

BELIZE:

**CIVIL AVIATION SECURITY ACT, 2007**  
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# CIVIL AVIATION SECURITY

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## **BELIZE:**

### **ACT**

for

AN ACT to provide for civil aviation security for the safety of passengers, crew, ground personnel, the general public, aircraft, airports, aerodromes and aeronautical facilities; to establish a National Civil Aviation Security Committee with the responsibility of approving the Belize National Civil Aviation Security Programme and developing and implementing policies, practices and procedures to safeguard civil aviation against acts of unlawful interference taking into account the safety, regularity and efficiency of flights; to give effect to the Convention on International Civil Aviation, including Annex 17 thereof; to give effect to the Convention on Offences and Certain Other Acts Committed on Board Aircraft signed at Tokyo on 14 September, 1963; to give effect to the Convention for the Suppression Of Unlawful Seizure of Aircraft done at The Hague on 16 December, 1970; to give effect to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September, 1971; to give effect to the International Convention Against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December, 1979; to give effect to the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 24 February, 1988; to give effect to the Convention on the Marking of Plastic Explosives for the Purposes of Detection, signed at Montreal on 1 March, 1991; to give effect to the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15<sup>th</sup> December, 1997; and to provide for matters connected therewith or incidental thereto.

*(Gazetted 28<sup>th</sup> June, 2008)*

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize, as follows:

### **Part 1** **PRELIMINARY**

Short title

1. This Act may be cited as the  
CIVIL AVIATION SECURITY ACT, 2007.

Interpretation

2. In this Act, unless the context otherwise requires-

“acts of unlawful interference” means acts or attempted acts which jeopardize or may jeopardize the safety of civil aviation and air transport, including the-

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- (a) unlawful seizure of aircraft in flight;
- (b) unlawful seizure of aircraft on the ground;
- (c) taking of hostages on board aircraft or on aerodromes or airports;
- (d) forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility;
- (e) introduction on board an aircraft or at an airport of a weapon, including a chemical or biological weapon, explosive or hazardous device, substance or material intended for criminal purposes;
- (f) communication of false information which jeopardizes or which may jeopardize the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises an aeronautical facility;

“aerial work” in respect of an aircraft, means an aircraft operation in which an aircraft is used for specialized services such as agriculture, construction, photography, surveying observation and patrol, search and rescue, aerial advertisement, and other specialized services;

“aircraft security search” means a thorough inspection of the interior and exterior of the aircraft for the purpose of discovering suspicious objects, weapons, explosives or other dangerous devices, articles or substances;

“airside” means the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is controlled by civil aviation security personnel;

“background check” means a check of a person’s identity and previous experience, including the person’s criminal history, as part of the assessment of an individual’s suitability to implement a security control and/or for unescorted access to a security restricted area within an airport, aerodrome or other aeronautical facility;

“Belize National Civil Aviation Security Programme” means the Belize National Civil Aviation Security Programme produced by the Department of Civil Aviation pursuant to the Security Manual

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for Safeguarding Civil Aviation Against Acts of Unlawful Interference of the International Civil Aviation Organisation;

“cargo” means any property carried on an aircraft other than postal mail, stores and accompanied or mishandled baggage;

“certification” means a formal evaluation and confirmation, for civil aviation security purposes, by, for or on behalf of the Department of Civil Aviation, that a person possesses the necessary competencies to perform assigned functions to an acceptable level as defined by the Department of Civil Aviation from time to time;

“commercial air transportation operation” means an aircraft operation involving the transportation of passengers, cargo or postal mail for remuneration, hire or reward;

“Concession Company” means the Belize Airport Concession Company Limited with responsibility for the management and administration of the Philip S. W. Goldson International Airport and includes any successor to that company, or any other concession company with responsibility for the management and administration of an airport or aerodrome;

“Convention” means any of the following Conventions:

- (a) the Convention on International Civil Aviation, including Annex 17 thereof;
- (b) the Convention on Offences and Certain Other Acts Committed on Board Aircraft signed at Tokyo on 14<sup>th</sup> September, 1963;
- (c) the Convention for the Suppression of Unlawful Seizure of Aircraft done at The Hague on 16<sup>th</sup> December, 1970;
- (d) the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23<sup>rd</sup> September, 1971;
- (e) the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14<sup>th</sup> December, 1973;

