

## THE CIVIL AVIATION ACT

### **Regulations made by the Minister under section 11 of the Civil Aviation Act**

1. These regulations may be cited as the Civil Aviation (Security) Regulations 2008.

2. In these regulations - .

"act of unlawful interference" means an act or attempted act which jeopardises the safety of civil aviation and air transport, and includes

- (i) the unlawful seizure of an aircraft in flight;
- (ii) the -unlawful seizure of an aircraft on the ground;
- (iii) hostage-taking on board an aircraft or at an airport;
- (iv) the forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility;
- (v) the introduction on board an aircraft or at an airport of a weapon, or hazardous device or material intended for a criminal purpose;
- (vi) the communication of false information which jeopardises 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 of a civil aviation facility;

"aerial work" means an aircraft operation in which an aircraft is used for specialised<sup>1</sup> services, and includes services relating to agriculture, construction, photography, surveying observation, patrol, search, rescue, and aerial advertisement;

"aircraft operator" means a person engaged in commercial air transport operations, aerial-work or corporate aviation;

"aircraft security check" means an inspection of the interior of an aircraft: to which passengers may have had access, and includes the inspection of the hold, of the aircraft for the purposes of discovering suspicious objects, weapons, explosives or other dangerous devices, articles and substances;

"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;

"airport operator" means the holder of a licence issued under regulation 103 of the Civil Aviation. Regulations 2007;

"airside" means the movement area of an airport, adjacent terrain and buildings or portions thereof to which access is controlled;

"air traffic services provider" means such provider of an air traffic control service as is so designated by the Minister;

"Authority" has the same meaning as in the Civil Aviation Regulations 7007;

"background check" means the check of a person's identity and previous experience, including where legally permissible, any criminal history, as part of the assessment of an individual's suitability, to implement's security control or for unescorted access to a security restricted area;

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

"certification" means a formal evaluation and confirmation by or on behalf of the Authority that a person possesses the necessary competencies to perform assigned functions to an acceptable level as defined by the Authority;

"commercial air transport operation" means an , aircraft operation involving the transport of passengers, cargo or-mail for-remuneration or hire;

"Contracting State" means a member State of ICAO;

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

"disruptive passenger" means a passenger who fails to respect the rules of conduct at an airport or on board an aircraft or to follow the instructions of the airport staff or crew members and by his conduct disturbs the good order and discipline at an airport or on board the aircraft;

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

"hold baggage" means the baggage handed over by a passenger to the aircraft operator for carriage on board an aircraft in a compartment to which the passenger does not have access;

"human factors principles" mean principles which apply to-design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human performance;

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

"ICAO" means the International Civil Aviation Organisation;

"National Civil Aviation Security Programme" means the National Civil Aviation Security Programme, prepared by the Authority under regulation 5(e) and approved under regulation 3(2);

"regulated agent" means an agent, freight forwarder or any other organisation who conducts business with an aircraft operator and provides security controls that are accepted or required by the Authority in respect of cargo or mail;

"screening" means the application of technical or other means to identify or detect weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference and includes any action to prevent any such item or package containing such item, from reaching the aircraft;

"security" means safeguarding "civil aviation against acts of unlawful interference;

"security audit" means an in-depth compliance examination of every aspect" of the implementation of the National Civil Aviation Security Programme;

"security control" means the use of a verification procedure by which the introduction of weapons, explosives or other dangerous devices articles or substances which may be used to commit an act of unlawful interference can be prevented;

"security inspection" means the examination of the implementation of relevant National Civil Aviation Security Programme requirements by an airline, airport or other organisation involved in aviation security;

"security restricted area" means an area of the airport identified by the Authority as an area to which access is restricted to authorised persons and described in the First Schedule;

"security survey" means the evaluation of security needs including the identification of vulnerabilities which may be exploited to carry out an act of unlawful interference, and includes the recommendation of corrective actions;

"security test" means a covert or overt trial of an aviation security measure which simulates an attempt to commit an unlawful act.

