

Aeronautics Act

A-2

An Act to authorize the control of aeronautics

SHORT TITLE

Short title **1.** This Act may be cited as the *Aeronautics Act*.
R.S., c. A-3, s. 1.

HER MAJESTY

Binding on Her Majesty **2.** This Act is binding on Her Majesty in right of Canada or a province.
1976-77, c. 26, s. 1.

INTERPRETATION

Definitions **3.** (1) In this Act,

“ANS Corporation”
« *société* » “ANS Corporation” means NAV CANADA, a corporation incorporated on May 26, 1995 under Part II of the *Canada Corporations Act*;

“aerodrome”
« *aérodrome* » “aerodrome” means any area of land, water (including the frozen surface thereof) or other supporting surface used, designed, prepared, equipped or set apart for use either in whole or in part for the arrival, departure, movement or servicing of aircraft and includes any buildings, installations and equipment situated thereon or associated therewith;

“aeronautical product”
« *produits aéronautiques* » “aeronautical product” means any aircraft, aircraft engine, aircraft propeller or aircraft appliance or part or the component parts of any of those things, including any computer system and software;

“air carrier”
« *transporteur aérien* » “air carrier” means any person who operates a commercial air service;

“aircraft”
« *aéronef* » “aircraft” means
(a) until the day on which paragraph (b) comes into force, any machine capable of deriving support in the atmosphere from reactions of the air, and includes a rocket, and
(b) [Not in force]

“air navigation services”
« *services de navigation aérienne* » “air navigation services” has the same meaning as in subsection 2(1) of the *Civil Air Navigation Services Commercialization Act*;

“airport”
« *aéroport* » “airport” means an aerodrome in respect of which a Canadian aviation document is in force;

<p>“air traffic control services” « services de contrôle de la circulation aérienne »</p>	<p>“air traffic control services” has the same meaning as in subsection 2(1) of the <i>Civil Air Navigation Services Commercialization Act</i>;</p>
<p>“aviation reservation system” « système de réservation de services aériens »</p>	<p>“aviation reservation system” means a system that provides the capability to make reservations or issue tickets for air services;</p>
<p>“aviation security regulation” « règlement sur la sûreté aérienne »</p>	<p>“aviation security regulation” means a regulation made under subsection 4.71(1); “Canada”[Repealed, 1996, c. 31, s. 56]</p>
<p>“Canadian aircraft” « aéronef canadien »</p>	<p>“Canadian aircraft” means an aircraft registered in Canada;</p>
<p>“Canadian aviation document” « document d’aviation canadien »</p>	<p>“Canadian aviation document” means, subject to subsection (3), any licence, permit, accreditation, certificate or other document issued by the Minister under Part I to or with respect to any person or in respect of any aeronautical product, aerodrome, facility or service;</p>
<p>“civil air navigation services” « services de navigation aérienne civile »</p>	<p>“civil air navigation services” has the same meaning as in subsection 2(1) of the <i>Civil Air Navigation Services Commercialization Act</i>;</p>
<p>“commercial air service” « service aérien commercial »</p>	<p>“commercial air service” means any use of aircraft for hire or reward;</p>
<p>“emergency direction” « directive d’urgence »</p>	<p>“emergency direction” means a direction made under section 4.76 or 4.77;</p>
<p>“hire or reward” « rémunération »</p>	<p>“hire or reward” means any payment, consideration, gratuity or benefit, directly or indirectly charged, demanded, received or collected by any person for the use of an aircraft;</p>
<p>“interim order” « arrêté d’urgence »</p>	<p>“interim order” means an interim order made under subsection 6.41(1) or (1.1);</p>
<p>“Minister” « ministre »</p>	<p>“Minister” means</p> <p style="margin-left: 2em;">(a) subject to paragraph (b), the Minister of Transport or such other Minister as is designated by the Governor in Council as the Minister for the purposes of this Act, and</p> <p style="margin-left: 2em;">(b) with respect to any matter relating to defence, including any matter relating to military personnel or a military aircraft, military aerodrome or military facility of Canada or a foreign state, the Minister of National Defence or, under the direction of the Minister of National Defence, the Chief of the Defence Staff appointed under the <i>National Defence Act</i>;</p>
<p>“pilot-in-command” « commandant de bord »</p>	<p>“pilot-in-command” means, in relation to an aircraft, the pilot having responsibility and authority for the operation and safety of the aircraft during flight time;</p>
<p>“registered owner” « propriétaire enregistré »</p>	<p>“registered owner”, in respect of an aircraft, means the person to whom a certificate of registration for the aircraft has been issued by the Minister under Part I or in respect of whom the aircraft has been registered by the Minister under that Part;</p>
<p>“security clearance” « habilitation de sécurité »</p>	<p>“security clearance” means a security clearance granted under section 4.8 to a person who is considered to be fit from a transportation security perspective;</p>
<p>“security measure” « mesure de sûreté »</p>	<p>“security measure” means a measure made under subsection 4.72(1) or 4.73(1);</p>

“superior court” « <i>jurisdiction supérieure</i> »	<p>“superior court” means</p> <p>(a) in the Provinces of Prince Edward Island and Newfoundland, the trial division of the Supreme Court of the Province,</p> <p>(a.1) in the Province of Ontario, the Superior Court of Justice,</p> <p>(b) in the Province of Quebec, the Superior Court of the Province,</p> <p>(c) in the Provinces of New Brunswick, Manitoba, Saskatchewan and Alberta, the Court of Queen's Bench for the Province,</p> <p>(d) in the Provinces of Nova Scotia and British Columbia, the Supreme Court of the Province, and</p> <p>(e) the Supreme Court of Yukon, the Supreme Court of the Northwest Territories and the Nunavut Court of Justice;</p>
“Tribunal” « <i>Tribunal</i> »	<p>“Tribunal” means the Transportation Appeal Tribunal of Canada established by subsection 2(1) of the <i>Transportation Appeal Tribunal of Canada Act</i>.</p>
“Minister” for certain purposes	<p>(2) Notwithstanding the definition “Minister” in subsection (1), “Minister”, in relation to any matter referred to in paragraph 4.2(n), 4.9(p), (q) or (r), section 6.3 or paragraph 8.7(1)(b), means the Minister of National Defence.</p>
Exception	<p>(3) The following documents are deemed not to be a Canadian aviation document for the purposes of sections 6.6 to 7.21:</p> <p>(a) a security clearance;</p> <p>(b) a restricted area pass that is issued by the Minister in respect of an aerodrome that the Minister operates; and</p> <p>(c) a Canadian aviation document specified in an aviation security regulation for the purpose of this subsection.</p> <p>R.S., 1985, c. A-2, s. 3; R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 4, s. 1; 1996, c. 20, s. 99, c. 31, s. 56; 1999, c. 3, s. 13, c. 31, s. 4; 2001, c. 29, s. 33; 2002, c. 7, s. 79(E); 2004, c. 15, ss. 2, 111.</p>

PART I AERONAUTICS

APPLICATION OF PART

Application of Part	<p>4. (1) Subject to any regulations made pursuant to paragraph 4.9(w), this Part applies in respect of aeronautics to all persons and to all aeronautical products and other things in Canada, to all persons outside Canada who hold Canadian aviation documents and to all Canadian aircraft and passengers and crew members thereon outside Canada.</p>
Application of foreign law	<p>(2) Every person exercising the privileges accorded by a Canadian aviation document in a foreign state and every Canadian aircraft operated in a foreign state shall comply with or be operated in accordance with the applicable aeronautics laws of that state.</p>
Conflicts	<p>(3) Nothing in this Part shall be construed as requiring a person or aircraft to contravene or be operated in contravention of a law of a foreign state that applies to or in respect of the person or aircraft.</p> <p>R.S., 1985, c. A-2, s. 4; R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 4, s. 2.</p>
Contraventions outside Canada	<p>4.1 Every person who commits an act or omission outside Canada that if committed in Canada would be a contravention of a provision under this Part shall be deemed to have committed a contravention of the provision under this Part and may be proceeded against and punished in the place in Canada where the person is found as if the contravention had been committed in that place.</p> <p>R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 4, s. 3.</p>

RESPONSIBILITIES OF MINISTER

Minister's responsibilities respecting aeronautics

4.2 The Minister is responsible for the development and regulation of aeronautics and the supervision of all matters connected with aeronautics and, in the discharge of those responsibilities, the Minister may

- (a) promote aeronautics by such means as the Minister considers appropriate;
- (b) construct, maintain and operate aerodromes and establish and provide other facilities and services relating to aeronautics;
- (c) establish and provide facilities and services for the collection, publication or dissemination of information relating to aeronautics and enter into arrangements with any person or branch of government for the collection, publication and dissemination of that information;
- (d) undertake, and cooperate with persons undertaking, such projects, technical research, study or investigation as in the opinion of the Minister will promote the development of aeronautics;
- (e) control and manage all aircraft and equipment necessary for the conduct of any services of Her Majesty in right of Canada;
- (f) establish aerial routes;
- (g) cooperate with officers of Her Majesty in right of Canada and assist them in providing any services under their jurisdiction that may require any aerial work and collaborate with officers employed in aviation services of Her Majesty in such extension of their work as the development of aeronautics may require;
- (h) take such action as may be necessary to secure by international regulation or otherwise the rights of Her Majesty in right of Canada in international air traffic;
- (i) cooperate with officers of Her Majesty in right of Canada on all matters relating to defence;
- (j) cooperate or enter into administrative arrangements with aeronautics authorities of other governments or foreign states with respect to any matter relating to aeronautics;
- (k) investigate, examine and report on the operation and development of commercial air services in, to or from Canada;
- (l) provide financial and other assistance to persons, governments and organizations in relation to matters pertaining to aeronautics;
- (m) for the purposes of providing aviation weather services that will ensure the safety, regularity and efficiency of aircraft operation, enter into arrangements with any branch of the Government of Canada that is capable of and responsible for providing those services or, where those arrangements cannot be made, enter into arrangements with any person or organization with respect to the provision of those services in such form and manner and at such places as the Minister considers necessary;
- (n) investigate matters concerning aviation safety; and
- (o) undertake such other activities in relation to aeronautics as the Minister considers appropriate or as the Governor in Council may direct.

R.S., 1985, c. 33 (1st Supp.), s. 1.

Delegation by Minister

4.3 (1) The Minister may authorize any person or class of persons to exercise or perform, subject to any restrictions or conditions that the Minister may specify, any of the powers, duties or functions of the Minister under this Part, other than the power to make a regulation, an order, a security measure or an emergency direction.

Exception

(1.1) Despite subsection (1), the Minister may authorize any person or class of persons to make an order, a security measure or an emergency direction if a provision of this Part specifically authorizes the Minister to do so.

Ministerial orders

(2) The Governor in Council may by regulation authorize the Minister to make orders with respect to any matter in respect of which regulations of the Governor in Council under this Part may be made.

Deputy may be authorized to make orders

(3) The Minister may authorize his deputy to make orders with respect to the matters referred to in paragraph 4.9(l).

R.S., 1985, c. 33 (1st Supp.), s. 1; 2004, c. 15, s. 3.

