terms which may make provision for any of the terms to have effect with such modifications as the Panel may from time to time determine; and
- (b) include terms as to the charges which are to be made and the goods, services and other benefits which are and are not to be furnished by any person whatsoever under or in connection with any contract which includes provision for the making available of accommodation on flights to which the licence relates.

(8) If the holder of a current air transport licence applies for the grant of another air transport licence in continuation of, or in substitution for, the current licence and does so not later than such time before the expiration of the term of the current licence as the Panel may specify in a notice published in the prescribed manner, then, unless the application is withdrawn, and without prejudice to the Panel's power to revoke, suspend or vary the current licence, the current licence shall not cease to be in force by reason only of the expiration of that term—

- (a) until the Panel gives its decision on the application;
- (b) if in pursuance of the application the Panel decides to refuse to grant a licence or to grant a licence otherwise than in the terms requested in the application, until the expiration of the time during which an appeal to the Supreme Court against the decision may be brought and, if such an appeal is brought, until the appeal is determined or abandoned; or
- (c) if such an appeal against a decision to refuse to grant a licence, or to grant a licence otherwise than in the terms requested in the application, is successful, until the date when the licence granted in consequence of the appeal comes into force.

*[Section 9 subsection (8)(b) amended by 2016 : 28 s. 30 effective 1 October 2016; Section 9 amended by 2024 : 3 s. 5 effective 4 March 2024]*

### **Revocation, suspension and variation of air transport licences**

10 (1) An application for the revocation, suspension or variation of an air transport licence may be made to the Panel at any time by a person of a prescribed description.

(2) The Panel may at any time revoke, suspend or vary an air transport licence if it considers it appropriate to do so, whether or not an application with respect to the licence has been made in pursuance of subsection (1).



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(3) The Panel shall revoke or suspend or vary an air transport licence (whichever it thinks appropriate in the circumstances) if it is not, or is no longer, satisfied as to any of the matters in respect of which it is required to be satisfied pursuant to section 9(3).

(4) The Panel shall inform the Minister and, if the Minister so directs, revoke the licence, if the Panel has reason to believe that the holder of an air transport licence does not satisfy, or no longer satisfies, the relevant requirements of section 9(4).

(5) If the Panel suspends an air transport licence, it shall provide, by a notice in writing served in the prescribed manner on the licence holder, that subject to subsection (6) the licence shall not be effective during a period specified in the notice and, while a licence is ineffective by virtue of such a notice, the Panel may, by a further notice in writing served in the prescribed manner on the licence holder, provide that the licence shall be effective on and after a date specified in the further notice.

(6) If an air transport licence is revoked, suspended or varied by the Panel otherwise than on the application of the holder of the licence and otherwise than in consequence of a direction given under subsection (4), the revocation, suspension or variation shall not take effect before the expiration of the period prescribed for the bringing of an appeal against the Panel's decision nor, if such an appeal is brought during that period, before the determination or abandonment of the appeal.

(7) A person who, for the purpose of obtaining for himself or another person either an air transport licence, or a variation of an air transport licence, or the cancellation of the suspension of an air transport licence, knowingly or recklessly furnishes the Panel or the Minister with any information which is false in a material particular shall be guilty of an offence.

### **Panel to furnish reasons for decision**

11 (1) If the Panel takes a decision to grant, refuse to grant, vary, suspend or revoke an air transport licence it shall, subject to subsections (2) and (3), furnish a statement of its reasons for the decision to the applicant for the licence or, as the case may be, to the licence holder or former licence holder, and to any other person who has entered an objection in the case or requested such a statement.

(2) The Panel need not furnish a statement of reasons in a case in which—

- (a) no such objection has been entered or no such request has been made; and
- (b) the decision is taken in pursuance of, and is in the terms requested in, an application for the grant of a licence or an application by the licence holder for the variation, suspension or revocation of it.

(3) If the Panel has reason to believe that the furnishing of a statement of reasons in pursuance of subsection (1) might be contrary to the interests of internal security or might affect adversely the relations of Her Majesty's Government in Bermuda or Her Majesty's Government in the United Kingdom with any other country or territory, it shall—

- (a) give notice of the case to the Minister; and

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- (b) if the Minister so directs—
  - (i) refrain from furnishing the statement in question; or
  - (ii) exclude from the statement such matter as is specified in the direction.

(4) The Panel may, if it considers it necessary to do so for the purpose of withholding from a person information which in the opinion of the Panel relates to the commercial or financial affairs of another person and cannot be disclosed to the person without disadvantage to the other person which (by comparison with the advantage of disclosure to the public and the person) is unwarranted—

- (a) not furnish a statement of reasons in pursuance of subsection (1) to the person, or
- (b) exclude such information from a statement of reasons furnished to the person in pursuance of subsection (1).

