



BERMUDA
1994 : 48

CIVIL AIRPORTS AMENDMENT ACT 1994

[Date of Assent 28 December 1994]

[Operative Date 28 December 1994]

WHEREAS it is expedient to amend the Civil Airports Act 1949:

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:—

Citation

1 This Act which amends the Civil Airports Act 1949 (hereinafter referred to as "the principal Act") may be cited as the Civil Airports Amendment Act 1994.

Amends section 1 of principal Act

2 Section 1 of the principal Act is amended —

- (a) by deleting the definition of the expression "aeronautical communications service" and inserting the following definition:

"air navigation services" includes information, directions and other facilities furnished, issued or provided for the purposes of or in connection with the navigation or movement of aircraft and also the control of

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movement of vehicles in any part of the airport used for the movement of aircraft;"

- (b) by inserting at the end of the definition of the expression "Bermuda Airport" the following:

", and includes all other land in the said St. George's Parish, leased by the Government of the United States of America—

- (a) which may from time to time vest in, or otherwise come into the possession or under the control of, the Government; and
- (b) which the Minister by notice published in the Gazette designates to be used for the purposes of civil aviation";
- (c) by deleting the definition of the expression "the Department" and substituting the following:

"the Airport Department" and "the Aviation Department" mean, respectively, the Department of Airport Operations and the Department of Civil Aviation established under section 2(1); and

- (d) by deleting the definition of the expression "Officer of the Department" and substituting the following:

"Officer of the Airport Department" and "Officer of the Aviation Department" mean respectively, any public officer duly appointed to the Airport Department or the Aviation Department, as the case may be."

Repeals and replaces section 2 of principal Act

3 Section 2 of the principal Act is repealed and replaced by the following:

"Establishment of Departments, etc.

2 (1) The Department of Airport Operations and, subject to section 9, the Department of Civil Aviation are hereby established.

(2) The Airport Department and the Aviation Department shall, subject to the general direction and control of the Minister, be under the supervision of a public officer who

shall be known as the Permanent Secretary and, in addition to the Permanent Secretary,—

- (a) the Airport Department shall consist of a public officer who shall be known as the General Manager of Airport Operations; and
- (b) the Aviation Department shall consist of a public officer who shall be known as the Director of Civil Aviation,

and such number of other public officers as may from time to time be authorized by the Legislature.

Functions of Departments

2A (1) The Airport Department shall assist the Minister in the discharge of his functions under this Act, and any other enactment, relating to the operation of the Bermuda Airport, other than functions in respect of which the Aviation Department is charged with the duty to assist the Minister.

(2) The Aviation Department shall—

- (a) be responsible on behalf of the Governor for the administration of the Air Navigation (Overseas Territories) Order 1989, and any other Order amending or replacing that Order;
- (b) assist the Minister in respect of the observation of the limitations on the exercise of the functions of the Minister imposed by section 3; and
- (c) have such other functions relating to the regulation of civil aviation as the Minister may, from time to time, in writing, specify."

Repeals and replaces section 4 of principal Act

4 Section 4 of principal Act is repealed and replaced by the following—

"Functions of Minister

4 (1) The Minister shall have the general administration, control and management of the Bermuda Airport.

(2) It shall be the duty of the Minister to provide at Bermuda Airport such services and facilities as are in the

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opinion of the Minister necessary or desirable for the operation of the airport.

(3) In carrying out his duty under subsection (2), the Minister shall have regard to the development of air transport and to efficiency, economy and safety of operation.

(4) Without prejudice to the generality of subsection (2), the duty imposed upon the Minister by that subsection shall include the duty to provide at the Bermuda Airport air navigation services, airport infrastructure support services and crash, fire and rescue services.

(5) The Minister shall make arrangements for securing the systematic co-ordination of the functions of Departments of the Government of Bermuda falling to be exercised at the Bermuda airport, including the control of immigration, the safeguarding of the revenue, the handling of mail and other post office services, the provision of public transportation and the promotion of the tourist trade.

(6) The Minister shall cause such statistical data to be obtained and recorded, and such records or reports to be published as he may think expedient.

(7) The Minister shall maintain meteorological services in Bermuda.

(8) The Minister, in exercising and discharging his functions under subsections (2), (3), and (4) shall have regard to the aims and intentions of those international conventions relating to civil aviation which are for the time being adhered to by Her Majesty's Government in the United Kingdom or by Her Majesty's Government in Bermuda, and shall, without prejudice to anything in section 3, use his best endeavours to give effect to those aims and intentions.

(9) In this section—

(a) "airport infrastructure support services" includes the provision at the Bermuda Airport of equipment and facilities in support of air navigation services, crash, fire and rescue services, meteorological services and such other services as in the opinion of the Minister are necessary to facilitate the movement of aircraft

whether such movement is on the ground or in the air; and

- (b) "crash, fire and rescue services" means such services provided at the Bermuda Airport as in the opinion of the Minister are necessary for the purposes of rescue and fire-fighting in the event of an accident or other incident involving an aircraft occurring at, or in the vicinity of, the Bermuda Airport.

Amends section 5 of principal Act

5 Section 5 of the principal Act is amended—

- (a) in subsection (1)(a), by deleting the words "aeronautical communication services" wherever they appear in subparagraphs (i) and (ii) and substituting therefor in each case the words "air navigation services";
- (b) in paragraph (ii) of the proviso to subsection (1), by inserting next after the words "paragraph (d), or" the words ", subject to subsection (1A),"; and
- (c) by inserting next after subsection (1) the following:
- "(1A) Notwithstanding paragraph (ii) of the proviso to subsection (1), the Minister may, with the prior approval of the Minister of Finance, enter into a contract under paragraph (e) of that subsection where the amount to be expended in respect of such contract does not exceed one million dollars."

Amends section 6 of principal Act

6 Section 6 of the principal Act is amended in subsection (1)(c) and subsection (2)(l), by deleting the words "aeronautical communication services" wherever they appear and substituting therefor in each case the words "air navigation services".

Amends section 11(5) of principal Act

7 Section 11(5) of the principal Act is amended by deleting the word "Department" and substituting the words "Airport Department or the Aviation Department".

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Amends section 12 of principal Act

8 Section 12 of the principal Act is amended in subsections (1) and (2) by deleting the word "Department" wherever it appears and substituting therefor in each case the words "Airport Department or the Aviation Department".

Savings and transitional

9 (1) The Department of Civil Aviation which was in existence immediately prior to the coming into operation of this Act shall continue under this Act and everything lawfully done by that Department shall be of full force and effect.

(2) Upon the coming into operation of this Act the Director of Civil Aviation shall deliver to the General Manager of Airport Operations all books, documents and other information, however maintained, other than books, documents and information relating to the matters specified in section 2A(2)(a) and (b).