CHARGES

Regulations imposing charges	4.4 (1) The Governor in Council may make regulations imposing, with respect to aircraft in flight in Canada, charges for the availability during flights of any facility or service provided by or on behalf of the Minister.
Idem	(2) The Governor in Council may make regulations, or may, by order, subject to and in accordance with such terms and conditions as may be specified in the order, authorize the Minister to make regulations, imposing charges <ul style="list-style-type: none"> (a) for the use of <ul style="list-style-type: none"> (i) any facility or service provided by or on behalf of the Minister for or in respect of any aircraft, whether or not, where the facility or service is provided during flight, the flight originates or terminates in Canada or any portion of the flight is over Canada, (ii) any other facility or service provided by or on behalf of the Minister at any aerodrome, or (iii) any aerodrome operated by or on behalf of Her Majesty in right of Canada; (a.1) in respect of any security measure that is carried out by the Minister; or (b) in respect of the issue, renewal, amendment or endorsement of any document issued or to be issued under this Part or any action preparatory thereto, whether or not the document is issued, renewed, amended or endorsed.
Regulations respecting charges	(3) Any regulation made under subsection (1) or (2) may prescribe the amount of charges imposed thereunder and the rate of interest payable in respect of those charges or the manner of calculating those charges or the rate of interest and may prescribe the time from which the interest is payable.
Debt due to Her Majesty	(4) All charges imposed under this section and interest payable thereon constitute a debt due to Her Majesty in right of Canada and may be recovered as such in any court of competent jurisdiction.
Joint and several or solidary liability	(5) If a charge is imposed in respect of an aircraft under this section, both the registered owner and the operator of the aircraft are jointly and severally, or solidarily, liable for payment of the charge.
Security for payment of charges	(6) The Governor in Council may make regulations requiring registered owners and operators of aircraft who have failed to pay on time any charges imposed under this section to deposit each year with the Minister security in the form of a bond or letter of credit and in an amount satisfactory to the Minister to ensure full payment of the charges to be imposed in the next following year in respect of the aircraft.
Interest on charges	(7) Every charge imposed by regulations made under this section bears interest in accordance with the regulations. R.S., 1985, c. 33 (1st Supp.), s. 1; 2001, c. 4, s. 53(E); 2004, c. 15, s. 4.
Civil air navigation services	4.41 (1) No order or regulation may be made under this Part that has the effect of imposing charges for civil air navigation services.
Minister of National Defence	(2) No order or regulation may be made under this Part that has the effect of imposing charges for air navigation services provided by or on behalf of the Minister of National Defence if <ul style="list-style-type: none"> (a) the charges are for services referred to in subsection 10(1) of the <i>Civil Air Navigation Services Commercialization Act</i>; or (b) the charges are for services that are similar to services that the ANS Corporation provides and charges for in respect of Canadian airspace or any other airspace in respect of which Canada has responsibility for the provision of air traffic control services. 1996, c. 20, s. 100.
Seizure and detention for charges	4.5 (1) Where the amount of any charge and interest thereon due by a person that has been imposed under section 4.4 has not been paid, the Minister may, in addition to any other remedy available for the collection of the amount and whether or not a judgment for the collection of the amount has been obtained, on application to the superior court of the province in which any aircraft owned or operated by the person is situated, obtain an order of the court, issued on such terms as the court deems necessary, authorizing the Minister to seize and detain the aircraft.
Idem	(2) Where the amount of any charge and interest thereon due by a person that has been imposed under section 4.4 has not been paid and the Minister has reason to believe that the person is about to leave Canada or take from Canada any aircraft owned or operated by the person, the Minister may, in

addition to any other remedy available for the collection of the amount and whether or not a judgment for the collection of the amount has been obtained, on *ex parte* application to the superior court of the province in which any aircraft owned or operated by the person is situated, obtain an order of the court, issued on such terms as the court deems necessary, authorizing the Minister to seize and detain the aircraft.

- Release on payment (3) Subject to subsection (4), except where otherwise directed by an order of a court, the Minister is not required to release from detention an aircraft seized under subsection (1) or (2) unless the amount in respect of which the seizure was made is paid.
- Release on security (4) The Minister shall release from detention an aircraft seized under subsection (1) or (2) if a bond or other security in a form satisfactory to the Minister for the amount in respect of which the aircraft was seized is deposited with the Minister.
R.S., 1985, c. 33 (1st Supp.), s. 1.
- Exempt aircraft **4.6** (1) Any aircraft of a person referred to in subsection 4.5(1) or (2) that would be exempt from seizure under a writ of execution issued out of the superior court of the province in which the aircraft is situated, is exempt from seizure and detention under that subsection.
- Idem (2) The Governor in Council may by regulation exempt any aircraft from seizure and detention under section 4.5.
R.S., 1985, c. 33 (1st Supp.), s. 1.

AVIATION SECURITY

Interpretation

- Definitions **4.7** The following definitions apply in sections 4.71 to 4.85.
- “goods”
« *bien* » “goods” means anything that may be taken or placed on board an aircraft, or that may be brought into an aerodrome or other aviation facility, including personal belongings, baggage, cargo and conveyances.
- “screening”
« *contrôle* » “screening” means a screening, including a search, carried out in the manner and under the circumstances prescribed in aviation security regulations, security measures, emergency directions or interim orders.
R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 4, s. 5; 1999, c. 31, ss. 5, 6; 2004, c. 15, s. 5.

Aviation Security Regulations

- Aviation security regulations **4.71** (1) The Governor in Council may make regulations respecting aviation security.
- Contents of regulations (2) Without limiting the generality of subsection (1), regulations may be made under that subsection
- (a) respecting the safety of the public, passengers, crew members, aircraft and aerodromes and other aviation facilities;
- (b) respecting restricted areas in aircraft or at aerodromes or other aviation facilities, including regulations respecting their identification, access to them and their administration or management;
- (c) respecting the screening of persons entering or inside an aircraft or an aerodrome or other aviation facility;
- (d) respecting the screening of goods that are intended to be taken or placed on board an aircraft or brought into an aerodrome or other aviation facility, or that are inside an aircraft or an aerodrome or other aviation facility, including regulations authorizing the use of force to gain access to goods being screened;
- (e) respecting the seizure or detention of goods in the course of screenings, including regulations respecting the destruction of seized or detained goods;
- (f) respecting the prevention of unlawful interference with civil aviation and the action that is to be taken if that interference occurs or is likely to occur;

- (g) requiring any person or any class of persons to have a security clearance as a condition to conducting any activity specified in the regulations or to being
 - (i) the holder of a Canadian aviation document,
 - (ii) a crew member, or
 - (iii) the holder of a restricted area pass, within the meaning of section 1 of the *Canadian Aviation Security Regulations* ;
- (h) respecting the making of applications for security clearances and the information to be provided by applicants;
 - (i) specifying Canadian aviation documents for the purpose of paragraph 3(3)(c);
- (j) establishing security requirements for the design or construction of aircraft and aerodromes and other aviation facilities;
- (k) requiring security management systems to be established by the Canadian Air Transport Security Authority and by air carriers and operators of aerodromes and other aviation facilities, including regulations respecting the content or requirements of those systems;
- (l) establishing security requirements for equipment, systems and processes used in aircraft and aerodromes and other aviation facilities;
- (m) respecting the qualifications, training and standards of performance of classes of persons having responsibilities for security requirements;
- (n) respecting the testing of the effectiveness of equipment, systems and processes used in aircraft and aerodromes and other aviation facilities; and
- (o) respecting the provision to the Minister of aviation security related information specified in the regulations.

2004, c. 15, s. 5.

Security Measures

Minister may make security measures	4.72 (1) The Minister may make measures respecting aviation security.
Restriction	(2) The Minister may only make a security measure in relation to a particular matter if <ul style="list-style-type: none"> (a) an aviation security regulation could be made in relation to that matter; and (b) aviation security, the security of any aircraft or aerodrome or other aviation facility or the safety of the public, passengers or crew members would be compromised if the particular matter that is to be the subject of the security measure were set out in a regulation and the regulation became public.
Suspension of s. 4.79(1) and repeal of security measure	(3) If the Minister is of the opinion that aviation security, the security of any aircraft or aerodrome or other aviation facility or the safety of the public, passengers or crew members would no longer be compromised if the particular matter that is the subject of a security measure made under subsection (1) became public, the Minister must <ul style="list-style-type: none"> (a) within 23 days after forming the opinion, publish in the <i>Canada Gazette</i> a notice that sets out the substance of the security measure and that states that subsection 4.79(1) no longer applies in respect of the security measure; and (b) repeal the security measure before the earlier of <ul style="list-style-type: none"> (i) the day that is one year after the notice is published, and (ii) the day an aviation security regulation is made in respect of the matter dealt with by the security measure.
Effect of notice	(4) If a notice is published under paragraph (3)(a), subsection 4.79(1) ceases to apply in respect of the security measure as of the day the notice is published.
Consultation	(5) Before making a security measure, the Minister must consult with any person or organization that the Minister considers appropriate in the circumstances.
Exception	(6) Subsection (5) does not apply if, in the opinion of the Minister, the security measure is immediately required for aviation security, the security of any aircraft or aerodrome or other aviation facility or the

safety of the public, passengers or crew members.

Minister may carry out security measure (7) The Minister may carry out the requirements of a security measure whenever the Minister considers it necessary to do so.

2004, c. 15, s. 5.

Deputy may make measures **4.73** (1) The Minister may authorize his or her deputy to make, subject to any restrictions or conditions that the Minister may specify, measures respecting aviation security whenever the deputy is of the opinion that the measures are immediately required for aviation security, the security of any aircraft or aerodrome or other aviation facility or the safety of the public, passengers or crew members.

Restriction (2) The Minister's deputy may only make a security measure in relation to a particular matter if

- (a) an aviation security regulation could be made in relation to that matter; and
- (b) aviation security, the security of any aircraft or aerodrome or other aviation facility or the safety of the public, passengers or crew members would be compromised if the particular matter that is to be the subject of the security measure were set out in a regulation and the regulation became public.

Minister may carry out security measure (3) The Minister may carry out the requirements of a security measure made under subsection (1) whenever the Minister considers it necessary to do so.

Duration (4) A security measure made under subsection (1) comes into force immediately when it is made but ceases to have force 90 days after it is made unless the Minister or his or her deputy repeals it before the expiry of the 90 days.

2004, c. 15, s. 5.

Relationship with regulations **4.74** (1) A security measure may provide that it applies in lieu of or in addition to any aviation security regulation.

Conflict (2) If there is a conflict between an aviation security regulation and a security measure, the security measure prevails to the extent of the conflict.

2004, c. 15, s. 5.

Foreign Aircraft Requirements

Foreign aircraft requirements **4.75** For the purposes of protecting the public, passengers, crew members, aircraft and aerodromes and other aviation facilities or for preventing unlawful interference with civil aviation, no operator of an aircraft registered outside Canada shall land the aircraft at an aerodrome in Canada unless the aircraft and all persons and goods on board the aircraft have been subjected to requirements that are acceptable to the Minister.

2004, c. 15, s. 5.

Emergency Directions

Emergency directions **4.76** If the Minister is of the opinion that there is an immediate threat to aviation security or to any aircraft or aerodrome or other aviation facility, or to the safety of the public, passengers or crew members, the Minister may direct any person to do, or to refrain from doing, anything that in the opinion of the Minister it is necessary to do or refrain from doing in order to respond to the threat, including directions respecting

- (a) the evacuation of aircraft and of aerodromes or other aviation facilities, or portions of them;
- (b) the diversion of aircraft to alternate landing sites; and
- (c) the movement of aircraft or persons at aerodromes or other aviation facilities.

2004, c. 15, s. 5.

Authorized officer may make emergency direction **4.77** The Minister may authorize any officer of the Department of Transport to make, subject to any restrictions or conditions that the Minister may specify, any direction that the Minister may make under section 4.76 whenever the officer is of the opinion that there is a threat referred to in that section.

2004, c. 15, s. 5.

Duration	4.771 An emergency direction comes into force immediately when it is made but ceases to have force 72 hours after it is made, unless the Minister or the officer who made it repeals it before the expiry of the 72 hours. 2004, c. 15, s. 5.
Relationship with regulations and security measures	4.78 (1) An emergency direction may provide that it applies in lieu of or in addition to any aviation security regulation or security measure.
Conflict	(2) If there is a conflict between an aviation security regulation or a security measure and an emergency direction, the emergency direction prevails to the extent of the conflict. 2004, c. 15, s. 5.

Unauthorized Disclosure

Unauthorized disclosure — security measures	4.79 (1) Unless the Minister states under subsection 4.72(3) that this subsection does not apply in respect of a security measure, no person other than the person who made the security measure shall disclose its substance to any other person unless the disclosure is required by law or is necessary to give effect to the security measure.
Court to inform Minister	(2) If, in any proceedings before a court or other body having jurisdiction to compel the production or discovery of information, a request is made for the production or discovery of any security measure, the court or other body shall, if the Minister is not a party to the proceedings, cause a notice of the request to be given to the Minister, and, <i>in camera</i> , examine the security measure and give the Minister a reasonable opportunity to make representations with respect to it.
Order	(3) If the court or other body concludes in the circumstances of the case that the public interest in the proper administration of justice outweighs in importance the public interest in aviation security, the court or other body shall order the production or discovery of the security measure, subject to any restrictions or conditions that the court or other body considers appropriate, and may require any person to give evidence that relates to the security measure. 2004, c. 15, s. 5.

Security Clearances

Granting, suspending, etc.	4.8 The Minister may, for the purposes of this Act, grant or refuse to grant a security clearance to any person or suspend or cancel a security clearance. R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 4, s. 6; 2004, c. 15, s. 5.
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Provision of Information

Definition	4.81 (0.1) The following definition applies in this section and in section 4.82.
“transportation security” « <i>sûreté des transports</i> »	“transportation security” means the protection of any means of transportation or of any transportation infrastructure, including related equipment, from any actual or attempted action that could cause, or result in, (a) loss of life or personal injury; (b) substantial damage to or destruction of a means of transportation or any transportation infrastructure; or (c) interference with any means of transportation or with any transportation infrastructure that is likely to result in loss of life or personal injury, or substantial damage to or destruction of any means of transportation or any transportation infrastructure.
Requirement to provide information	(1) The Minister, or any officer of the Department of Transport authorized by the Minister for the purposes of this section, may, for the purposes of transportation security, require any air carrier or operator of an aviation reservation system to provide the Minister or officer, as the case may be, within

the time and in the manner specified by the Minister or officer, with information set out in the schedule

(a) that is in the air carrier's or operator's control concerning the persons on board or expected to be on board an aircraft for any flight specified by the Minister or officer if the Minister or officer is of the opinion that there is an immediate threat to that flight; or

(b) that is in the air carrier's or operator's control, or that comes into their control within 30 days after the requirement is imposed on them, concerning any particular person specified by the Minister or officer.