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- (f) the International Convention Against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17<sup>th</sup> December, 1979;
- (g) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 24<sup>th</sup> February, 1988;
- (h) the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, done at Rome on 10<sup>th</sup> March, 1988;
- (i) the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on 10<sup>th</sup> March, 1988;
- (j) the Convention on the Marking of Plastic Explosives for the Purposes of Detection, signed at Montreal, on 1<sup>st</sup> March, 1991;
- (k) the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15<sup>th</sup> December, 1997;

“corporate aviation” means the non-commercial operation or use of an aircraft by a company for the carriage of passengers or goods as an aid to the conduct of company business, flown by a professional pilot employed by the company to fly the aircraft;

“disruptive passenger” means a passenger who fails to respect the rules of conduct at an airport, aerodrome, aeronautical facility or on board an aircraft, or to follow the instructions of airport staff or crew members and thereby disrupts or disturbs the good order and discipline at an airport, aerodrome, aeronautical facility or on board an aircraft;

“general aviation operation” means an aircraft operation other than a commercial air transport operation or an aerial work operation;

“human factor principles” in respect of civil aviation, means principles which apply to design, certification, training, operations and maintenance, and which seek safe interface between the human and other system components of civil aviation by proper consideration to human performance;

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“human performance” means human capabilities and limitations which have an impact on the safety, security and efficiency of aeronautical operations;

“Minister” means the Minister for the time being responsible for Civil Aviation;

“regulated agent” means an agent, freight forwarder or any other entity which or who conducts business with an aircraft operator and provides security controls that are accepted or required by the Department of Civil Aviation in respect of cargo, baggage or postal mail;

“screening” means the application of technical or other means designed to identify and/or detect weapons, explosives, or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference;

“security” means the safeguarding of civil aviation against acts of unlawful interference;

“security audit” means an in-depth compliance examination of all aspects of the implementation of the Belize National Civil Aviation Security Programme;

“security control” refers to a means by which the introduction at an airport, aerodrome, aeronautical facility or in an aircraft of weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference may be prevented;

“security inspection” means an examination of the implementation of the Belize National Civil Aviation Security Programme by airline, airport or other entity involved in security;

“security restricted areas” means those areas of the airside of an airport, aerodrome or aeronautical facility which are identified by the Department of Civil Aviation as priority risk areas where, in addition to access control, other security controls are applied, and includes-

- (a) all commercial aviation passenger departure areas between the screening checkpoint and the aircraft;
- (b) the ramp;

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- (c) baggage make-up areas, including those where aircraft are brought into service and screened baggage and cargo are loaded or present;
- (d) cargo sheds;
- (e) mail centres;
- (f) airside catering areas;
- (g) aircraft cleaning premises;

“security survey” means an evaluation of security needs including the identification of vulnerabilities which can be exploited by any person to carry out an act of unlawful interference, and the recommendation of corrective actions;

“security test” means a covert or an overt trial of an aviation security measure which simulates an attempt to commit an act of unlawful act;

“unidentified baggage” means baggage at an airport, with or without a baggage tag, which is not picked up by or identified with a passenger.

Application	3. (1) Subject to subsection (2), this Act shall not apply to anything regulated by-
CAP. 239	(a) the Civil Aviation Act or any Regulations made thereunder;
CAP. 238	(b) the Belize Airports Authority Act or any Regulations made thereunder;
No. 9 of 2004	(c) the Philip S. W. Goldson International Airport Development Act or any Regulations made thereunder.

(2) Notwithstanding subsection (1), where there is any conflict between the provisions of this Act and any law referred to in subsection (1), the provisions of this Act shall prevail.