(5) The Panel may publish in such manner as it thinks fit particulars of, and its reasons for, any decision taken by it with respect to an air transport licence or an application for such a licence.

### **Appeal to Minister**

- 12 (1) The Minister shall make regulations—
- (a) conferring on persons of prescribed descriptions a right to appeal to the Minister from any decision of the Panel with respect to an air transport licence or an application for such licence;
  - (b) authorising the Minister on such an appeal to direct the Panel to reverse or vary the decision in question, or re-hear the case, and in consequence to do or refrain from doing such other things as may be specified in the direction; and
  - (c) containing such provisions as the Minister thinks fit with respect to such an appeal, which (without prejudice to the generality of the preceding provisions of this subsection) may include provisions as to—
    - (i) the time within which an appeal must be brought,
    - (ii) the persons in addition to the appellant who are to be parties to an appeal, and
    - (iii) the liability of any of the parties in respect of costs or expenses incurred in connection with an appeal.

(2) The Minister shall, when considering whether to give a direction in pursuance of regulations made by virtue of subsection (1)(b) and when considering the terms of any such direction, have regard in particular to the duties imposed on the Panel by section 7.

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### **Provision by Panel of information to Minister**

13 The Panel shall—

- (a) furnish the Minister with such information as the Minister may specify and the Panel has or can reasonably be expected to obtain with respect to such matters relating to it, or to its functions under this Act, as the Minister may specify;
- (b) permit the Minister to have access to all documents which are under its control and relate to matters specified in pursuance of paragraph (a);
- (c) if it comes to its notice that a body which is the holder of an air transport licence is proposing to merge or has merged with another body, give the Minister notice in writing of the proposal or merger;
- (d) give notice in writing to the Minister of any matter with which it is dealing, or with which it has dealt, which appears to it to be likely to affect the relations of Her Majesty's Government in Bermuda or Her Majesty's Government in the United Kingdom with any—
  - (i) country;
  - (ii) territory; or
  - (iii) international organisation.

### **Disclosure of information**

14 (1) Subject to the provisions of subsection (3), no information which relates to a particular person and has been furnished to the Panel in pursuance of any provision of this Act, shall be disclosed by the Panel or the Authority unless—

- (a) the person has consented in writing to disclosure of the information;
- (b) the Panel, after affording that person an opportunity to make representations about the information and considering any representation then made by that person about it, determines that the information may be disclosed;
- (c) that person is an individual who is dead, or is a body corporate that has ceased to exist or, whether an individual or a body corporate, cannot be found after all reasonable inquiries have been made, and the Panel determines that the information may be disclosed; or
- (d) the Panel determines that the information is of the same kind as other information which it has made a determination on in pursuance of paragraph (b) or (c).

(2) For the purposes of subsection (1), all reasonable inquiries to find a body corporate shall be deemed to have been made if—

- (a) in the case of a company incorporated in Bermuda, inquiries have been made at its registered office; or

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- (b) in the case of a company incorporated outside Bermuda and having a place of business within Bermuda, inquiries have been made at the company's last known principal place of business.

(3) Nothing in subsection (1) prohibits the disclosure of any information by the Panel or the Authority to the Minister or, with the consent of the Minister, to an international organisation of which the United Kingdom is a member.

(4) A person who contravenes the provisions of subsection (1) shall be guilty of an offence.

*[Section 14 subsections (1) and (3) amended by 2016 : 28 s. 30 effective 1 October 2016]*

### **Provision by others of information for the Panel**

15 (1) The Panel may, by a notice in writing served in the prescribed manner on the holder of an air transport licence, request information relating to the activities of the holder of the licence, including particulars of any contract or arrangement—

- (a) to which the holder is or was at any time a party and, if the holder is not or was not then an operator of aircraft, to which the holder is or was then a party; and
- (b) which constitutes or relates to an agreement or understanding between operators of aircraft or such operators and other persons with respect to any of the following matters, that is to say—
  - (i) the provision of flights or of accommodation in aircraft;
  - (ii) the sharing or transfer of revenue from flights on particular routes;
  - (iii) the sale by a party to the contract or arrangement of tickets for flights in aircraft operated by another party to it; or
  - (iv) the making available by a party to the contract or arrangement of staff, equipment or other facilities for use by another party to it.

(2) If a person required to furnish information by virtue of subsection (1) fails to comply with the requirement or in purported compliance with the requirement knowingly or recklessly furnishes information which is false in a material particular, then—

- (a) that person shall be guilty of an offence; and
- (b) the Panel may, whether or not any proceedings have been brought in respect of an offence under paragraph (a), revoke any air transport licence which was granted by the Panel and to which the requirement relates.