Restriction on disclosure — Department of Transport

(2) Information provided under subsection (1) may be disclosed by persons in the Department of Transport to other persons in that department only for the purposes of transportation security.

Restriction on disclosure — other persons

(3) Information provided under subsection (1) may be disclosed to persons outside the Department of Transport only for the purposes of transportation security, and it may be disclosed only to

(a) the Minister of Citizenship and Immigration;

(b) the Minister of Public Safety and Emergency Preparedness;

(c) the chief executive officer of the Canadian Air Transport Security Authority; and

(d) a person designated under subsection 4.82(2) or (3).

Restriction on further disclosures

(4) Information disclosed under subsection (3) may be further disclosed only for the purposes of transportation security, and it may be disclosed

(a) in the case of information disclosed to the Minister of Citizenship and Immigration, only to persons in the Department of Citizenship and Immigration;

(b) in the case of information disclosed to the Minister of Public Safety and Emergency Preparedness, only to persons in the Canada Border Services Agency;

(c) in the case of information disclosed to the chief executive officer of the Canadian Air Transport Security Authority, only to persons in the Canadian Air Transport Security Authority; and

(d) in the case of information disclosed to a person designated under subsection 4.82(2) or (3), only in accordance with section 4.82 as though it were information provided under subsection 4.82(4) or (5).

Deeming

(5) Information disclosed under subsection (3) to a person designated under subsection 4.82(2) or (3) is to be dealt with under section 4.82 as though it were information provided under subsection 4.82(4) or (5).

Destruction of information

(6) Subject to subsections (5), (7) and (8), information provided to the Minister or an officer of the Department of Transport under subsections (1) and (2) or disclosed to the Minister under subsection 4.82(8) must be destroyed within seven days after it is provided or disclosed under that subsection.

Destruction of information

(7) Information disclosed under subsection (3) to a person referred to in any of paragraphs (3)(a) to (c) must be destroyed within seven days after it is disclosed under that subsection.

Destruction of information

(8) Information disclosed under subsection (3) to a person referred to in any of paragraphs (3)(a) to (c) that is further disclosed under subsection (4) must be destroyed within seven days after it was disclosed under subsection (3).

Application

(9) Subsections (6) to (8) apply despite any other Act of Parliament.

Amendment of schedule

(10) The Governor in Council may, on the recommendation of the Minister, by order amend the schedule.

2004, c. 15, s. 5; 2005, c. 38, ss. 139, 142, 145.

4.82 [Not in force]

Foreign states requiring information

4.83 (1) Despite section 5 of the *Personal Information Protection and Electronic Documents Act*, to the extent that that section relates to obligations set out in Schedule 1 to that Act relating to the disclosure of information, and, despite subsection 7(3) of that Act, an operator of an aircraft departing from Canada that is scheduled to land in a foreign state or of a Canadian aircraft departing from any place outside Canada that is scheduled to land in a foreign state may, in accordance with the regulations, provide to a

competent authority in that foreign state any information that is in its control relating to persons on board or expected to be on board the aircraft and that is required by the laws of the foreign state.

Restriction —
government
institutions

(2) No information provided under subsection (1) to a competent authority in a foreign state may be collected from that foreign state by a government institution, within the meaning of section 3 of the *Privacy Act*, unless it is collected for the purpose of protecting national security or public safety or for the purpose of defence or for the purpose of administering or enforcing any Act of Parliament that prohibits, controls or regulates the importation or exportation of goods or the movement of people in or out of Canada, and any such information collected by the government institution may be used or disclosed by it only for one or more of those purposes.

Regulations

(3) The Governor in Council may make regulations generally for carrying out the purposes of this section, including regulations

(a) respecting the type or classes of information that may be provided; or

(b) specifying the foreign states to which information may be provided.

2001, c. 38, s. 1; 2004, c. 15, s. 6.

Screenings

Designation of
persons to conduct

4.84 The Minister may designate, in writing, persons to conduct screenings, subject to any restrictions or conditions that the Minister may specify.

2004, c. 15, s. 7.

Prohibition —
persons and goods

4.85 (1) If an aviation security regulation, a security measure, an emergency direction or an interim order requires a person to be screened, a person shall not enter or remain in an aircraft or in an aviation facility or a restricted area of an aerodrome unless the person permits a screening, or screenings, to be carried out in accordance with the regulation, security measure, emergency direction or interim order, as the case may be, of

(a) his or her person; or

(b) the goods that the person intends to take or have placed on board the aircraft or to take into the aviation facility or the restricted area of the aerodrome or, as the case may be, the goods that the person has taken or placed on board the aircraft or has taken into the aviation facility or the restricted area of the aerodrome.

Prohibition —
conveyances

(2) If an aviation security regulation, a security measure, an emergency direction or an interim order requires a conveyance to be screened, an operator of a conveyance shall not allow the conveyance to enter or remain in an aviation facility or a restricted area of an aerodrome unless the operator permits a screening, or screenings, to be carried out of the conveyance in accordance with the regulation, security measure, emergency direction or interim order, as the case may be.

Prohibition relating
to air carriers

(3) If an aviation security regulation, a security measure, an emergency direction or an interim order requires a person or goods to be screened, no air carrier shall transport the person or the goods unless the person or goods have been screened in accordance with the regulation, security measure, emergency direction or interim order, as the case may be.

Prohibition relating
to persons who
accept goods for
transportation

(4) A person who accepts any goods for transportation shall not tender the goods for transportation by air unless the person has screened the goods as may be required by any aviation security regulation, security measure, emergency direction or interim order, as the case may be.

2004, c. 15, s. 7.

Air Carrier and Aerodrome Assessments

Assessment

4.86 The Minister may conduct aviation security assessments outside Canada of air carriers that operate or intend to operate flights to Canada or of facilities relating to the operations of those air carriers.

2004, c. 15, s. 7.

Verifying Compliance and Testing Effectiveness

No offence

4.87 A person authorized by the Minister to verify compliance with aviation security regulations, security measures, emergency directions or interim orders, or to test the effectiveness of equipment, systems and processes used with respect to aircraft, aerodromes and other aviation facilities, does not commit an offence if the person commits any act or omission that is required in the course of any such verification or testing and that would otherwise constitute a contravention of an aviation security regulation, a security measure, an emergency direction or an interim order.

2004, c. 15, s. 7.

GENERAL REGULATORY POWERS

Regulations respecting aeronautics

4.9 The Governor in Council may make regulations respecting aeronautics and, without restricting the generality of the foregoing, may make regulations respecting

(a) the accreditation or licensing of

(i) flight crew members, air traffic controllers, operators of equipment used to provide services relating to aeronautics and other persons providing services relating to aeronautics, and

(ii) persons engaged in the design, manufacture, distribution, maintenance, approval, certification or installation of aeronautical products and the installation, maintenance, approval and certification of equipment used to provide services relating to aeronautics;

(b) the design, manufacture, distribution, maintenance, approval, installation, inspection, registration, licensing, identification and certification of aeronautical products;

(c) the design, installation, inspection, maintenance, approval and certification of equipment and facilities used to provide services relating to aeronautics;

(d) the approval of flight training equipment;

(e) activities at aerodromes and the location, inspection, certification, registration, licensing and operation of aerodromes;

(f) noise emanating from aerodromes and aircraft;

(g) the certification of air carriers;

(h) the conditions under which aircraft may be used or operated or under which any act may be performed in or from aircraft;

(i) the conditions under which persons or personal belongings, baggage, goods or cargo of any kind may be transported by aircraft;

(j) the areas within which aircraft coming from outside Canada are to land and the conditions to which such aircraft are subject;

(k) the classification and use of airspace and the control and use of aerial routes;

(l) the prohibition of the use of airspace or aerodromes;

(m) the prohibition of the doing of any other act or thing in respect of which regulations under this Part may be made;

(n) the enforcement of such laws as may be deemed necessary for the safe and proper operation of aircraft;

(o) the use and operation of any objects that in the opinion of the Minister are likely to be hazardous to aviation safety;

(p) the preservation, protection and removal of aircraft involved in accidents, personal belongings, baggage, goods, cargo of any kind thereon, and of any records pertaining to the aircraft or its flight, the preservation, protection, removal and testing of any part of such aircraft and the protection of sites of aircraft accidents;

(q) the investigation of any accident involving an aircraft, any alleged contravention under this Part or any incident involving an aircraft that, in the opinion of the Minister, endangered the safety of persons;

(r) the taking of statements by investigators for the purpose of an investigation referred to in paragraph (q);

(s) the keeping and preservation of records and documents relating to aerodromes, to activities, with respect to aeronautics, of persons who hold Canadian aviation documents and to aeronautical products and equipment and facilities used to provide services relating to aeronautics;

- (t) the handling, marking, storage and delivery of fuel and any lubricants or chemicals used during or in connection with the operation of aircraft;
- (u) the provision of facilities, services and equipment relating to aeronautics;
- (v) the provision of aviation weather services by persons other than Her Majesty in right of Canada; and
- (w) the application of the Convention on International Civil Aviation signed at Chicago, 7 December 1944, as amended from time to time.

R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 4, s. 7.

- Regulations** **4.91** (1) The Governor in Council may make regulations authorizing the Minister to make orders directing the ANS Corporation to maintain or increase the level of civil air navigation services it provides in accordance with such terms and conditions as may be specified in the orders.
- Order must relate to safety** (2) The Minister may make an order under subsection (1) only if the Minister is of the opinion that the order is necessary for aviation safety or the safety of the public.
- No compensation** (3) The ANS Corporation is not entitled to financial compensation for any financial losses that result or may result from the Minister making an order under subsection (1).
- Exemption** (4) An order under subsection (1) is exempt from examination, registration or publication under the *Statutory Instruments Act*.
1996, c. 20, s. 101.
- Hours of work limitation and insurance** **5.** The Governor in Council may make regulations
- (a) limiting the hours of work of crew members of any aircraft operated by air carriers and of crew members of any aircraft used for carrying passengers;
 - (b) requiring owners and operators of aircraft to subscribe for and carry liability insurance and specifying the minimum amount of that insurance if the owners and operators are not required by regulations made by the Canadian Transportation Agency to subscribe for and carry liability insurance; and
 - (c) requiring persons providing aeronautical radio navigation services, within the meaning of subsection 2(1) of the *Civil Air Navigation Services Commercialization Act*, to subscribe for and carry liability insurance and specifying the minimum amount of that insurance.
- R.S., 1985, c. A-2, s. 5; R.S., 1985, c. 33 (1st Supp.), s. 1, c. 28 (3rd Supp.), s. 359; 1992, c. 4, s. 8; 1996, c. 10, s. 204, c. 20, s. 102.
- Restrictions and prohibitions for safety or security purposes** **5.1** The Minister or any person authorized by the Minister may by notice prohibit or restrict the operation of aircraft on or over any area or within any airspace, either absolutely or subject to any exceptions or conditions that the Minister or person may specify, if, in the opinion of the Minister or person, the prohibition or restriction is necessary for aviation safety or security or the protection of the public.
R.S., 1985, c. 33 (1st Supp.), s. 1; 2004, c. 15, s. 8.
- Relationship to Radiocommunication Act** **5.2** Regulations made under this Part respecting
- (a) aeronautical products or equipment or facilities used to provide services relating to aeronautics,
 - (b) persons who operate or are engaged in the design, installation, inspection, maintenance, approval and certification of aeronautical products, equipment or facilities, or
 - (c) the provision of information services in relation to the operation of aircraft or conditions of flight
- are in addition to and not in derogation of the provisions of the *Radiocommunication Act* and regulations made under that Act and, where there is any conflict between any regulation made under this Part and any regulation made under the *Radiocommunication Act*, the regulation made under the *Radiocommunication Act* prevails.
R.S., 1985, c. 33 (1st Supp.), s. 1; 1989, c. 17, ss. 8, 15; 1992, c. 4, s. 9(F).

Relationship to *Explosives Act* **5.3** Regulations made under this Part respecting the use and operation of rockets are in addition to and not in derogation of the provisions of the *Explosives Act* and regulations made thereunder and, where there is any conflict between any regulation respecting rockets made under this Part and any regulation made under the *Explosives Act*, the regulation made under the *Explosives Act* prevails.

R.S., 1985, c. 33 (1st Supp.), s. 1.