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## PART II ORGANIZATION OF THE NATIONAL CIVIL AVIATION SECURITY COMMITTEE

Establishment of the  
National Civil  
Aviation Security  
Committee

4. (1) There shall be and is hereby established a National Civil Aviation Security Committee which shall consist of the following persons or their designated representatives-

- (a) the Director of Civil Aviation, who shall be the Chairman of the Committee;
- (b) the Commissioner of Police or his representative who shall be of or above the rank of Superintendent;
- (c) the Commander, Belize Defence Force or his representative who shall be of or above the rank of Colonel;
- (d) the Chief Executive Officer in the Ministry for the time being responsible for National Security, or his representative;
- (e) the Chief Executive Officer in the Ministry for the time being responsible for Civil Aviation, or his representative;
- (f) the Chief Executive Officer in the Ministry for the time being responsible for Foreign Affairs, or his representative;
- (g) the Comptroller of Customs, or his representative;
- (h) the Director of Immigration and Nationality Services, or his representative;
- (i) the Post Master General, or his representative;
- (j) the Chief Executive Officer of the Concession Company or his representative.

(2) Members of the National Civil Aviation Security Committee, other than *ex officio* members, shall be appointed by the Minister for a period of three years and shall be eligible for re-appointment.

(3) The National Civil Aviation Security Committee shall be responsible for developing policies for the maintenance of security at all airports, and aeronautical facilities in Belize, and without prejudice to the generality of the foregoing, the National Civil Aviation Security



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Committee shall, in the furtherance of this objective, have and exercise the following functions:-

- (a) approving the Belize National Civil Aviation Security Programme, the national quality control programme, and the national training programme developed by the Department of Civil Aviation;
- (b) defining and allocating the different tasks, roles and responsibilities for the implementation of the various aspects of the Belize National Civil Aviation Security Programme to the different government departments, entities and organisations concerned with aviation security;
- (c) establishing the means of co-ordination between the different government departments, entities and organisations concerned with the implementation of the Belize National Civil Aviation Security Programme;
- (d) making available to the management of airports, aerodromes, aeronautical facilities, airlines and other entities operating in or within airports or aerodromes, relevant portions of the Belize National Civil Aviation Security Programme for their compliance and guidance;
- (e) reviewing periodically the effectiveness of the Belize National Civil Aviation Security Programme, including re-evaluating security measures and procedures to identify any weaknesses against acts of unlawful interference, and making appropriate recommendations to the Department of Civil Aviation for amendments;
- (f) reviewing and recommending that the Department of Civil Aviation may approve aircraft operator security programmes and airport or aerodrome security programmes;
- (g) ensuring that airport security services at international airports in Belize are provided with the necessary support facilities such as office space, telecommunications equipment, appropriate screening and security equipment, and training facilities;
- (h) developing and revising, on a continuous basis, national policies relating to civil aviation security;

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- (i) developing, revising and issuing, on a continuous basis, comprehensive policy guidelines relating to all aspects of civil aviation security;
- (j) ensuring that architectural and infrastructure-related requirements at airports, aerodromes and aeronautical facilities, necessary for the optimum implementation of international civil aviation security measures developed by the International Civil Aviation Organisation or other regional organisations to which Belize is a party, are integrated into the design and construction of new facilities and alteration of existing airports, aerodromes and aeronautical facilities in Belize;
- (k) coordinating the development of, and the granting of approval to, civil aviation security training programmes by individual agencies or organisations;
- (l) developing standards for the hiring and retention of civil aviation security screening companies;
- (m) receiving, reviewing and distributing to relevant organisations and government departments intelligence information related to civil aviation security;
- (n) assessing threats posed to the civil aviation security of Belize and making appropriate recommendations therefore to the Minister;
- (o) developing policies, strategies, and plans for dealing with actual or threatened acts of unlawful interference;
- (p) identifying and commissioning research and development activities necessary to enhance Belize's civil aviation security;
- (q) ensuring the adequacy of security measures for the transportation of cargo into, within and from airports and aerodromes in Belize;
- (r) facilitating the coordination of intelligence, security, and law enforcement activities affecting civil aviation security;
- (s) facilitating the sharing of intelligence, security and law enforcement activities affecting civil aviation security with

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the agencies of other foreign governments which are friendly to Belize;

- (t) facilitating the sharing of intelligence, security, and law enforcement information affecting civil aviation security with operators of aircraft;
- (u) exploring the technical feasibility of developing, and approving the development of, a common electronic database of individuals who, and organisations which, may pose a threat to civil aviation security.