"service provider" means -

any person who engages, either directly or indirectly, under an agreement or otherwise, to carry out duties on behalf of an aircraft operator, airport operator or regulated agent; and

provides security controls that are accepted or required by the Authority.

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

"vulnerable point" means any facility connected with an airport, found within the area described in the Second Schedule, which if damaged or destroyed, would seriously impair the functioning of the airport or air transport operation.

### **3. National Civil Aviation Security Committee**

(1) . There is established for the purposes of these regulations, a National Civil Aviation Security Committee.

(2) The National- Civil Aviation Security Committee shall -

(a) approve, the National "Civil Aviation Security Programme setting out the Government's security policy in respect of civil aviation within Mauritius and of Mauritian" civil aircraft overseas, and the necessary standards and guidelines for security;

(b) coordinate security activities between the departments, agencies and other entities of the State, airport and aircraft operators and other entities concerned with or responsible for the implementation of various aspects of the National Civil Aviation Security Programme;

- (c) in the event of an act of unlawful interference, make arrangement to provide ICAO with all relevant information concerning the security aspects of the act of unlawful interference as soon as practicable after the act is resolved;
- (d) after the occurrence of an act of unlawful interference, re-evaluate security controls and procedures and in a timely fashion, take action necessary to remedy weaknesses so as to prevent recurrence; and
- (e) make arrangement to inform ICAO of any action taken under sub paragraph (d).

(3) The National Civil Aviation Security Committee shall consist of—

- (a) the Senior Chief Executive, Prime Minister's Office, Home Affairs Division, as Chairperson;
- (b) a representative of the Prime Minister's Office, as Secretary;
- (c) the Security Adviser to the Prime Minister;
- (d) the Permanent Secretary of the Ministry responsible for the subject of civil-aviation;
- (e) the Commissioner of Police;
- (f) the Commanding Officer of the Special Mobile Force;
- (g) the officer responsible for the National Security Service;
- (h) the Director of Civil Aviation;
- (i) the officer in charge of the Passport and Immigration Office;
- (j) the Senior Chief Executive of the Ministry, of Health and Quality of Life;
- (k) the Senior Chief Executive of the Ministry of Agro-Industry and Fisheries;
- (l) the Secretary for Foreign Affairs; -and.
- (m) the Director General of the-Mauritius Revenue Authority.

(4)The National Civil Aviation Security Committee may co-opt any other person with specialised knowledge of a matter under consideration by it to be present at any of its meetings.

(5)The National Civil Aviation Security Committee shall regulate its meetings in such manner as it deems fit and 9 members including at least 6 members from those specified under paragraph (3)(a) to (i) above, shall constitute a quorum.

(6)The National Civil Aviation Security Committee may issue directions, not inconsistent with these regulations to the Authority on any issue concerning security, and the Authority shall comply with such directions.

#### **4. Implementation of National Civil Aviation Security Programme generally**

Every organisation which is involved with or responsible for the implementation of various aspects of the National Civil Aviation Security Programme shall -

- (a) maintain a written statement of the security measures adopted by that organisation;
- (b) apply the standards and endeavour to apply the recommended practices set out in Annex 17 to the Convention, on International Civil Aviation, to international civil aviation operations;
- (c) establish and implement suitable protection and handling procedures for security information shared by other Contracting States or security information that affects the security interests of other Contracting States, in order to ensure that inappropriate use, or disclosure of, such information is avoided;
- (d) take appropriate measures for the safety of passengers and crew of an aircraft, which is subjected to an act of unlawful interference, while on the ground in Mauritius until their journey is continued;
- (e) implement the security measures as may be entrusted to it under the National Civil Aviation Security Programme;
- (f) ensure that every person implementing security controls is appropriately trained according to the requirements of the National Civil Aviation Security Programme and possesses all competencies required to perform his duties, and appropriate records, are maintained for his training;