AIRPORT ZONING

Definitions	5.4 (1) In this section and sections 5.5 to 5.81,
“airport site” « zone aéroportuaire »	“airport site” means any land, not being a part of an existing airport, (a) the title to which is vested in or that otherwise belongs to Her Majesty in right of Canada, or (b) in respect of which a notice of intention to expropriate under section 5 of the <i>Expropriation Act</i> has been registered and that is declared by order of the Governor in Council to be required for use as an airport;
“federal airport” « aéroport fédéral »	“federal airport” includes a military aerodrome;
“lands” « biens-fonds »	“lands” include water (and the frozen surface thereof) and any other supporting surface;
“object” « éléments »	“object” includes an object of natural growth;
“owner” « propriétaire »	“owner”, in respect of land or a building, structure or object, includes any person other than a lessee, who has a right, title or interest in the land, building, structure or object that is a recognized right, title or interest therein under the law of the province in which it is situated;
“provincial authority” « autorité provinciale »	“provincial authority” means an authority in a province responsible for the regulation of land use;
“zoning regulation” « règlements de zonage »	“zoning regulation” means any regulation made pursuant to subsection (2).
Zoning regulation	(2) The Governor in Council may make regulations for the purposes of (a) preventing lands adjacent to or in the vicinity of a federal airport or an airport site from being used or developed in a manner that is, in the opinion of the Minister, incompatible with the operation of an airport; (b) preventing lands adjacent to or in the vicinity of an airport or airport site from being used or developed in a manner that is, in the opinion of the Minister, incompatible with the safe operation of an airport or aircraft; and (c) preventing lands adjacent to or in the vicinity of facilities used to provide services relating to aeronautics from being used or developed in a manner that would, in the opinion of the Minister, cause interference with signals or communications to and from aircraft or to and from those facilities.
Conditions precedent	(3) The Governor in Council shall not make a zoning regulation under paragraph (2)(a) unless (a) the Minister, after making a reasonable attempt to do so, has been unable to reach an agreement with the government of the province in which the lands to which the zoning regulation applies are situated providing for the use or development of the lands in a manner that is compatible with the operation of an airport; or (b) in the opinion of the Minister, it is necessary to immediately prevent the use or development of the lands to which the zoning regulation applies in a manner that is incompatible with the operation of an airport.
Non-conforming uses, etc.	(4) No zoning regulation shall apply to or in respect of a use of land, buildings, structures or objects or a building, structure or object that, on the day on which the zoning regulation comes into force, exists as a use, building, structure or object that does not conform to the zoning regulation.
Deeming existence	(5) For the purposes of subsection (4), where on the day on which a zoning regulation comes into

- of certain things force, all approvals for construction required by law have been obtained permitting a building, structure or object that, if constructed, would not conform to the zoning regulation, the building, structure or object shall be deemed to exist on the day on which the zoning regulation comes into force.
R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 4, s. 10.
- Publication of notice of proposed regulation **5.5** (1) The Minister shall cause a notice of every zoning regulation that is proposed to be made to be published in two successive issues of at least one newspaper, if any, serving the area to which the proposed zoning regulation relates and in two successive issues of the *Canada Gazette*, and a reasonable opportunity shall be afforded to interested persons to make representations to the Minister with respect thereto.
- Exception (2) No notice of a proposed zoning regulation is required to be published under subsection (1) if
(a) it has previously been published pursuant to this section, whether or not the proposed zoning regulation is altered as a result of representations referred to in subsection (1); or
(b) the proposed zoning regulation would, in the opinion of the Minister, make no material substantive change in an existing zoning regulation.
R.S., 1985, c. 33 (1st Supp.), s. 1.
- Publication of zoning regulations **5.6** (1) In addition to the publication required by the *Statutory Instruments Act*, a copy of every zoning regulation shall, forthwith after it is made, be published in two successive issues of at least one newspaper, if any, serving the area to which the zoning regulation relates.
- Deposit of regulation, plan and description (2) A zoning regulation shall come into force in respect of the lands to which it applies when a copy thereof, together with a plan and description of the lands, signed by the Minister and by a land surveyor duly licensed in and for the province in which the lands are situated, has been deposited on record in the office of the registrar or master of deeds or land titles or other officer with whom the title to land is registered or recorded in each county, district or registration division in which any part of the lands are situated.
- Amendments (3) Where a zoning regulation deposited pursuant to subsection (2) is amended, the amending regulation shall come into force when a copy thereof, signed in the manner provided in that subsection, is deposited in the same office or offices where the zoning regulation thereby amended was deposited, but a further plan and description need not be so deposited unless lands additional to those affected by the zoning regulation thereby amended are affected by the amending regulation.
- Duty of the registrar (4) For the purposes of subsections (2) and (3), the registrar or master of deeds or land titles or other officer with whom the title to land is registered or recorded shall receive and permanently retain in his office such zoning regulations and plans and descriptions as are deposited pursuant to those subsections and shall endorse thereon the day, hour and minute of their deposit.
- Abandonment (5) Where a notice of intention to expropriate for any of the purposes described in subsection 5.4(2) has been registered in accordance with the *Expropriation Act* and that intention is abandoned or is deemed to have been abandoned under that Act, any zoning regulation with respect to the lands affected by the abandonment shall thereupon cease to have effect.
R.S., 1985, c. 33 (1st Supp.), s. 1.
- Notice of entry to enforce compliance **5.7** (1) The Minister may by notice in writing to an owner or lessee who
(a) is making use of lands or a building, structure or object, or
(b) has a building, structure or object on any lands,
in contravention of a zoning regulation, advise the owner or lessee that, unless, prior to such date as the Minister shall specify in the notice, being not earlier than thirty days after the date the notice is served or last published pursuant to subsection (2), the contravening use is permanently discontinued or the building, structure or object is removed or altered to the extent described by the Minister in the notice, as the case may require, the Minister intends to enter on the lands and take such steps as may be reasonably necessary to prevent the continuation of the contravening use or to remove or alter the building, structure or object.
- Notice to contain statement (2) A notice under subsection (1) shall
(a) contain a statement of the provisions of subsection (3); and

(b) be served on the owner or lessee to whom it is addressed personally or by registered or certified mail or, where the Minister is, after reasonable attempts, unable to ascertain the address or whereabouts of the owner or lessee, be

(i) posted on the land, building, structure or object to which the notice relates, and

(ii) published in two successive issues of at least one newspaper, if any, serving the area in which the land, building, structure or object is situated and in two successive issues of the *Canada Gazette*.

- Objection** (3) An owner or lessee who objects to the intended entry or steps to be taken referred to in subsection (1) may, within thirty days after the date of service of the notice on the owner or lessee under subsection (2) or within thirty days after the date of the last publication of the notice under subsection (2), as the case may be, serve on the Minister, by registered or certified mail or by leaving at the Minister's office, an objection in writing indicating the nature of the objection and the grounds on which the objection is based.
- Representations on objections** (4) Where the Minister has received an objection under subsection (3), the Minister shall, within a reasonable time thereafter, provide the owner or lessee who made the objection with a full opportunity before the Minister to be heard concerning the nature and grounds of the objection.
- Notice of intentions after objections** (5) The Minister shall, forthwith after providing a full opportunity to be heard to an owner or lessee in relation to an objection, in writing served personally or by registered or certified mail, notify the owner or lessee whether the Minister intends to give effect to the objection and, where the Minister does not intend to do so, the notice shall state the Minister's reasons therefor.
- Entry** (6) Where
- (a) a notice to an owner or lessee under subsection (1) has been served or has been posted and published in accordance with subsection (2),
- (b) a notice of objection by the owner or lessee has not been served on the Minister in accordance with subsection (3) or, the notice having been served and a full opportunity afforded to the owner or lessee to be heard in relation thereto, the Minister has notified the owner or lessee pursuant to subsection (5) that the Minister does not intend to give effect to the objection, and
- (c) the owner or lessee continues to make use of lands or any building, structure or object thereon in contravention of the zoning regulation in respect of which the notice was issued or continues to have a building, structure or object on lands in contravention of the zoning regulation, as the case may be,
- the Minister may, subject to subsection 8.7(4), enter on the lands and take such steps as may be reasonably necessary to prevent the continuation of the contravening use or to remove or alter the building, structure or object, as the case may require.
- Notices not statutory instruments** (7) A notice under this section shall be deemed not to be a statutory instrument for the purposes of the *Statutory Instruments Act*.
- R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 1, s. 5; 2001, c. 4, s. 54(F).
- No right to compensation, etc.** **5.8** No person is entitled to any compensation or costs for any loss, damage, removal or alteration resulting from the application of a zoning regulation to any lands, building, structure or object.
- R.S., 1985, c. 33 (1st Supp.), s. 1.
- Agreements with a provincial authority** **5.81** (1) The Minister may enter into an agreement with a provincial authority to authorize the provincial authority to regulate, in the same manner and to the same extent as it may regulate the use of lands within its jurisdiction, the use of lands adjacent to or in the vicinity of an airport or airport site that are not the subject of regulations made pursuant to subsection 5.4(2), for the purpose of ensuring that that use is not incompatible with the safe operation of an airport or aircraft.
- Saving** (2) Subsections 5.4(3) to (5) and sections 5.5 to 5.7 shall not apply in respect of lands that are the subject of an agreement made under subsection (1), during the period in which the agreement remains in effect.
- Contravention** (3) Every person who contravenes a regulation or other measure established by a provincial authority pursuant to an agreement referred to in subsection (1) is guilty of an offence punishable on summary conviction.
- 1992, c. 4, s. 11.

GENERAL PROVISIONS RESPECTING REGULATIONS, ORDERS, ETC.

- Exemption by Governor in Council **5.9** (1) The Governor in Council may make regulations exempting, on any terms and conditions that may be specified in the regulations, any person, aeronautical product, aerodrome, facility or service, or any class of persons, aeronautical products, aerodromes, facilities or services, from the application of any regulation or order made under this Part.
- Exemption by Minister (2) The Minister or an officer of the Department of Transport authorized by the Minister for the purpose of this subsection may, on any terms and conditions that the Minister or officer, as the case may be, considers necessary, exempt any person, aeronautical product, aerodrome, facility or service, or any class of persons, aeronautical products, aerodromes, facilities or services, from the application of any regulation, order or security measure made under this Part if the exemption, in the opinion of the Minister or officer, as the case may be, is in the public interest and is not likely to adversely affect aviation safety or security.
- Incorporation by reference (3) A regulation, an order, a security measure or an emergency direction made under this Part that incorporates by reference a classification, standard, procedure or other specification may incorporate it as it is amended from time to time and in such a case the reference shall be read accordingly.
- Prohibition in regulations or orders (4) A regulation, an order, a security measure or an emergency direction made under this Part prohibiting the doing of any act or thing may prohibit the doing of that act or thing either at all times and places or only at specified times, places and occasions, and may do so either absolutely or subject to any specified exceptions or conditions.
- R.S., 1985, c. 33 (1st Supp.), s. 1; 2004, c. 15, s. 9.
- 6. [Not in force]**
- Notice of unpublished regulations **6.1** Where a regulation, within the meaning of the *Statutory Instruments Act*, respecting the operation of aircraft is alleged to have been contravened at a time before it is published as required by that Act, a certificate purporting to be signed by the Minister or the Secretary of the Department of Transport stating that a notice containing the regulation was issued before that time is, in the absence of evidence to the contrary, proof for the purposes of paragraph 11(2)(b) of that Act that reasonable steps were taken to bring the purport of the regulation to the notice of those persons likely to be affected by it.
- R.S., 1985, c. 33 (1st Supp.), s. 1.
- Exemption from *Statutory Instruments Act* **6.2** (1) The following are exempt from the application of sections 3, 5 and 11 of the *Statutory Instruments Act*:
- (a) a regulation made under paragraph 4.9(I), or a notice issued under section 5.1, that prohibits or restricts the use of any airspace or aerodrome;
 - (b) a security measure;
 - (c) an emergency direction;
 - (d) an exemption made under subsection 5.9(2); and
 - (e) an interim order made under section 6.41.
- Precondition for contravention (2) No person shall be found to have contravened any regulation or notice referred to in paragraph (1)(a), any security measure or emergency direction or any interim order that has not been published in the *Canada Gazette* under subsection 6.41(4) at the time of the alleged contravention unless it is proved that, at the time of the alleged contravention, the person had been notified of the regulation, security measure, emergency direction or interim order or reasonable steps had been taken to bring its purport to the notice of those persons likely to be affected by it.
- Certificate (3) A certificate purporting to be signed by the Minister or the Secretary of the Department of Transport and stating that a notice containing the regulation, notice referred to in paragraph (1)(a), security measure, emergency direction or interim order was given to persons likely to be affected by it is, in the absence of evidence to the contrary, proof that notice was given to those persons.
- R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 4, s. 12; 2004, c. 15, s. 10.