(4) The National Civil Aviation Security Committee shall meet at least once every six months, and the Chairman shall preside at such meeting.

Duties of the  
Director of  
Civil Aviation

5. (1) The Director of Civil Aviation shall, after consultation with the National Civil Aviation Security Committee and the approval of the Minister, be responsible for-

- (a) ensuring that the Concession Company at the Philip S. W. Goldson International Airport-
  - (i) develops standards acceptable to the National Civil Aviation Security Committee for the hiring and retention of security screening companies;
  - (ii) trains and tests security screening personnel to standards acceptable to the National Civil Aviation Security Committee;
  - (iii) is responsible for the day-to-day security screening operations for all passengers, crew, baggage and cargo;
  - (iv) is responsible for complying with the airport security programme for that airport;
  - (v) is responsible for contingency plan exercises and tests, which will be practiced and exercised on a regular basis to identify weaknesses and modifications for the safe conclusion of emergency situation.
- (b) ensuring that all persons operating any duty free shops or other business activities and all aircraft operators within the

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Philip S. W. Goldson International Airport observe the airport aviation security programme for the Philip S. W. Goldson International Airport.

- (2) The Director of Civil Aviation shall-
  - (a) enforce security-related regulations and requirements at any airport, aerodrome or at any other aeronautical facility;
  - (b) inspect, and test security facilities, equipment and systems at any airport, aerodrome or at any other aeronautical facility;
  - (c) oversee the implementation, and ensure the adequacy, of civil aviation security measures at airports, aerodromes and other aeronautical facilities;
  - (d) require background checks for airport or aerodrome security screening personnel and individuals with access to security restricted areas;
  - (e) work with the International Civil Aviation Organisation and appropriate aeronautical authorities of foreign governments which are friendly to Belize to address issues of:
    - (i) security concerns on passenger flights by foreign aircraft operators in international civil aviation;
    - (ii) security audits, security surveys, security tests and security inspections;
  - (f) be the point of contact between Belize and the International Civil Aviation Organisation;
  - (g) be the point of contact between the National Civil Aviation Security Committee, the Department of Civil Aviation, and any government department, concerning issues of civil aviation security;
  - (h) approve a cargo security programme developed by cargo aircraft operators.
  - (i) carry out such other duties, and exercise such other powers, relating to civil aviation security as may be authorized by any other law.

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(3) Without prejudice to the generality of subsections (1) and (2), the Director of Civil Aviation, with the approval of the Minister and after consultation with the National Civil Aviation Security Committee-

- (a) may enter into memoranda of understanding with other local, regional or international organisations in respect of civil aviation security;
- (b) may enter into memoranda of understanding with the law enforcement authorities of any foreign government to share or otherwise cross-check as necessary data on individuals identified on the National Civil Aviation Security Committee database as individuals who may pose a risk to civil aviation security;
- (c) may establish procedures for notifying the Concession Company, appropriate law enforcement authorities, airport security personnel, or aircraft operators security personnel of the identity of individuals known to pose risk, or suspected of posing a risk to civil aviation security;
- (d) may establish policies and procedures requiring aircraft operators-
  - (i) to use information from government departments to identify individuals on passenger lists who may be a threat to civil aviation security;
  - (ii) if such an individual is identified, to notify appropriate law enforcement authorities, prevent the individual from boarding an aircraft, or take other appropriate action with respect to the individual; and
  - (iii) to share passenger lists with appropriate government departments for the purpose of identifying individuals who may pose a threat to civil aviation security.