(g) ensure that every person who carries out screening operations is certified according to the requirements of the National Civil Aviation Security Programme, and performance standards are consistently and reliably achieved;

(h) apply security measures to domestic operations to the extent practicable based upon a risk assessment carried out by the Authority; and;

(i) prior to applying, for an aviation security identification card on behalf of any of its employees or on behalf of any contractor providing it with services at the airport, carry out such preliminary checking of the employee or contractor, as may be required in the National Civil Aviation Security Programme;

### **5. Designated appropriate aviation security agency**

For the purposes of these regulations, the Authority shall be the designated appropriate aviation security, agency for Mauritius and shall be responsible, inter alia for-

(a) establishing a unit for security and developing and implementing guidelines, practices, and procedures for security based on the provisions of Annex 17 to the Convention and taking into account the safety, regularity and efficiency of flights;

(b) meeting requests from other Contracting States for additional security measures in respect of specific flights by operators of such other States as far as may be practicable;

(c) establishing cooperation with other Contracting States in the development and exchange of information concerning civil aviation security programmes, training programmes and quality control programmes;

(d) establishing and implementing procedures to share with other Contracting States information that applies to the aviation security interests of those States, to the extent practicable;

(e) preparing a written National Civil Aviation Security Programme to be approved by the National Civil Aviation Security Committee;

(f) keeping under constant review the level of threat to civil aviation in Mauritius, and making proposals to the National Civil Aviation Security Committee;

(g) ensuring the development and implementation of a national training programme for personnel of every organisation involved with or responsible for the implementation, of the National Civil Aviation Security Programme;

- (h) making available to the airport and aircraft operators in Mauritius and other entities concerned with civil aviation a written version of the relevant parts of the National Civil Aviation Security Programme or other relevant information or guidelines to enable them to meet the requirements of the National Civil Aviation Security Programme;
- (I) ensuring that persons implementing security controls are subjected to background checks and selection procedures;
- (j) developing, implementing and maintaining a National Civil Aviation Security Quality Control Programme to determine compliance with, and validate the effectiveness of the National Civil Aviation Security Programme;
- (k) arranging for security audits, tests, surveys and inspections to be conducted on a regular basis, verifying compliance with the National Civil Aviation Security Programme and providing for the rapid and effective rectification of any deficiencies;
- (I) supplementing the National Civil Aviation Security Quality Control Programme by establishing a confidential reporting system for analysing security information provided by sources such as passengers, crew and ground personnel;
- (m) establishing a process to record and analyse the results of the National Civil Aviation Security Quality- Control Programme, contributing to the effective development and implementation, of the National Civil Aviation Security Programme, including identifying the causes and patterns of non-compliance and verifying that corrective actions have been implemented and sustained;
- (n) establishing a modern, efficient and safe system for issuing aviation security identification cards to persons and vehicles requiring access to the security restricted areas in connection with their duties;
- (o) establishing a process for the approval of regulated agents;
- (p) processing special authorisation relating to the carriage of weapons on board aircraft by law enforcement officers and other authorised persons acting in the performance of their duties in accordance with the laws of the States-involved;
- (g) considering requests by any other State to allow the travel of armed personnel, including in-flight security officers on board aircraft of the operator of the requesting State;

- (r) ensuring that contingency plans for security are developed and tested, and resources are made available by each organisation as may be necessary for implementation of such contingency plans and
- (s) approving the aviation security programme of each organisation involved in the implementation of the Civil Aviation; Security Programme.

## **6. Airport Security Committee**

(1) There shall be established at every airport serving civil aviation, an Airport Security Committee to ensure the implementation of any national civil aviation security initiatives that may be required by the Authority from time to time.