BOARDS OF INQUIRY

- Establishment** **6.3** (1) The Minister may establish a board of inquiry to inquire, subject to the *Canadian Transportation Accident Investigation and Safety Board Act*, into the circumstances of any accident involving an aircraft, any alleged contravention under this Part or any incident involving an aircraft that, in the opinion of the Minister, endangered the safety of persons, and may designate the persons who are to be members of that board.
- Powers of boards** (2) Every person designated by the Minister as a member of a board of inquiry has and may exercise all the powers of a person appointed as a commissioner under Part I of the *Inquiries Act* and the powers that may be conferred on a commissioner under section 11 of that Act.
- Witnesses** (3) Every witness who attends and gives evidence before a board of inquiry is entitled to be paid reasonable travel and living expenses incurred by the witness in so attending and giving evidence and the witness fees prescribed in the tariff of fees in use in the superior court of the province in which the witness's evidence is given.
- Reports of boards** (4) A board of inquiry shall send a full report of the inquiry conducted by it to the Minister within such time as the Minister may require.
- (5) [Repealed, 1989, c. 3, s. 39]
- R.S., 1985, c. 33 (1st Supp.), s. 1; 1989, c. 3, s. 39.
- Application of Canadian Transportation Accident Investigation and Safety Board Act** **6.4** The provisions of sections 28, 29 and 30 of the *Canadian Transportation Accident Investigation and Safety Board Act* relating to on-board recordings, communication records and statements, within the meaning of those respective sections, apply, with such modifications as the circumstances require, to and in respect of a board of inquiry and an inquiry conducted by such a board under section 6.3 and any investigation by the Minister concerning aviation safety.
- R.S., 1985, c. 33 (1st Supp.), s. 1; 1989, c. 3, s. 40.

INTERIM ORDERS

- Interim orders** **6.41** (1) The Minister may make an interim order that contains any provision that may be contained in a regulation made under this Part
- (a) to deal with a significant risk, direct or indirect, to aviation safety or the safety of the public;
- (b) to deal with an immediate threat to aviation security, the security of any aircraft or aerodrome or other aviation facility or the safety of the public, passengers or crew members; or
- (c) for the purpose of giving immediate effect to any recommendation of any person or organization authorized to investigate an aviation accident or incident.
- Authorized deputy may make interim order** (1.1) The Minister may authorize, subject to any restrictions or conditions that the Minister may specify, his or her deputy to make, for any reason referred to in any of paragraphs (1)(a) to (c), an interim order that contains any provision that may be contained in a regulation made under this Part.
- Consultation** (1.2) Before making an interim order, the Minister or deputy, as the case may be, must consult with any person or organization that the Minister or deputy considers appropriate in the circumstances.
- Coming into effect** (2) An interim order has effect from the day on which it is made, as if it were a regulation made under this Part, and ceases to have effect fourteen days after it is made unless it is approved by the Governor in Council within that fourteen day period.
- Recommendation by Minister** (3) Where the Governor in Council approves an interim order, the Minister shall, as soon as possible after the approval, recommend to the Governor in Council that a regulation having the same effect as the interim order be made under this Part, and the interim order ceases to have effect
- (a) where such a regulation is made, on the day on which the regulation comes into force; and
- (b) where no such regulation is made, one year after the day on which the interim order is made.
- Publication in Canada Gazette** (4) An interim order must be published in the *Canada Gazette* within 23 days after the day on which it is made.

- Tabling of interim order (5) A copy of each interim order must be tabled in each House of Parliament within 15 days after it is made.
- House not sitting (6) In order to comply with subsection (5), the interim order may be sent to the Clerk of the House if the House is not sitting.
1992, c. 4, s. 13; 2004, c. 15, s. 11.

MEDICAL AND OPTOMETRIC INFORMATION

- Minister to be provided with information **6.5** (1) Where a physician or an optometrist believes on reasonable grounds that a patient is a flight crew member, an air traffic controller or other holder of a Canadian aviation document that imposes standards of medical or optometric fitness, the physician or optometrist shall, if in his opinion the patient has a medical or optometric condition that is likely to constitute a hazard to aviation safety, inform a medical adviser designated by the Minister forthwith of that opinion and the reasons therefor.
- Patient to advise (2) The holder of a Canadian aviation document that imposes standards of medical or optometric fitness shall, prior to any medical or optometric examination of his person by a physician or optometrist, advise the physician or optometrist that he is the holder of such a document.
- Use by Minister (3) The Minister may make such use of any information provided pursuant to subsection (1) as the Minister considers necessary in the interests of aviation safety.
- No proceedings shall lie (4) No legal, disciplinary or other proceedings lie against a physician or optometrist for anything done by him in good faith in compliance with this section.
- Information privileged (5) Notwithstanding subsection (3), information provided pursuant to subsection (1) is privileged and no person shall be required to disclose it or give evidence relating to it in any legal, disciplinary or other proceedings and the information so provided shall not be used in any such proceedings.
- Deemed consent (6) The holder of a Canadian aviation document that imposes standards of medical or optometric fitness shall be deemed, for the purposes of this section, to have consented to the giving of information to a medical adviser designated by the Minister under subsection (1) in the circumstances referred to in that subsection.
R.S., 1985, c. 33 (1st Supp.), s. 1.

MEASURES RELATING TO CANADIAN AVIATION DOCUMENTS

- Definition of "Canadian aviation document" **6.6** In sections 6.7 to 7.21, "Canadian aviation document" includes any privilege accorded by a Canadian aviation document.
R.S., 1985, c. 33 (1st Supp.), s. 1; 2001, c. 29, s. 34.
- Non-application of certain provisions **6.7** Sections 6.71 to 7.21 do not apply to a member of the Canadian Armed Forces acting in that capacity or to any other person in relation to a Canadian aviation document issued in respect of a military aircraft, military aerodrome or military facility.
R.S., 1985, c. 33 (1st Supp.), s. 1; 2001, c. 29, s. 34.
- Minister may refuse to issue or amend Canadian aviation document **6.71** (1) The Minister may refuse to issue or amend a Canadian aviation document on the grounds that
(a) the applicant is incompetent;
(b) the applicant or any aircraft, aerodrome, airport or other facility in respect of which the application is made does not meet the qualifications or fulfil the conditions necessary for the issuance or amendment of the document; or
(c) the Minister is of the opinion that the public interest and, in particular, the aviation record of the applicant or of any principal of the applicant, as defined in regulations made under paragraph (3)(a), warrant the refusal.
- Notice (2) The Minister shall, by personal service or by registered or certified mail sent to their latest known address, notify the applicant or the owner or operator of the aircraft, aerodrome, airport or other facility,

as the case may be, of a decision made under subsection (1). The notice shall be in a form prescribed by regulation of the Governor in Council and, in addition to any other information that may be prescribed, shall indicate, as the case requires,

- (a) the nature of the incompetence of the applicant;
- (b) the qualifications or conditions referred to in paragraph (1)(b) that are not met or fulfilled, as the case may be;
- (c) the reasons for the Minister's opinion referred to in paragraph (1)(c); and
- (d) except in the case of a document or class of documents prescribed under paragraph (3)(b), the address at which, and the date, being thirty days after the notice is served or sent, on or before which the applicant, owner or operator may file a request for a review of the Minister's decision.

Regulations

(3) The Governor in Council may make regulations

- (a) defining the word "principal"; and
- (b) prescribing Canadian aviation documents, or classes of such documents, in respect of which a review of the Minister's decision to refuse to issue or amend a document may not be requested.

1992, c. 4, s. 14; 2001, c. 29, s. 34.

Request for review

6.72 (1) Subject to any regulations made under paragraph 6.71(3)(b), an applicant, owner or operator who is served with or sent a notice under subsection 6.71(2) and who wishes to have the Minister's decision reviewed shall, on or before the date specified in the notice or within any further time that the Tribunal on application may allow, file a written request for a review of the decision with the Tribunal at the address set out in the notice.

Time and place for review

(2) On receipt of a request filed under subsection (1), the Tribunal shall appoint a time and place for the review and shall notify the Minister and the person who filed the request of the time and place in writing.

Review procedure

(3) The member of the Tribunal assigned to conduct the review shall provide the Minister and the person who filed the request with an opportunity consistent with procedural fairness and natural justice to present evidence and make representations.

Determination

(4) The member of the Tribunal who conducts the review may determine the matter by confirming the Minister's decision or by referring the matter back to the Minister for reconsideration.

2001, c. 29, s. 34.

Suspensions, etc., generally

6.8 In addition to any ground referred to in any of sections 6.71, 6.9 to 7.1 and 7.21, the Minister may suspend, cancel or refuse to issue, amend or renew a Canadian aviation document in the circumstances and on the grounds prescribed by regulation of the Governor in Council.

R.S., 1985, c. 33 (1st Supp.), s. 1; 2001, c. 29, s. 34.

Suspension, etc., if contravention

6.9 (1) If the Minister decides to suspend or cancel a Canadian aviation document on the grounds that its holder or the owner or operator of any aircraft, airport or other facility in respect of which it was issued has contravened any provision of this Part or of any regulation, notice, order, security measure or emergency direction made under this Part, the Minister shall by personal service or by registered or certified mail sent to the holder, owner or operator, as the case may be, at that person's latest known address notify the holder, owner or operator of that decision and of the effective date of the suspension or cancellation, but no suspension or cancellation shall take effect earlier than the date that is thirty days after the notice under this subsection is served or sent.

Contents of notice

(2) The notice must be in the form that the Governor in Council may by regulation prescribe and must, in addition to any other information that may be so prescribed,

- (a) indicate the provision of this Part or of the regulation, notice, order, security measure or emergency direction made under this Part that the Minister believes has been contravened; and
- (b) state the date, being thirty days after the notice is served or sent, on or before which and the address at which a request for a review of the decision of the Minister is to be filed in the event that the holder of the document or the owner or operator concerned wishes to have the decision reviewed.

Request for review

(3) Where the holder of a Canadian aviation document or the owner or operator of any aircraft, airport

- of Minister's decision or other facility in respect of which a Canadian aviation document is issued who is affected by a decision of the Minister referred to in subsection (1) wishes to have the decision reviewed, he shall, on or before the date that is thirty days after the notice is served on or sent to him under that subsection or within such further time as the Tribunal, on application by the holder, owner or operator, may allow, in writing file with the Tribunal at the address set out in the notice a request for a review of the decision.
- Request for review not a stay of suspension, etc. (4) A request for a review of the decision of the Minister under subsection (3) does not operate as a stay of the suspension or cancellation of the Canadian aviation document to which the decision relates, but where a request for a review has been filed with the Tribunal a member of the Tribunal assigned for the purpose may, subject to subsection (5), on application in writing by the holder of the document or the owner or operator affected by the decision, as the case may be, on such notice to the Minister as the member deems necessary, and after considering such representations by the holder, owner or operator and the Minister as they wish to make in that behalf, direct that the suspension or cancellation of the document be stayed until the review of the decision of the Minister has been concluded.
- Exception re stay direction (5) No direction of a stay of a suspension or cancellation shall be made under subsection (4) if the member of the Tribunal considering the matter is of the opinion that the stay would result in a threat to aviation safety or security.
- Appointment of review time (6) On receipt of a request filed in accordance with subsection (3), the Tribunal shall appoint a time and place for the review of the decision referred to in the request and in writing notify the Minister and the person who filed the request of the time and place so appointed.
- Review procedure (7) At the time and place appointed under subsection (6) for the review of the decision, the member of the Tribunal assigned to conduct the review shall provide the Minister and the holder of the Canadian aviation document or the owner or operator affected by the decision, as the case may be, with an opportunity consistent with procedural fairness and natural justice to present evidence and make representations in relation to the suspension or cancellation under review.
- Holder, etc., not compelled to testify (7.1) In a review under this section, a holder, owner or operator referred to in subsection (1) is not required, and shall not be compelled, to give any evidence or testimony in the matter.
- Determination of Tribunal member (8) On a review under this section of a decision of the Minister to suspend or cancel a Canadian aviation document, the member of the Tribunal who conducts the review may determine the matter by confirming the Minister's decision or substituting his or her own determination.
R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 1, s. 5; 2001, c. 29, ss. 35, 45; 2004, c. 15, s. 12.
- Suspension where immediate threat to aviation safety or security 7. (1) If the Minister decides to suspend a Canadian aviation document on the grounds that an immediate threat to aviation safety or security exists or is likely to occur as a result of an act or thing that was or is being done under the authority of the document or that is proposed to be done under the authority of the document, the Minister shall without delay, by personal service or by registered or certified mail sent to the holder of the document or to the owner or operator of any aircraft, airport or other facility in respect of which the document was issued, as the case may be, at that person's latest known address, notify the holder, owner or operator of the Minister's decision.
- Contents of notice (2) A notice under subsection (1) shall be in such form as the Governor in Council may by regulation prescribe and shall, in addition to any other information that may be so prescribed,
(a) indicate the immediate threat to aviation safety or security that the Minister believes exists or is likely to occur as a result of an act or thing that was or is being done under the authority of the Canadian aviation document concerned, or that is proposed to be done under the authority of the Canadian aviation document concerned, and the nature of that act or thing; and
(b) state the date, being thirty days after the notice is served or sent, on or before which and the address at which a request for a review of the decision of the Minister is to be filed in the event the holder of the document or the owner or operator concerned wishes to have the decision reviewed.
- Effective date of Minister's decision (2.1) The Minister's decision takes effect on the date of receipt of the notice under subsection (1) by the person on whom it is served or to whom it is sent, unless the notice indicates that the decision is to take effect on a later date.
- Request for review of Minister's decision (3) Where the holder of a Canadian aviation document or the owner or operator of any aircraft, airport or other facility in respect of which a Canadian aviation document is issued who is affected by a decision of the Minister referred to in subsection (1) wishes to have the decision reviewed, he shall, on or before the date that is thirty days after the notice is served on him or sent to him under that subsection, in

writing file with the Tribunal at the address set out in the notice a request for a review of the decision.