(4) The Director of Civil Aviation shall require each operator of an aircraft providing international services from or to Belize to develop and implement an aircraft operator aviation security programme, which shall be approved by the Director of Civil Aviation, and which shall-

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- (a) specify the practices and procedures to be followed by the operator to protect passengers, crew, ground personnel, aircraft and aeronautical facilities from acts of unlawful interference;
- (b) specify the organization of the operator's security systems and responsibilities, including the designation of the operator's chief security coordinator;
- (c) specify other security measures including-
  - (i) the operator's pre-flight security checks of aircraft;
  - (ii) the operator's procedures for the pre-flight screening of passengers, and the pre-flight screening of cabin baggage and hold baggage if applicable;
  - (iii) the operator's procedures for ensuring that no weapons, explosives and other dangerous devices, articles or substances are carried on board by embarking passengers;
  - (iv) the operator's procedures to protect hold baggage, air cargo, mail, aircraft catering supplies and stores;
  - (v) the operator's procedures for controlling disruptive passengers;
  - (vi) the operator's procedures, criteria and standards regarding the carrying of firearms on board an aircraft by any passenger;
  - (vii) the operator's procedures for ensuring the security of, and the control of access to, parked aircraft;
- (d) specify the operator's contingency plans in cases of-
  - (i) hijacking, sabotage and bomb threats;
  - (ii) in-flight procedures when a suspect item is found, or believed to be, on board an aircraft during flight;
  - (iii) emergency evacuation of passengers from a flight;

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- (iv) searches of the aircraft by Belize's law enforcement authorities on the ground;
  - (e) specify measures to be taken by the operator to ensure the programme's effectiveness including the adequate training of staff, and the periodic testing and evaluation of their security programme.
- (5) The Director of Civil Aviation shall require the Concession Company, at the Philip S. W. Goldson International Airport, to develop an airport security programme for that airport, which shall-
- (a) specify the individual security measures developed by the Concession Company at that airport, in conformity with the Belize National Civil Aviation Security Programme;
  - (b) specify the airport security officer charged by the Concession Company with coordinating the implementation of that airport's aviation security programme;
  - (c) establish an airport aviation security committee for the Philip S. W. Goldson International Airport consisting of members approved by the National Civil Aviation Security Committee and the Minister;
  - (d) specify how the requirements of airport aviation security will be integrated into the architectural and infrastructure related designs, expansion and construction of the Philip S. W. Goldson International Airport;
  - (e) specify the responsibilities of the Concession Company Limited and the Belize Airports Authority in the area of airport aviation security at the Philip S. W. Goldson International Airport, including-
    - (i) the prevention, detection and prosecution of offences at that airport;
    - (ii) routine surveillance and patrol of all airport terminals;
    - (iii) the surveillance of arriving and departing passengers and the identification of persons who may pose a threat to airport aviation security;

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- (iv) contingency planning with the Belize Police Department and the Belize Defence Force in respect of responses to acts of unlawful interference, including hijacking, sabotage, bomb or other threats, ground attacks and civil disorder;
- (v) the ability to provide specialist responses to the threats specified in sub-paragraph (iv) above, including but not limited to the ability to provide anti-terrorist units, armed intervention, hostage negotiation and explosive device disarming and disposal;
- (vi) the ability to provide a rapid, armed response to major accidents at that airport;
- (vii) the training of police officers, customs officers, immigration officers and fire service officers in airport aviation security measures, practices and procedures relevant to their areas of operation;
- (viii) the enforcement of this Act and other laws relevant to airport aviation security.

(6) The Director of Civil Aviation shall, after consultation with the National Civil Aviation Security Committee and with the approval of the Minister, require operators of national and local flights in Belize to develop and submit to him for approval, aircraft operators aviation security programmes.

(7) Aircraft operators aviation security programmes referred to in subsection (6) shall be developed pursuant to regulations made under section 16(2)(c) and (d).

(8) Where the Director of Civil Aviation is required to do any act, discharge any duty, or perform any function under this Act, the Director of Civil Aviation shall first consult with the Minister and give great weight to the timely views of the National Civil Aviation Security Committee before doing the act, discharging the duty, or performing the function.