(2) -The Airport. Security Committee shall—

(a) monitor the implementation of the Airport Security Programme;

(b) make reports to the Authority on the current state of security measures and procedures in force at the airport and on any security issues which cannot be resolved at the airport level;

(c) ensure that minimum security measures; and procedures in force at the airport are "adequate to meet threats with regard "to normal situations-"and are under constant review for periods of heightened tension and emergency situations; and

(d) ensure that recommendations for improvements in security measures and procedures are implemented.

(3) The Airport Security Committee shall consist, of-

- (a) the responsible officer of the airport operator as the Chairperson;
- (b) the officer in charge of the Police at the airport; who shall be the alternate Chairperson;
- (c) a representative of the- Customs Department of the . Mauritius Revenue Authority;
- (d) a representative of the Passport and Immigration Office;
- (e) a representative of the Special Mobile Force;
- (j) a representative of the aviation security identification card issuer;
- (g) representative of Air Mauritius Ltd;
- (h) a representative of the air traffic services provider;

- (i) a representative of the ground handling agencies;
- (j) a representative of the airline representatives;
- (k) a representative of the service providers; and
- (l) a representative of the regulated agents.

4) A representative of the Authority shall be invited to attend meetings of the Airport Security Committee as an observer.

(5) The Chairperson may co-opt any other person with specialised knowledge of a matter under consideration by the Airport Security Committee to be present at any meeting of the Committee.

(6) The Airport Security Committee shall conduct its meetings within the policy framework established by the National Civil Aviation Security Programme and shall meet at least once quarterly.

(7) Eight members of the Committee shall constitute a quorum at a meeting.

## **7. Security responsibilities of Police**

In addition to the duties of the Police under the Police Act, the Police at every airport serving civil aviation shall -

- (a) control the access, from landside to airside areas at the airport to prevent unauthorised entry;
- (b) verify identity documents at designated check points before access is allowed to airside areas and security restricted areas;
- (c) make available, upon request-made by any organisation which is involved with, or responsible for, the implementation of the National Civil Aviation Security Programme; authorised and suitably trained personnel to assist in dealing with suspected, or actual cases of unlawful interference with civil aviation;
- (d) perform surveillance of the take-off and approach land side areas of the airport during high risk flights and as and when required;

- (e) whenever informed by the Authority that an aircraft may be subjected to an act of unlawful interference, safeguard the aircraft if it is still on the ground and arrange for search of the aircraft for concealed weapons, explosives or other dangerous devices, articles or substances;
- (f) inform the aircraft operator and the pilot-in-command when passengers are obliged to travel pursuant to judicial or administrative proceedings, in order that appropriate security controls can be applied; and
- (g) make arrangements to investigate, render safe or dispose of, if necessary, suspected-dangerous devices or other potential hazards at airports.

## **8. Security responsibilities of airport, operator**

(1) Every airport operator shall-

- (a) within 3 months of being informed by the Authority of the approval of the National Civil Aviation Security Programme under regulation 3(2)(a), establish, implement and maintain a written Airport Security Programme, which complies with the National Civil Aviation Security Programme and is approved by the Authority;
- (b) coordinate the -implementation of security controls by various entities at the airport operated by it;
- (c) comply with the provisions of the National Civil Aviation Security Programme;
- (d) integrate into the design and construction of new facilities and alterations to existing facilities, at the airport operated by it, design requirements, including architectural and infrastructure-related requirements necessary, for the implementation of the security measures specified in the National Civil Aviation Security Programme;
- (e) supervise the movement of persons and vehicles on the airside to control access to security restricted areas;
- (f) screen a proportion of persons other than passengers being granted access to security restricted areas together with items carried;