- Request for review not a stay of suspension (4) A request for a review of the decision of the Minister under subsection (3) does not operate as a stay of the suspension to which the decision relates.
- Appointment of review time (5) On receipt of a request filed in accordance with subsection (3), the Tribunal shall forthwith appoint a time, as soon as practicable after the request is filed, and place for the review of the decision referred to in the request and in writing notify the Minister and the person who filed the request of the time and place so appointed.
- Review procedure (6) At the time and place appointed under subsection (5) for the review of the decision, the member of the Tribunal assigned to conduct the review shall provide the Minister and the holder of the Canadian aviation document or the owner or operator affected by the decision, as the case may be, with an opportunity consistent with procedural fairness and natural justice to present evidence and make representations in relation to the suspension under review.
- Determination (7) The member of the Tribunal conducting the review may make the following determination:
- (a) if the decision of the Minister relates to a person's designation under section 4.84, the member may determine the matter by confirming the Minister's decision or by referring the matter back to the Minister for reconsideration; or
- (b) if the decision of the Minister relates to any other Canadian aviation document, the member may determine the matter by confirming the Minister's decision or by substituting his or her own determination.
- Effect of decision pending reconsideration (7.1) If a decision of the Minister under subsection (1) is referred back to the Minister for reconsideration under paragraph (7)(a), the decision of the Minister remains in effect until the reconsideration is concluded.
- Request for reconsideration of immediate threat (8) If no appeal from a determination under subsection (7) confirming the Minister's decision is taken under section 7.2 within the time limited for doing so under that section or an appeal panel has, on an appeal under that section, confirmed the Minister's decision under this section, or if the Minister, after reconsidering the matter under paragraph (7)(a) or 7.2(3)(b), has confirmed the suspension, the holder of the document or the owner or operator of any aircraft, airport or other facility in respect of which the document was issued may, in writing, request the Minister to reconsider whether the immediate threat to aviation safety or security referred to in subsection (1) that occasioned the suspension continues to exist or is likely to occur as described in that subsection.
- Reconsideration (9) On receipt of a request under subsection (8), the Minister shall forthwith reconsider the matter and give a notice of his decision to the holder, owner or operator who made the request, and the provisions of this section and section 7.2 providing for a review of a decision of the Minister and an appeal from a determination on a review apply, with such modifications as the circumstances require, to and in respect of a decision of the Minister under this subsection.
- R.S., 1985, c. A-2, s. 7; R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 1, s. 5; 2001, c. 29, ss. 36, 45; 2004, c. 15, ss. 13, 111.
- Suspension, etc., on other grounds **7.1** (1) If the Minister decides to suspend, cancel or refuse to renew a Canadian aviation document on the grounds that
- (a) the holder of the document is incompetent,
- (b) the holder or any aircraft, airport or other facility in respect of which the document was issued ceases to meet the qualifications necessary for the issuance of the document or to fulfil the conditions subject to which the document was issued, or
- (c) the Minister is of the opinion that the public interest and, in particular, the aviation record of the holder of the document or of any principal of the holder, as defined in regulations made under paragraph 6.71(3)(a), warrant it,
- the Minister shall, by personal service or by registered or certified mail sent to the holder or the owner or operator of the aircraft, airport or facility, as the case may be, at their latest known address, notify that person of the Minister's decision.
- Contents of notice (2) A notice under subsection (1) shall be in such form as the Governor in Council may by regulation prescribe and shall, in addition to any other information that may be so prescribed,

(a) indicate, as the case requires,

(i) [Repealed, 2001, c. 29, s. 37]

(ii) the nature of the incompetence of the holder of the Canadian aviation document that the Minister believes exists, the qualifications necessary for the issuance of the document that the Minister believes the holder of the document or the aircraft, airport or facility in respect of which the document was issued ceases to have or the conditions subject to which the document was issued that the Minister believes are no longer being met or complied with, or

(iii) the elements of the public interest on which the decision of the Minister is based; and

(b) state the date, being thirty days after the notice is served or sent, on or before which and the address at which a request for a review of the decision of the Minister is to be filed in the event the holder of the document or the owner or operator concerned wishes to have the decision reviewed.

Effective date of Minister's decision	(2.1) The Minister's decision to suspend or cancel a Canadian aviation document takes effect on the date of receipt of the notice under subsection (1) by the person on whom it is served or to whom it is sent, unless the notice indicates that the decision is to take effect on a later date.
Request for review of Minister's decision	(3) Where the holder of a Canadian aviation document or the owner or operator of any aircraft, airport or other facility in respect of which a Canadian aviation document is issued who is affected by a decision of the Minister referred to in subsection (1) wishes to have the decision reviewed, he shall, on or before the date that is thirty days after the notice is served on or sent to him under that subsection or within such further time as the Tribunal, on application by the holder, owner or operator, may allow, in writing file with the Tribunal at the address set out in the notice a request for a review of the decision.
Request for review not a stay of suspension, etc.	(4) A request for a review of the decision of the Minister under subsection (3) does not operate as a stay of the suspension, cancellation or refusal to renew to which the decision relates.
Appointment of review time	(5) On receipt of a request filed in accordance with subsection (3), the Tribunal shall forthwith appoint a time, as soon as practicable after the request is filed, and place for the review of the decision referred to in the request and in writing notify the Minister and the person who filed the request of the time and place so appointed.
Review procedure	(6) At the time and place appointed under subsection (5) for the review of the decision, the member of the Tribunal assigned to conduct the review shall provide the Minister and the holder of the Canadian aviation document or the owner or operator affected by the decision, as the case may be, with an opportunity consistent with procedural fairness and natural justice to present evidence and make representations in relation to the suspension, cancellation or refusal to renew under review.
Determination of Tribunal member	(7) On a review under this section of a decision of the Minister to suspend, cancel or refuse to renew a Canadian aviation document, the member of the Tribunal who conducts the review may determine the matter by confirming the Minister's decision or by referring the matter back to the Minister for reconsideration.
Effect of decision pending reconsideration	(8) If a decision to suspend or cancel a Canadian aviation document is referred back to the Minister for reconsideration under subsection (7), the decision of the Minister remains in effect until the reconsideration is concluded. However, the member, after considering any representations made by the parties, may grant a stay of the decision until the reconsideration is concluded, if he or she is satisfied that granting a stay would not constitute a threat to aviation safety.
	(9) [Repealed, 2001, c. 29, s. 37]
	R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 1, s. 5, c. 4, s. 15; 2001, c. 29, ss. 37, 45.
Right of appeal	7.2 (1) Within thirty days after the determination, <p>(a) a person affected by the determination may appeal a determination made under subsection 6.72(4), paragraph 7(7)(a) or subsection 7.1(7) to the Tribunal; or</p> <p>(b) a person affected by the determination or the Minister may appeal a determination made under subsection 6.9(8) or paragraph 7(7)(b) to the Tribunal.</p>
Loss of right of appeal	(2) A party that does not appear at a review hearing is not entitled to appeal a determination, unless they establish that there was sufficient reason to justify their absence.
Disposition of appeal	(3) The appeal panel of the Tribunal assigned to hear the appeal may

(a) in the case of a determination made under subsection 6.72(4), paragraph 7(7)(a) or subsection 7.1(7), dismiss the appeal or refer the matter back to the Minister for reconsideration; or

(b) in the case of a determination made under subsection 6.9(8) or paragraph 7(7)(b), dismiss the appeal, or allow the appeal and substitute its own decision.

Effect of decision pending reconsideration

(4) If a decision to suspend or cancel a Canadian aviation document is referred back to the Minister for reconsideration under paragraph (3)(a), the decision of the Minister remains in effect until the reconsideration is concluded. However, the appeal panel, after considering any representations made by the parties, may grant a stay of the decision made under subsection 7.1(7) until the reconsideration is concluded, if it is satisfied that granting a stay would not constitute a threat to aviation safety or security.

R.S., 1985, c. 33 (1st Supp.), s. 1; 2001, c. 29, s. 38; 2004, c. 15, ss. 14, 111.

Default in payment

7.21 (1) The Minister may suspend, or refuse to issue, amend or renew, a Canadian aviation document if a certificate under section 7.92, paragraph 8(b) or subsection 8.1(4) has been issued to the Minister in respect of the applicant for, or the holder of, the document or in respect of the owner or operator of an aircraft, aerodrome, airport or other facility to which the document relates.

Notice

(2) The Minister shall, by personal service or by registered or certified mail sent to the applicant, holder, owner or operator, as the case may be, at their latest known address, notify that person of a decision made under subsection (1) and, in the case of a suspension, of the effective date of the suspension, which shall not be earlier than thirty days after the notice is served or sent.

2001, c. 29, s. 38.

PROHIBITIONS, OFFENCES AND PUNISHMENT

Prohibitions

7.3 (1) No person shall

(a) knowingly make any false representation for the purpose of obtaining a Canadian aviation document or any privilege accorded thereby;

(b) wilfully destroy any document required under this Part to be kept;

(c) make or cause to be made any false entry in a record required under this Part to be kept with intent to mislead or wilfully omit to make any entry in any such record;

(d) wilfully obstruct any person who is performing duties under this Part;

(e) except as authorized under this Part, wilfully operate or otherwise deal with an aircraft that has been detained under this Part;

(f) wilfully do any act or thing in respect of which a Canadian aviation document is required except under and in accordance with the required document; or

(g) wilfully do any act or thing in respect of which a Canadian aviation document is required where

(i) the document that has been issued in respect of that act or thing is suspended, or

(ii) an order referred to in subsection 7.5(1) prohibits the person from doing that act or thing.

Contravention of subsection (1)

(2) Every person who contravenes subsection (1) is guilty of

(a) an indictable offence; or

(b) an offence punishable on summary conviction.

Contravention of Part, regulation, etc.

(3) Except as otherwise provided by this Part, every person who contravenes a provision of this Part or any regulation, notice, order, security measure or emergency direction made under this Part is guilty of an offence punishable on summary conviction.

Contravention of subsection 4.81(1)

(3.1) Despite subsections (4) and (5), every air carrier or operator of an aviation reservation system who fails to comply with a requirement under subsection 4.81(1) or 4.82(4) or (5) is guilty of an offence punishable on summary conviction and liable to a fine of not more than \$50,000.

Punishment, individuals

(4) An individual who is convicted of an offence under this Part punishable on summary conviction is liable to a fine not exceeding five thousand dollars and, in the case of an offence referred to in subsection (1), to imprisonment for a term not exceeding one year or to both fine and imprisonment.