### **PART III** **OFFENCES**



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6. (1) A person who in respect of any aircraft registered in Belize, or flying in or from Belize or in service in Belize, unlawfully and intentionally-

- (a) seizes or exercises control over the aircraft by force or threat thereof or any other form of intimidation;
- (b) performs an act of violence against a person on board the aircraft if that act is likely to endanger the safe operation or flight of the aircraft;
- (c) destroys the aircraft or causes damage to such aircraft or to its cargo or passengers, which is likely to endanger the safe operation or flight of the aircraft;
- (d) places or causes to be placed on the aircraft, by any means whatsoever, a device, explosive or substance which is likely to destroy the aircraft, or cause damage to the aircraft or its cargo or passengers which endangers or is likely to endanger the operation of flight of the aircraft;
- (e) destroys or seriously damages aeronautical facilities or seriously interferes with their operation, if such act is likely to endanger the safe operation or flight of an aircraft; or
- (f) communicates information, knowing the information to be false and under circumstances in which the information may be reasonably be believed, thereby endangering the safe operation or flight of an aircraft;
- (g) commits an act of unlawful interference;

commits an offence and is liable, on conviction on indictment-

- (j) to imprisonment for twenty years; or
- (ii) if the death of any person results from any act prohibited by this section, to be sentenced to death.

(2) For the purposes of this Act-

- (a) the period during which an aircraft is in flight shall be deemed to include any period from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, and, in the case of a forced landing, any period until the

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competent authorities take over responsibility for the aircraft and for the persons and property on board; and

- (b) an aircraft shall be taken to be in service during the whole of the period which begins with the pre-flight preparation of the aircraft for a flight and ends twenty-four hours after the aircraft lands having completed that flight, and also at any time (not falling within that period) while, in accordance with paragraph (a) the aircraft is in flight.
- (3) It shall be a defence for a person charged with an offence under subsection (1)(f) to prove-
  - (a) that he believed, and had reasonable grounds for believing, that the information was true; or
  - (b) that, when he communicated the information, he was lawfully employed to perform duties which consisted of or included the communication of information and that he communicated the information in good faith in the performance of those duties.

Bombing  
offences

- 7. (1) A person who unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against an airport, aerodrome, aeronautical facility or an aircraft-
  - (a) with the intent to cause death or serious bodily injury to any person; or
  - (b) with the intent to cause extensive damage to, or destruction of, the airport, aerodrome, aeronautical facility or aircraft where the destruction results in or is likely to result in major economic loss,

commits an offence and is liable, on conviction on indictment, to imprisonment for life.

- (2) This section does not apply to members of the security services-
  - (a) during an armed conflict; or
  - (b) in respect of activities undertaken in the exercise of their official duties.

Protection of  
passengers

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8. (1) Subject to subsection (2), a person who commits an act of violence against the passengers or crew of an aircraft in flight commits an offence and shall, on summary conviction, be liable to a fine of five thousand dollars.

(2) Where the act of violence referred to in subsection (1) results in the death of a passenger or a member of the crew of an aircraft, the person shall be liable, on conviction on indictment, to imprisonment for life.

Destroying,  
damaging or  
endangering the  
safety of aircraft

9. (1) Subject to subsection (4), a person who unlawfully and intentionally-

(a) destroys an aircraft in service or so damages such aircraft as to render it incapable of flight or as to be likely to endanger its safety in flight; or

(b) commits on board an aircraft in flight any act of violence which is likely to endanger the safety of the aircraft,

commits an offence and shall, on conviction on indictment, be liable to imprisonment for ten years.

(2) Subject to subsection (4), a person who unlawfully and intentionally places or causes to be placed on an aircraft in service any device, explosive, weapon or substance which is likely to destroy the aircraft or is likely to damage the aircraft as to render it incapable of flight or as to be likely to endanger its safety in flight commits an offence, but nothing in this subsection shall be construed as limiting the circumstances in which the commission of any act may constitute an offence under subsection (1).

(3) Except as provided in subsection (4), subsections (1) and (2) apply regardless of whether such an act therein referred is committed by a citizen of Belize, or whether the aircraft is registered in Belize.

(4) Subsections (1) and (2) shall not apply to any act committed in relation to an aircraft used by members of the security services while such members of the security services are on duty.

Use of chemical,  
biological or  
nuclear weapons

10. A person who, unlawfully and intentionally uses, threatens or attempts or conspires to use chemical, biological or nuclear weapons

(a) at any airport, aerodrome or aeronautical facility; or

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- (b) in or within an aircraft, while the aircraft is in flight, in service or parked on the ground,

commits an offence and shall be liable, on conviction on indictment, to imprisonment for a period of not less than twenty years.