- (g) screen originating passengers of commercial air transport operations and their cabin baggage prior to boarding an aircraft;
- (h) establish measures for transit operations to protect transit passengers and cabin baggage from unauthorised interference;
- (i) screen transfer passengers of commercial air transport operations and their cabin baggage prior to boarding an aircraft except in cases where the Authority has permitted otherwise;
- (j) protect passengers and their cabin baggage which have been screened, from unauthorised interference from the point of screening until they board the aircraft;
- (k) screen originating hold baggage prior to being loaded into an aircraft engaged in commercial air transport operations; areas;
- (l) screen transfer hold baggage prior to being loaded into an aircraft engaged in commercial air transport operations except in cases where the Authority has permitted otherwise;
- (m) protect all hold baggage to be carried on an aircraft engaged in commercial, air transport operations from unauthorised interference from the point it is screened or accepted into the care of the aircraft operator, whichever is earlier, until departure of the aircraft on which it is to be carried; and
- (n) take such measures, not inconsistent with these regulations, as it deems fit and expedient, to ensure that the airport has developed and tested contingency plans and procedures to respond to airport and aircraft related emergencies appropriate for the nature and scale of operations at the airport

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(2) The proportion referred under paragraph (1)(f) shall be determined in accordance with such risk assessment as shall, from time to time, be earned out by the Authority.

(3) Where there has been unauthorised interference with screened passengers and cabin baggage in breach of paragraph (1)(j), the airport operator shall re-screen the passengers together with their cabin baggage before they board an aircraft.

(4) Where the integrity of the hold baggage referred under paragraph (1)(m) is jeopardised, the airport operator shall re-screen the hold baggage before it is placed on board an aircraft.

## **9. Security responsibilities of aircraft operator**

(1) Every aircraft operator engaging in commercial air transport operations from Mauritius shall-

- (a) establish, implement and maintain a written Operator Security Programme that meets, the requirements of the National Civil Aviation Programme of Mauritius;
- (b) include in the Operator Security Programme measures and procedures to ensure safety on-board the aircraft when passengers are obliged to travel pursuant to judicial or administrative proceedings and
- (c) submit the written-Operator Security Programme to the Authority for approval within such period as may be determined by the Authority.

(2) Every aircraft operator engaging in commercial air transport operations from Mauritius shall-

- (a) perform aircraft security checks or carry out aircraft security searches of originating aircraft engaging in commercial air transport movements;
- (b) take, measures to ensure, that disembarking passengers of commercial flights do not leave items on board the aircraft;
- (c) protect an aircraft subject to security checks or searches from unauthorized interference from the time the search or, check has commenced until the aircraft departs;-
- (d) control access to and from the aircraft which is subject to security checks or searches in order to prevent unauthorized access to the aircraft.

(3) In determining whether an aircraft security check or an aircraft security search under paragraph (2)(a) must be carried out, the aircraft operator shall take into consideration any aviation security risk assessment carried out by the Authority.

(4) Every aircraft operator engaging in commercial air transport operations shall take appropriate measures to ensure that unauthorised persons are prevented from entering the flight crew compartment during flights.

(5) Every aircraft operator engaging in commercial air transport operations shall not transport the baggage of passengers who are not on board the aircraft unless the baggage is identified as unaccompanied and has been subjected to additional screening.

(6) (a) Every aircraft operator engaging in commercial air transport operations, shall only transport items of hold baggage which have been individually identified as accompanied or unaccompanied, screened to the appropriate standard and accepted for carriage on that flight.

(b) -The aircraft operator shall keep a record of the baggage together with a statement that such baggage has met the criteria under sub paragraph (a) and is authorised for carriage on that flight

(7) An aircraft operator shall not transport a person who does not consent to an authorised search of his person when required to do so by the aircraft operator or person authorised to conduct such search on his behalf.

(8) An aircraft operator which contravenes this regulation shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.

## **10. Security responsibilities of regulated agents and service providers**

(1) Every regulated agent and service provider shall-

(a) apply security, controls to cargo and mail, prior to their being loaded into an aircraft engaged in passenger commercial air transport operations;

(b) protect cargo and mail which are carried on a passenger commercial aircraft from unauthorised interference from the point security controls are applied to such cargo and mail until departure of the aircraft;

(c) not accept cargo or mail for carriage in. an aircraft engaged in. passenger commercial air transport operations unless the application of security controls to such cargo or mail is confirmed and accounted for by the regulated agent; and

(d) subject catering stores -and supplies intended for carriage on passenger commercial, flights to appropriate security controls and protection from unauthorised interference until they are loaded into the aircraft.