- Punishment, corporations (5) A corporation that is convicted of an offence under this Part punishable on summary conviction is liable to a fine not exceeding twenty-five thousand dollars.
- Punishment — ANS Corporation (5.1) Notwithstanding subsection (5), where the ANS Corporation is convicted of contravening an order made under subsection 4.91(1), the ANS Corporation is liable to a fine not exceeding \$25,000 for each day or part of a day the offence continues.
- Punishment, subsequent offences (6) Where a person is convicted of a second or subsequent offence under this Part, the fine shall not be less than two hundred and fifty dollars.
- Imprisonment precluded in certain cases (7) Where a person is convicted of an offence under this Part punishable on summary conviction, no imprisonment may be imposed as punishment for the offence or in default of payment of any fine imposed as punishment unless the offence is an offence referred to in subsection (1).
- Idem (7.1) Where a person is proceeded against under section 8.4 and is convicted of an offence under this Part, no imprisonment may be imposed as punishment for the offence or in default of payment of any fine imposed as punishment in relation to the offence.
- Recovery of fines (8) Where a person is convicted of an offence under this Part and the fine that is imposed is not paid when required, on production in the superior court of any province, the conviction shall be registered in the court and when registered has the same force and effect, and all proceedings may be taken thereon, as if the conviction were a judgment in that court obtained by Her Majesty in right of Canada against the convicted person for a debt of the amount of the fine.
- Recovery of costs and charges (9) All reasonable costs and charges attendant on the registration of the conviction are recoverable in like manner as if they had been registered as part of the conviction.
R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 4, s. 16; 1996, c. 20, s. 103; 2004, c. 15, s. 15.
- Continuing offence **7.31** Where an offence under this Part is committed or continued on more than one flight or segment of a flight, it shall be deemed to be a separate offence for each flight or segment of a flight on which the offence is committed or continued.
1992, c. 4, s. 17.
- Court may order forfeiture **7.4** (1) Where a person is convicted on indictment of an offence referred to in paragraph 7.3(1)(f) or (g) in relation to the operation of a commercial air service, the court may, in addition to any other punishment it may impose, order that any aircraft used in the commercial air service be forfeited and, on the making of such an order, the aircraft is forfeited to Her Majesty in right of Canada.
- Application by person claiming interest (2) Where any aircraft is forfeited under subsection (1), any person, in this section referred to as the "applicant", other than a person convicted of the offence that resulted in the forfeiture, who claims an interest in the aircraft may, within 30 days after the forfeiture, apply by notice in writing to a judge of the superior court of the province where the aircraft is situated for an order under subsection (5).
- Date of hearing (3) A judge to whom an application is made under subsection (2) shall fix a day not less than thirty days after the date of filing of the application for the hearing thereof.
- Notice (4) An applicant shall serve a notice of the application and of the day fixed for the hearing of the application on the Minister at least fifteen days before the day so fixed.
- Order by judge (5) Where, on the hearing of an application, the judge is satisfied that the applicant
(a) is innocent of any complicity in the offence that resulted in the forfeiture and of any collusion in relation to the offence with the person convicted thereof, and
(b) exercised reasonable care to satisfy himself or herself that the aircraft concerned was not likely to be used in contravention of this Part or any regulation, notice, order, security measure or emergency direction made under this Part,
the applicant is entitled to an order by the judge declaring that the applicant's interest is not affected by the forfeiture and declaring the nature and extent of that interest.
- Appeal (6) An appeal from an order or refusal to make an order under subsection (5) lies to the court to which an appeal may be taken from an order of the superior court in the province in which the forfeiture occurred and the appeal shall be asserted, heard and decided according to the ordinary procedure

governing appeals to the court from orders or judgments of a judge of the superior court.

- Application to Minister (7) The Minister shall, on application made to the Minister by any person who has obtained an order under subsection (5),
- (a) direct that the aircraft to which the interest of the applicant relates be returned to the applicant; or
 - (b) direct that an amount equal to the value of the interest of the applicant, as declared in the order, be paid to the applicant.
- Disposal of forfeited aircraft (8) Where no application is made under this section for an order in relation to an interest in a forfeited aircraft or an application is made and the judge or, on appeal, the court refuses to make an order referred to in subsection (5), the aircraft shall be disposed of in such manner as the Minister may direct.
- R.S., 1985, c. 33 (1st Supp.), s. 1; 2004, c. 15, s. 16.
- Prohibition — unruly or dangerous behaviour **7.41** (1) No person shall engage in any behaviour that endangers the safety or security of an aircraft in flight or of persons on board an aircraft in flight by intentionally
- (a) interfering with the performance of the duties of any crew member;
 - (b) lessening the ability of any crew member to perform that crew member's duties; or
 - (c) interfering with any person who is following the instructions of a crew member.
- Punishment (2) Every person who commits an offence under subsection (1) is liable
- (a) on conviction on indictment, to a fine of not more than \$100,000 or to imprisonment for a term of not more than five years, or to both; and
 - (b) on summary conviction, to a fine of not more than \$25,000 or to imprisonment for a term of not more than eighteen months, or to both.
- Deeming — "in flight" (3) For the purpose of subsection (1), an aircraft is deemed to be in flight from the time when all external doors are closed following embarkation until the time at which any external door is opened for the purpose of disembarkation.
- Application (4) This section applies despite subsections 7.3(4) and (7).
- 2004, c. 15, s. 17.
- Prohibition by court **7.5** (1) Where a person is convicted of an offence under this Part, the court may, in addition to any other punishment it may impose, make an order
- (a) where the person is the holder of a Canadian aviation document or is the owner or operator of any aircraft, airport or other facility in respect of which a Canadian aviation document was issued, prohibiting the person from doing any act or thing authorized by the document at all times while the document is in force or for such period or at such times and places as may be specified in the order; or
 - (b) prohibiting the person from operating an aircraft or providing services essential to the operation of an aircraft for such period or at such times and places as may be specified in the order.
- (2) to (4) [Repealed, 1992, c. 4, s. 18]
- R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 1, s. 144(F), c. 4, s. 18.

PROCEDURE PERTAINING TO CERTAIN CONTRAVENTIONS

- Designation of provisions **7.6** (1) The Governor in Council may, by regulation,
- (a) designate any provision of this Part or of any regulation, notice, order or security measure made under this Part, in this section and in sections 7.7 to 8.2 referred to as a "designated provision", as a provision the contravention of which may be dealt with under and in accordance with the procedure set out in sections 7.7 to 8.2;
 - (a.1) if subsection 4.81(1) or 4.82(4) or (5) is a designated provision, prescribe the maximum amount payable in respect of a contravention of that provision, which amount shall not exceed \$50,000; and
 - (b) prescribe, in respect of any other designated provision, the maximum amount payable in respect of

a contravention of that provision, which amount shall not exceed

- (i) \$5,000, in the case of an individual, and
- (ii) \$25,000, in the case of a corporation.

Non-application of summary conviction procedure	<p>(2) A person who contravenes a designated provision is guilty of an offence and liable to the punishment imposed in accordance with sections 7.7 to 8.2 and no proceedings against the person shall be taken by way of summary conviction.</p> <p>R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 4, s. 19; 2004, c. 15, s. 18.</p>
Notice of assessment of monetary penalty	<p>7.7 (1) If the Minister believes on reasonable grounds that a person has contravened a designated provision, the Minister may decide to assess a monetary penalty in respect of the alleged contravention, in which case the Minister shall, by personal service or by registered or certified mail sent to the person at their latest known address, notify the person of his or her decision.</p>
Contents of notice	<p>(2) A notice under subsection (1) shall be in a form prescribed by regulation of the Governor in Council and shall, in addition to any other information that may be prescribed, indicate</p> <ul style="list-style-type: none"> (a) the designated provision that the Minister believes has been contravened; (b) subject to any regulations made under paragraph 7.6(1)(b), the amount that is determined by the Minister, in accordance with any guidelines that the Minister may make for the purpose, to be the amount that must be paid to the Minister as the penalty in the event that the person does not wish to appear before a member of the Tribunal assigned to conduct a review to make representations in respect of the alleged contravention; and (c) the address at which, and the date, being thirty days after the notice is served or sent, on or before which, the penalty must be paid or a request for a review must be filed. <p>R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 4, s. 20; 2001, c. 29, s. 39.</p>
Option	<p>7.8 A person who has been served with or sent a notice under subsection 7.7(1) must either pay the amount of the penalty specified in the notice or file with the Tribunal a written request for a review of the facts of the alleged contravention or of the amount of the penalty.</p> <p>R.S., 1985, c. 33 (1st Supp.), s. 1; 2001, c. 29, s. 39.</p>
Payment of specified amount precludes further proceedings	<p>7.9 If a person who is served with or sent a notice under subsection 7.7(1) pays the amount specified in the notice in accordance with the requirements set out in the notice, the Minister shall accept the amount as and in complete satisfaction of the amount of the penalty for the contravention by that person of the designated provision and no further proceedings under this Part shall be taken against the person in respect of that contravention.</p> <p>R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 1, s. 5; 2001, c. 29, s. 39.</p>
Request for review of determination	<p>7.91 (1) A person who is served with or sent a notice under subsection 7.7(1) and who wishes to have the facts of the alleged contravention or the amount of the penalty reviewed shall, on or before the date specified in the notice or within any further time that the Tribunal on application may allow, file a written request for a review with the Tribunal at the address set out in the notice.</p>
Time and place for review	<p>(2) On receipt of a request filed under subsection (1), the Tribunal shall appoint a time and place for the review and shall notify the Minister and the person who filed the request of the time and place in writing.</p>
Review procedure	<p>(3) The member of the Tribunal assigned to conduct the review shall provide the Minister and the person who filed the request with an opportunity consistent with procedural fairness and natural justice to present evidence and make representations.</p>
Burden of proof	<p>(4) The burden of establishing that a person has contravened a designated provision is on the Minister.</p>
Person not compelled to testify	<p>(5) A person who is alleged to have contravened a designated provision is not required, and shall not be compelled, to give any evidence or testimony in the matter.</p> <p>2001, c. 29, s. 39.</p>
Certificate	<p>7.92 If a person fails to pay the amount of the penalty specified in a notice under subsection 7.7(1)</p>

within the time specified in the notice and does not file a request for a review under subsection 7.91(1), the person is deemed to have committed the contravention alleged in the notice, and the Minister may obtain from the Tribunal a certificate in a form prescribed by the Governor in Council that indicates the amount of the penalty specified in the notice.

2001, c. 29, s. 39.

Determination by
Tribunal member

8. If, at the conclusion of a review under section 7.91, the member of the Tribunal who conducts the review determines that

(a) the person has not contravened the designated provision that the person is alleged to have contravened, the member of the Tribunal shall forthwith inform the person and the Minister of the determination and, subject to section 8.1, no further proceedings under this Part shall be taken against the person in respect of the alleged contravention; or

(b) the person has contravened the designated provision that the person is alleged to have contravened, the member of the Tribunal shall forthwith inform the person and the Minister of the determination and, subject to any regulations made under paragraph 7.6(1)(b), of the amount determined by the member of the Tribunal to be payable by the person in respect of the contravention and, where the amount is not paid to the Tribunal by or on behalf of the person within such time as the member of the Tribunal may allow, the member of the Tribunal shall issue to the Minister a certificate in such form as the Governor in Council may by regulation prescribe, setting out the amount required to be paid by the person.

R.S., 1985, c. A-2, s. 8; R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 4, s. 21; 2001, c. 29, s. 40(E).

Right of appeal

8.1 (1) A person affected by the determination or the Minister may, within thirty days after the determination, appeal a determination made under section 8 to the Tribunal.

Loss of right of
appeal

(2) A party that does not appear at a review hearing is not entitled to appeal a determination, unless they establish that there was sufficient reason to justify their absence.

Disposition of appeal

(3) The appeal panel of the Tribunal assigned to hear the appeal may dispose of the appeal by dismissing it or allowing it and, in allowing the appeal, the panel may substitute its decision for the determination appealed against.

Certificate

(4) Where the appeal panel finds on an appeal that a person has contravened the designated provision, the panel shall without delay inform the person of the finding and, subject to any regulations made under paragraph 7.6(1)(b), of the amount determined by the panel to be payable by the person in respect of the contravention and, where the amount is not paid to the Tribunal by or on behalf of the person within the time allowed by the Tribunal, the Tribunal shall issue to the Minister a certificate in a form prescribed by regulation of the Governor in Council, setting out the amount required to be paid by the person.

R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 4, s. 22; 2001, c. 29, s. 41.

Registration of
certificate

8.2 (1) If the time limit for the payment of an amount determined by the Minister in a notice under subsection 7.7(1) has expired, the time limit for the request for a review under subsection 7.91(1) has expired, the time limit for an appeal under subsection 8.1(1) has expired, or an appeal taken under section 8.1 has been disposed of, on production in any superior court, a certificate issued under section 7.92, paragraph 8(b) or subsection 8.1(4) shall be registered in the court. When it is registered, a certificate has the same force and effect, and proceedings may be taken in connection with it, as if it were a judgment in that court obtained by Her Majesty in right of Canada against the person named in the certificate for a debt of the amount set out in the certificate.

Recovery of costs
and charges

(2) All reasonable costs and charges attendant on the registration of the certificate are recoverable in like manner as if they had been certified and the certificate had been registered under subsection (1).

Amounts received
deemed public
moneys

(3) An amount received by the Minister or the Tribunal under this section shall be deemed to be public money within the meaning of the *Financial Administration Act*.

R.S., 1985, c. 33 (1st Supp.), s. 1; 2001, c. 29, s. 42.

Records

8.3 (1) Any notation of a suspension by the Minister of a Canadian aviation document under this Act or of a penalty imposed in accordance with sections 7.6 to 8.2 shall, on application by the person affected by the suspension or penalty, be removed from the record respecting that person kept by the Minister after the expiration of two years from the date the suspension expires or the penalty amount has been

paid unless

(a) in the opinion of the Minister, the removal from the record would not be in the interest of aviation safety or security; or

(b) a suspension or penalty under this Act has been recorded by the Minister in respect of that person after that date.