Powers of  
commanders of  
aircraft

11. (1) If the commander of an aircraft in flight has reasonable grounds to believe in respect of a person on board the aircraft-

- (a) that the person in question has done or is about to do any act on the aircraft while it is in flight which jeopardizes or may jeopardize-

- (i) the safety of the aircraft or of the passengers and crew and property on board the aircraft;

- (ii) good order and discipline on board the aircraft; or

- (b) that the person in question has done on the aircraft while in flight any act which in the opinion of the commander is a serious offence under any law in force in the country in which the aircraft is registered, not being a law of a political nature or based on racial or religious discrimination, then, subject to subsection (3), the commander may take with respect to that person such reasonable measures, including restraint of his person, as may be necessary-

- (i) to protect the safety of the aircraft or of the passengers, crew or property on board the aircraft;

- (ii) to maintain good order and discipline on board the aircraft; or

- (iii) to enable the commander to disembark or deliver that person in accordance with subsection (4),

and for the purposes of paragraph (b) above, any aircraft shall be deemed to be registered in Belize if the aircraft is in flight to or from, or in service in, Belize.

(2) Any member of the crew of an aircraft and any other person on board the aircraft may, at the request or with the authority of the commander of the aircraft, and any such member of crew shall if so required by the commander, render assistance in restraining any person whom the commander is entitled under subsection (1) to restrain; and at any time when the aircraft is in flight any such member or other person

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may, without the authority of the commander, take within the aircraft any measures such as are mentioned in subsection (1) which he has reasonable grounds to believe are immediately necessary to protect the safety of the aircraft or of persons or property on board the aircraft.

(3) Any restraint imposed on any person on board an aircraft under the powers conferred by this section shall not be continued after the time when the aircraft first thereafter ceases to be in flight unless before or as soon as is reasonably practicable after that time the commander of the aircraft causes notification of the fact that the person is under restraint and the reasons therefore to be sent to the appropriate authority of the country in which the aircraft so ceases to be in flight, but subject to such notification may be continued after that time-

(a) for any period (including the period of any further flight) between that time and the first occasion thereafter on which the commander is able with the requisite consent of the appropriate authorities to disembark or deliver the person under restraint in accordance with subsection (4); or

(b) if the person under restraint agrees to continue his journey under restraint on board that aircraft.

(4) If the commander of an aircraft-

(a) in the case of any person on board the aircraft, has reasonable grounds-

(i) to believe as mentioned in paragraph (a) of subsection (1); and

(ii) to believe that it is necessary so to do in order to protect the safety of the aircraft or of passengers, crew and property on board the aircraft or to maintain good order and discipline on board the aircraft,

may disembark that person in any country in which that aircraft may be;  
and

(b) in the case of any person on board the aircraft, he has reasonable grounds for believing as mentioned in paragraph (b) of subsection (1), may deliver that person-

(i) in Belize, to a police officer or an immigration officer; or

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- (ii) in any other country, to an officer having functions corresponding to the functions either of a police officer or an immigration officer in Belize.

(5) The commander of an aircraft shall furnish the authorities referred to in subsection (4)(b) with all the evidence and information regarding the incident referred to in subsection (1) that necessitated the restraint or disembarkation of the person in question.

(6) The commander of an aircraft who without reasonable cause fails to comply with the requirements of this section commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars.

Offences against  
the Conventions

12. (1) The Conventions shall, from the commencement of this Act, have the force of law in Belize.

(2) Any person who contravenes any provision of any of the Conventions or any Regulations made pursuant to the Conventions which is not specifically provided in this Act commits an offence and shall be liable, on summary conviction, to a fine of not less than three thousand dollars.

Prohibited acts

13. (1) No person shall-

- (a) carry any firearm on his person on board any aircraft without the prior written authorization of the aircraft operator;
- (b) carry any firearm in his baggage on board any aircraft without the prior written authorization of the aircraft operator;
- (c) carry any explosives which are unmarked on any aircraft, or carry marked explosives on his person, in his baggage or as cargo.