(2) Where a person who carries an. arm with the authorisation of the. Authority has been accepted to .travel on an aircraft engaged in commercial air transport operation, the -ground handling agent shall notify the pilot in command of the seat location of the person.

(3) A regulated agent or a service provider which, contravenes this regulation shall commit an offence and shall on conviction, be liable to a fine not exceeding 10,000 rupee and to imprisonment for a term not exceeding 2 years.

## **11. Security responsibilities of air traffic services provider**

The air traffic services provider shall—

- (a) ensure that vulnerable points are adequately protected;
- (b) provide as much prior notification as possible- of the arrival of an aircraft that may be subjected to an act of unlawful interference, to the Authority and the airport . operator;
- (c) when providing air traffic services for an aircraft which has departed from Mauritius or is over-flying the Mauritian airspace and is the subject of an act of unlawful interference, collect all relevant information on the flight of that aircraft and. transmit that information to all other States responsible for air traffic services units concerned, including those airports of known or presumed destination;
- (d) provide assistance to an aircraft which is the subject of an act of unlawful seizure or hostage-taking, including the provision of navigation aids and air traffic services; and
- (e) where the circumstances so require, grant permission to land to an aircraft under paragraph (d) after consultation with the Authority.

## **-12. Security responsibilities of aviation security identification cards issuer -**

(1) The Authority shall, for the purposes of these regulations, establish a system for the issue of aviation security identification cards.

(2) The Authority may, upon request made by a person who needs -

- (a) to have access to a security restricted area or a vulnerable point; or
- (b) to drive a vehicle into a security restricted area or a vulnerable point, issue an aviation security identification card to him or in respect of the vehicle, as the case may be.

(3) The Authority may require background check to be conducted in respect of the applicant prior to the issue of an aviation security identification card for unescorted access to a security restricted area.

(4) The aviation security identification card issued under paragraph (2) may include electronic reading capability.

### **13. Sub-division of security restricted areas**

(1) The Authority may, having regard to the nature of the activities earned out in a security restricted area, sub-divide the area into distinct sub-zones.

(2) Every sub-zone under paragraph (1) shall be indicated by a sign affixed at the perimeter of the zone.

### **14, Temporary modification of security restricted area and vulnerable point**

(1) The Authority may, having regard to the nature of the activities to be carried out within a security restricted area during a particular period grant, notwithstanding the First and Second Schedules, a temporary extension to or remove a part from a security restricted area or vulnerable point.

(2) Any extension or removal shall be indicated by a sign affixed at the extended or narrowed perimeter of the security restricted area or vulnerable point as the case may be..

### **15 Access control**

(1) Subject to regulation 16, no person shall be given access to, or enter, or remain inside a security restricted area or vulnerable point unless-

- (a) he conspicuously displays a valid aviation security identification, card for unescorted access, on the outer garment, at chest-level, during the time of stay inside the security restricted area or vulnerable point;
- (b) he is a bona fide passenger or crew member whose presence in a sub-zone-of the security restricted area or vulnerable point is necessary; or
- (c) he has been otherwise permitted by the Authority and is accompanied by' the holder of a valid aviation security identification card for the security restricted area or vulnerable point, as the case may be.

(2) Any person who contravenes this regulation shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.

## **16. Exemptions regarding access control**

(1) Where it is incompatible with the nature of the duty to be performed, or where it is impractical or otherwise undesirable, to conspicuously display the aviation security identification card, the National Civil Aviation Security Committee may grant exemptions from the conspicuous wearing of the card in such specific security sub-zones and during such period of time corresponding to specific phases of activity, as it may determine, to selected holders of aviation security identification cards.