Notice of decision (2) The Minister shall, as soon as practicable after the receipt of an application under subsection (1), by personal service or by registered or certified mail, notify the applicant of the decision of the Minister in relation thereto.

Application of certain provisions (3) Subsections 7.1(3) to (8) and section 7.2 apply, with any modifications that the circumstances require, in respect of a decision of the Minister referred to in subsection (2).

Repeat of applications limited (4) No application under subsection (1) shall be considered by the Minister within two years from the date of a previous application under that subsection in respect of the same applicant.

R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 1, s. 5; 2001, c. 29, s. 43; 2004, c. 15, s. 19.

ENFORCEMENT

Owner of aircraft may be found liable **8.4** (1) The registered owner of an aircraft may be proceeded against in respect of and found to have committed an offence under this Part in relation to the aircraft for which another person is subject to be proceeded against unless, at the time of the offence, the aircraft was in the possession of a person other than the owner without the owner's consent and, where found to have committed the offence, the owner is liable to the penalty provided as punishment therefor.

Operator of aircraft may be found liable (2) The operator of an aircraft may be proceeded against in respect of and found to have committed an offence under this Part in relation to the aircraft for which another person is subject to be proceeded against unless, at the time of the offence, the aircraft was in the possession of a person other than the operator without the operator's consent and, where found to have committed the offence, the operator is liable to the penalty provided as punishment therefor.

Pilot-in-command may be found liable (3) The pilot-in-command of an aircraft may be proceeded against in respect of and found to have committed an offence under this Part in relation to the aircraft for which another person is subject to be proceeded against unless the offence was committed without the consent of the pilot-in-command and, where found to have committed the offence, the pilot-in-command is liable to the penalty provided as punishment therefor.

Operator of aerodrome, etc., may be found liable (4) The operator of an aerodrome or other aviation facility may be proceeded against in respect of and found to have committed an offence under this Part in relation to the aerodrome or facility for which another person is subject to be proceeded against unless the offence was committed without the consent of the operator of the aerodrome or facility and, where found to have committed the offence, the operator of the aerodrome or facility is liable to the penalty provided as punishment therefor.

R.S., 1985, c. 33 (1st Supp.), s. 1.

Defence **8.5** No person shall be found to have contravened a provision of this Part or any regulation, notice, order, security measure or emergency direction made under this Part if the person exercised all due diligence to prevent the contravention.

R.S., 1985, c. 33 (1st Supp.), s. 1; 2004, c. 15, s. 20.

Admissibility of evidence **8.6** Evidence relating to the presence or concentration of alcohol in the blood of a person obtained pursuant to any provision of the *Criminal Code* is admissible in evidence in proceedings taken against a person under this Part, and the provisions of section 258 of the *Criminal Code*, except paragraph 258(1)(a) thereof, apply, with such modifications as the circumstances require, to any such proceedings.

R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 1, s. 3.

Powers to enter, seize and detain **8.7** (1) Subject to subsection (4), the Minister may
(a) enter, for the purposes of making inspections or audits relating to the enforcement of this Part, any aircraft, aerodrome or other aviation facility, any premises used for the design, manufacture, distribution, maintenance or installation of aeronautical products or any premises used by the Canadian

Air Transport Security Authority, regardless of whether or not the inspection or audit relates to that place or to the person who possesses or controls it;

(a.1) remove any document or other thing from the place where the inspection or audit is being carried out for examination or, in the case of a document, copying;

(b) enter any place for the purposes of an investigation of matters concerning aviation safety;

(c) seize anything found in any place referred to in paragraph (a) or (b) that the Minister believes on reasonable grounds will afford evidence with respect to an offence under this Part or the causes or contributing factors pertaining to an investigation referred to in paragraph (b); and

(d) detain any aircraft that the Minister believes on reasonable grounds is unsafe or is likely to be operated in an unsafe manner and take reasonable steps to ensure its continued detention.

Operation of computer systems and copying equipment

(1.1) In carrying out an inspection or audit in any place referred to in paragraph (1)(a) or an investigation under paragraph (1)(b), the Minister may

(a) use or cause to be used any computer system or data processing system at the place to examine any data contained in, or available to, the system;

(b) reproduce any record, or cause it to be reproduced from the data, in the form of a printout or other intelligible output, and remove the printout or other output for examination or copying; and

(c) use or cause to be used any copying equipment at the place to make copies of any books, records, electronic data or other documents.

Search warrants

(2) Sections 487 to 492 of the *Criminal Code* apply in respect of any offence committed or suspected to have been committed under this Part.

Regulations respecting things seized or detained

(3) The Governor in Council may make regulations respecting

(a) the protection and preservation of any evidence that has been seized without a warrant under paragraph (1)(c) or aircraft that has been detained under paragraph (1)(d); and

(b) the return of the evidence or aircraft to the owner thereof or the person from whom the evidence was seized or who had custody of the aircraft when it was detained.

Warrant required to enter dwelling-house

(4) Where any place referred to in subsection 5.7(6) or subsection (1) of this section is a dwelling-house, the Minister may not enter that dwelling-house without the consent of the occupant except under the authority of a warrant issued under subsection (5).

Authority to issue warrant

(5) Where on *ex parte* application a justice of the peace is satisfied by information on oath

(a) that entry to a dwelling-house is necessary for the purpose of performing any function of the Minister pursuant to this Act, and

(b) that entry to the dwelling-house has been refused or that there are reasonable grounds for believing that entry thereto will be refused,

the justice of the peace may issue a warrant under his hand authorizing the Minister to enter that dwelling-house subject to such conditions as may be specified in the warrant.

Use of force

(6) In executing a warrant under subsection (5), the Minister shall not use force unless he is accompanied by a peace officer and the use of force has been specifically authorized in the warrant.

R.S., 1985, c. 33 (1st Supp.), s. 1; 1992, c. 4, s. 23(F); 2004, c. 15, s. 21.

Duty to assist Minister

8.8 The owner or person who is in possession or control of a place that is inspected or audited under subsection 8.7(1), and every person who is found in the place, shall

(a) give the Minister all reasonable assistance to enable the Minister to carry out the inspection or audit and exercise any power conferred on the Minister by that subsection; and

(b) provide the Minister with any information relevant to the administration of this Act or the regulations, notices, orders, security measures or emergency directions made under this Part that the Minister may reasonably require.

2004, c. 15, s. 22.

GENERAL

Regulations establishing compensation payable for death or injury

9. (1) The Governor in Council may make regulations establishing the compensation to be paid and the persons to whom and the manner in which such compensation shall be payable for the death or injury of any person employed in the federal public administration or employed under the direction of any department in the federal public administration that results directly from a flight undertaken by that person in the course of duty in the federal public administration.

Idem

(2) Regulations made under subsection (1) shall not extend to the payment of compensation for any death or injury in respect of which provision for the payment of other compensation or a gratuity or pension is made by any other Act, unless the claimant elects to accept the compensation instead of the other compensation, gratuity or pension under that other Act.

R.S., 1985, c. A-2, s. 9; R.S., 1985, c. 33 (1st Supp.), s. 1; 2003, c. 22, s. 89.

10. and 11. [Repealed, R.S., 1985, c. 33 (1st Supp.), s. 1]

PART II

[Repealed, R.S., 1985, c. 28 (3rd Supp.), s. 276]

PART III

STAFF

Employment of officers, clerks and employees

25. Such officers, clerks and employees as may be necessary for the proper administration of this Act may be employed in the manner authorized by law.

R.S., c. A-3, s. 20.

PROSECUTION

Limitation period

26. No proceedings under sections 7.6 to 8.2 or by way of summary conviction under this Act may be instituted after twelve months from the time when the subject-matter of the proceedings arose.

R.S., 1985, c. A-2, s. 26; R.S., 1985, c. 33 (1st Supp.), s. 4.

Proof of documents

27. (1) In any action or proceeding under this Act, any document purporting to be certified by the Minister, the Secretary of the Department of Transport or the Secretary of the Canadian Transportation Agency to be a true copy of a document made, given or issued under this Act is, without proof of the signature or of the official character of the person appearing to have signed the document, evidence

(a) of the original document of which it purports to be a copy;

(b) that the original document was made, given or issued by or by the authority of or deposited with the person named therein and was made, given, issued or deposited at the time stated in the certified copy, if a time is stated therein; and

(c) that the original document was signed, certified, attested or executed by the persons and in the manner shown in the certified copy.

Certificate

(2) In any action or proceeding under this Act, any certificate purporting to be signed by the Minister, the Secretary of the Department of Transport or the Secretary of the Canadian Transportation Agency stating that a document, authorization or exemption under this Act

(a) has or has not been issued to or in respect of any person named in the certificate or in respect of any aircraft, aerodrome or other aviation facility identified in the certificate, or

(b) having been issued to or in respect of any person named in the certificate or in respect of any aircraft, aerodrome or other aviation facility identified in the certificate, has expired, or has been cancelled or suspended as of a date stated in the certificate, and stating, in the case of a suspension, the period of the suspension,

is evidence of the facts stated therein, without proof of the signature or of the official character of the person appearing to have signed the certificate and without further proof thereof.

R.S., 1985, c. A-2, s. 27; R.S., 1985, c. 33 (1st Supp.), s. 4, c. 28 (3rd Supp.), s. 359; 1996, c. 10, s.

205.

Document entries as proof **28.** In any action or proceeding under this Act, an entry in any record required under this Act to be kept is, in the absence of evidence to the contrary, proof of the matters stated therein as against the person who made the entry or was required to keep the record or, where the record was kept in respect of an aeronautical product, aerodrome or other aviation facility, against the owner or operator of the product, aerodrome or facility.

R.S., 1985, c. A-2, s. 28; R.S., 1985, c. 33 (1st Supp.), s. 4; 1992, c. 4, s. 24(F).

PART IV

[Repealed, 2001, c. 29, s. 44]

29. [Repealed, 2001, c. 29, s. 44]

30. [Repealed, 2001, c. 29, s. 44]

31. [Repealed, 2001, c. 29, s. 44]

32. [Repealed, 2001, c. 29, s. 44]

33. [Repealed, 2001, c. 29, s. 44]

34. [Repealed, 2001, c. 29, s. 44]

35. [Repealed, 2001, c. 29, s. 44]

36. [Repealed, 2001, c. 29, s. 44]

37. [Repealed, 2001, c. 29, s. 44]

SCHEDULE

Subsections 4.81(1) and (10) and 4.82(4) and (5)

1. The person's surname, first name and initial or initials
2. The person's date of birth
3. The person's citizenship or nationality or, if not known, the country that issued the travel documents for the person's flight
4. The person's gender
5. The number of the person's passport and, if applicable, the number of the person's visa or residency document
6. The date on which the person's passenger name record was created
7. If applicable, a notation that the person arrived at the departure gate with a ticket but without a reservation for the flight
8. If applicable, the names of the travel agency and travel agent that made the person's travel arrangements
9. The date on which the ticket for the person's flight was issued
10. If applicable, a notation that the person exchanged their ticket for the flight
11. The date, if any, by which the person's ticket for the flight had to be paid for to avoid cancellation of the reservation or the date, if any, on which the request for a reservation was activated by the air carrier or person who operates the aviation reservation system
12. The number assigned to the person's ticket for the flight

13. If applicable, a notation that the person's ticket for the flight is a one-way ticket
14. If applicable, a notation that the person's ticket for the flight is valid for one year and is issued for travel between specified points with no dates or flight numbers assigned
15. The city or country in which the travel included in the person's passenger name record begins
16. The itinerary cities, being all points where the person will embark or disembark
17. The name of the operator of the aircraft on which the person is on board or expected to be on board
18. The names of the operators of aircraft over whose air routes all other segments of air travel included in the person's passenger name record are undertaken, including, for each segment, the name of any operator of aircraft other than the operator that issued the ticket
19. The code of the operator of the aircraft and the identification number for the person's flight
20. The person's destination
21. The travel date for the person's flight
22. Any seat assignment on the person's flight that was selected for the person before departure
23. The number of pieces of baggage checked by the person to be carried in the aircraft's cargo compartment on the flight
24. The tag numbers for the person's baggage
25. The class of service in respect of the person's flight
26. Any stated seat request in respect of the person's flight
27. The person's passenger name record number
28. The phone numbers of the person and, if applicable, the phone number of the travel agency that made the person's travel arrangements
29. The person's address and, if applicable, the address of the travel agency that made the travel arrangements
30. The manner in which the person's ticket was paid for
31. If applicable, a notation that the person's ticket was paid for by another person
32. If applicable, a notation that there are gaps in the itinerary included in the person's passenger name record that necessitate travel by an undetermined method
33. Routing information in respect of the travel included in the person's passenger name record, being the departure and arrival points, codes of the operators of the aircraft, stops and surface segments
34. If applicable, a notation that the person's ticket is in electronic form and stored electronically in an aviation reservation system

2004, c. 15, s. 23.