(2) A person who contravenes subsection (1) commits an offence and shall be liable, on summary conviction, to a fine of not less than five thousand dollars or to imprisonment for five years, or to both such fine and period of imprisonment.

## **PART IV** **FINANCIAL PROVISIONS**

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Funding of the  
Belize National Civil  
Aviation Security  
Programme

14. The Belize National Civil Aviation Security Programme shall be funded by-

- (a) monies allocated for that purpose from the Consolidated Revenue Fund;
- (b) fees levied on the Concession Company for that purpose under Regulations made by the Minister;
- (c) fees levied on aircraft operators for that purpose under Regulations made by the Minister;
- (d) donations, grants and bequests from any local, regional or international organization.

Annual audits

15. The accounts of the Belize National Civil Aviation Security Programme shall be audited annually by the Auditor General.

## **PART V** **LEGAL AND GENERAL**

Regulations

16. (1) The Minister may make Regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), Regulations made under this section may provide for-

- (a) the payment of fees by different organisations for the purpose of funding the Belize National Civil Aviation Security Programme;
- (b) authority to search and access persons, baggage and property;
- (c) authority to personnel of the Concession Company, the Belize Airports Authority, the Belize Police Department, the Customs and Excise Department, the Department of Immigration and Nationality Services and any other government department to arrest persons without a warrant and to detain such persons for contravening any civil aviation security measures or laws;
- (d) aircraft operators offering national or international services to submit to the Director of Civil Aviation for approval by

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- a specified date their operators aviation security programmes;
- (e) security inspections, audits, surveys and tests by officials designated by the Director of Civil Aviation with the approval of the National Civil Aviation Security Committee;
  - (f) access to airside areas of airports, aerodromes and aeronautical facilities serving civil aviation;
  - (g) security restricted areas at airports and aeronautical facilities serving civil aviation;
  - (h) unauthorized access to airside and security restricted areas, and the penalties payable therefor;
  - (i) background checks conducted on passengers, crew, security personnel and other persons within airports and aeronautical facilities serving international civil aviation;
  - (j) background checks conducted on persons granted unescorted access to airside and security restricted areas at airports and aeronautical facilities serving international civil aviation;
  - (k) the supervision of the movement of vehicles and persons to and from aircraft in security restricted areas in order to prevent unauthorized access to aircraft;
  - (l) the screening of passengers, crew, security personnel, baggage and cargo;
  - (m) the security checking of aircraft engaged in commercial civil aviation;
  - (n) ensuring that passengers of commercial flights disembarking from aircraft at any time do not leave items on board the aircraft;
  - (o) measures to prevent unauthorized persons, during a flight, from entering the flight crew compartment;
  - (p) the screening of passengers and their baggage where such passengers are transferring from one aircraft to another;



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- (q) the protection of in-transit passengers and their baggage from unauthorized interference by any person, and to protect the integrity of the security of the airport at the point of transit;
- (r) the screening of hold baggage and cargo prior to being loaded onto an aircraft;
- (s) the standards to be observed by aircraft operators for the transportation of the baggage of passengers who are not on board the aircraft, and the additional screening measures to be used in such cases;
- (t) the screening of transfer hold baggage prior to being loaded onto an aircraft;
- (u) the security measures to be applied to postal mail, prior to the mail being loaded onto the aircraft;
- (v) the approval of regulated agents;
- (w) the prohibition of aircraft operators from accepting cargo or mail for carriage on an aircraft engaged in passenger commercial air transport operations unless the application of security controls is confirmed and accounted for by a regulated agent, or such consignments are subjected to appropriate security controls;
- (x) the screening of catering, stores and supplies intended for carriage on passenger commercial flights.
- (y) the adoption of any Regulations developed by a regional organization for use in Belize;
- (z) security inspections.

Extradition  
CAP. 112

17. An offence under this Act shall be an extradition offence within the meaning of the Extradition Act.

Commencement

18. This Act shall come into force on the 18<sup>th</sup> day of June, 2008 as designated by the Minister by Order published in the *Gazette dated 28<sup>th</sup> June, 2008*.

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