(2) Notwithstanding that an exemption has been granted under, paragraph (1), an exempted holder shall always carry his aviation security identification card and make it readily available for inspection by an authorised officer, when gaining access inside a security restricted area or vulnerable point.

## **17. Vehicular controls**

(1) No person in charge of a vehicle shall drive, or otherwise bring the vehicle into a security restricted area or vulnerable point unless that person is in possession of a valid aviation security identification card in respect of that vehicle or, in the absence of an aviation security identification card, access in the security restricted area or vulnerable point as the case maybe, has been permitted by the Authority.

(2) Any person who contravenes paragraph (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years:

## **18. Powers**

(1) Nothing in these regulations shall be construed as conferring; or delegating to any service provider any power held by the Commissioner of Police for law and order under the Police Act or under any other enactment.

(2) No person shall obstruct or impede any public officer or any service provider or other person acting in the exercise of his powers, or in performance of his duties, under these regulations.

(3) Where, in relation to any security restricted area or vulnerable point, an offence under paragraph (2) is committed by any person-

(a) the employer of that person; or

(b) the owner of the vehicle, baggage, moveable property, or animal, as the case may be, which has been involved in that offence,

shall also commit the like offence unless, he proves that the offence

was committed without his knowledge or consent and that he took all necessary steps to prevent the commission of the offence.

(4) (a) Without prejudice to any prosecution under any enactment relating to civil aviation, the Authority shall have the power to suspend or cancel the aviation security identification card where it is satisfied that the holder of the card has contravened these regulations or has rendered himself ineligible to hold the card due to any other valid reason.

(b) Before an aviation security identification card is cancelled, the Authority shall give written notice to the holder of the card requesting him to show cause why the card must not be cancelled.

(5) Without prejudice to its power to cancel an aviation security identification card under paragraph (4), the Authority may suspend the card forthwith.

(6) Where the Authority "suspends or cancels an aviation security identification card under paragraph (4) or (5), as the case may be, the holder of the card shall forthwith surrender his card to the Authority.

(7) Any person who contravenes paragraph (2) or (6) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.

## **19. Issue of directives**

(1) The Authority may issue a directive, not inconsistent with these regulations, relating to the security of any aircraft, airport or vulnerable point in Mauritius and any person to whom the directive is issued shall comply with it.

(2) Any directive issued by the Authority under paragraph (1) to an airport operator, service provider mail and cargo handling agency, aircraft owner, and operator, airtraveller and a member of the public concerning aviation security may relate to-

- (a) the administrative arrangements for granting access to any part of the security restricted area;
- (b) the conduct of persons and presence or movement of vehicles and animals, within any security restricted area;

(c) the nature of security measures and procedures applicable to persons, seeking entry into the security restricted area or vulnerable point with intent to board a departing aircraft or for any different purpose, and their baggage or other property whether-intended for carriage by air, or not;

(d) the nature of security measures and procedures applicable to any vehicle movable property machinery, goods, packages, entering and moving within any security restricted area or vulnerable point, whether consigned for transportation by air or brought into the area in relation to any other authorized purpose.

(3) Any person who without reasonable excuse or justification, fails to comply with a directive issued under paragraph (1) shall commit an offence and shall on conviction be liable to a fine not exceeding -10,000 rupees and to imprisonment for a term not exceeding 2 years.

## **20. Repeal**

The Civil Aviation (Security) Regulations 2002 are revoked.

## **21. Savings**

(1) Any circular, notice, publication, or direction issued under the revoked regulations referred under regulation 20 and which may also be issued under these regulations, shall -

- (a) be deemed to have been issued under these regulations; and
- (b) remain valid until replaced or revoked.

(2) Notwithstanding regulation 20, an Airport Pass issued under the Civil Aviation (Security) Regulations "2002 shall remain valid until its expiry.

## **22. Commencement**

These regulations shall come into force on 28 February 2008.

Made by the Minister on 14 February 2008.