### **Periodical publication of Panel's policies**

16 (1) The Panel may publish, from time to time, a statement of the policies it intends to adopt in performing its functions under this Act.

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(2) The Minister may, by notice in writing, require the Panel to publish, within six months of the date of the notice, a statement of the policies it intends to adopt in performing any, or all, its functions.

(3) *[Deleted by 2024 : 3 s. 6]*

(4) Any statement under this section shall be published in such manner as the Panel may determine, and notice of the publication shall be published in the Gazette.

*[Section 16 amended by 2024 : 3 s. 6 effective 4 March 2024]*

### **Offences**

17 (1) A person guilty of an offence under this Act is liable on conviction—

- (a) on indictment, to a fine not exceeding \$200,000, or to imprisonment for a term not exceeding two years, or to both; and
- (b) by a court of summary jurisdiction, to a fine not exceeding \$25,000.

(2) If an offence is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, the person as well as the body corporate is guilty of that offence and is liable to be proceeded against and punished accordingly.

(3) If 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 the member's functions of management as if that member is a director of the body corporate.

(4) A person who commits an act or omission outside Bermuda, that if committed in Bermuda would be an offence under this Act, shall be deemed to have committed an offence under this Act.

### **Minister's power to make regulations**

18 (1) The Minister may make regulations for any purpose in relation to the carrying into effect of any provision of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations—

- (a) as to the circumstances in which licences shall or shall not be granted in pursuance of the regulations;
- (b) securing that a person does not in Bermuda, unless he is the operator of the relevant aircraft, or holds and complies with the terms of a licence granted in pursuance of the regulations, or is exempted by or under regulations from the need to hold such a licence—
  - (i) make available, as a principal or an agent, accommodation for the carriage of persons or cargo on flights in any part of the world, or

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- (ii) hold himself out as a person who, either as a principal or an agent or without disclosing his capacity, may make such accommodation available;
- (c) prescribing the manner (including the time periods) in which an application for a licence under the regulations shall be made, granted, revoked, varied or suspended;
- (d) prescribing the information to be furnished to the Panel by an applicant for a licence, or by the holder of a licence;
- (e) prescribing the form in which an application for a licence is to be made;
- (f) prescribing the form of any licence;
- (g) prescribing fees to be paid to the Authority for the application for the grant, variation, suspension or revocation of licences;
- (h) prescribing the manner (including the time periods) in which an appeal to the Minister from any decision (other than an appeal under section 12) is to be made, which (without prejudice to the generality of the preceding provisions of this paragraph) may include provisions as to the liability of any of the parties in respect of costs or expenses incurred in connection with an appeal;
- (i) for regulating the procedure to be followed by the Panel in the performance of its functions under this Act;
- (j) which provide for the circumstances in which a licence shall or may be transferred or treated as if granted to a person other than the person to whom it was granted;
- (k) which provide for the manner of service of documents;
- (l) which provide for the mode of giving evidence of—
  - (i) any instrument made by the Panel; and
  - (ii) the publication by the Panel of any matter;
- (m) which include provisions requiring or entitling the Panel to withhold from any person information furnished to the Panel by another person which in the opinion of the Panel—
  - (i) relates to the commercial or financial affairs of the other person; and
  - (ii) cannot be disclosed to the person without disadvantage to the other person which disadvantage (by comparison with the advantage of its disclosure to the person and the public) is unwarranted; and
- (n) prescribing penalties, in the case of each contravention of regulations made under this Act, on conviction by a court of summary jurisdiction, to a fine not exceeding \$20,000.

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(3) Regulations made under subsection (2) may make different provision in respect of different classes of aircraft and different classes of air transport licence.

(4) In this section, references to “licence” include, as the context may require, references to an air transport licence or any other licence granted pursuant to regulations made under this Act.

(5) The negative resolution procedure shall apply to regulations made under this Act except regulations made under subsection (2)(g) which shall be subject to the affirmative resolution procedure.

*[Section 18 subsection (2)(g) amended by 2016 : 28 s. 30 effective 1 October 2016; Section 18 amended by 2024 : 3 s. 7 effective 4 March 2024]*

### **Repeal and transitional provisions**

19 (1) The Civil Aviation (Licensing of Air Transport and Commercial Flying) Act 1950 is hereby repealed.

(2) A licence granted under the repealed Act shall remain valid and it shall be deemed to have been granted under this Act.

[Assent Date: 22 May 2007]

[Operative Date: 1 August 2007]

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*[Amended by*

BR 5 / 2011

2016 28

2024 3]