



Bhutan Civil Aviation Security Regulations

2019

Issued under the authority of the Chairman of Board
Bhutan Civil Aviation Authority

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Bhutan Civil Aviation Authority
Royal Government of Bhutan
Paro : Bhutan



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30/10/2019

Foreword

In pursuance of the powers granted under section 27 of the Civil Aviation Act of Bhutan 2016, the Board shall approve Rules and Regulations for the effective implementation of the Act. The Board is authorized by the Act under section 28 to issue directives to the Head of the Authority to develop rules and regulations on the matters considered necessary. Therefore, the Chairperson of the Board hereby authorizes to carry out necessary revision and publish Bhutan Civil Aviation Security Regulations.

This regulation shall come into effect from 1st November 2019.

Signature:.....

Date: 30/10/19.....

CHAIRMAN
(Pemba Wangchuk)
Board Of Directors
Chairman of the Board
Bhutan Civil Aviation Authority



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PART I

1. Applicability

- (1) These Regulations are made under Civil Aviation Act of Bhutan, 2016 and prescribe requirements for the safeguarding of civil aviation against acts of unlawful interference.
- (2) These Regulations shall be applicable to:
 - (a) international airport operators;
 - (b) designated airport operators and any other airport operator specified by the Bhutan Civil Aviation Authority;
 - (c) national aircraft operators using aircraft of greater than 5,700 Kgs Maximum Take Off Weight;
 - (d) foreign aircraft operators;
 - (e) airport tenants;
 - (f) any person in or within the vicinity of an international airport or designated airport, or any other airport specified by the Authority;
 - (g) any person who offers goods for transport by air;
 - (h) any person who provides a service to an aircraft operator; and
 - (i) any person on board an aircraft.
- (3) The Regulations shall not apply to military aircraft.
- (4) A list of the designated airports to which these Regulations shall apply is contained in **Schedule 1**.

2. Definitions

- (I) In these Regulations, the following terms have the following meaning:
- ✓ **“act of unlawful interference”** means any act or attempted act such as to jeopardize the safety of civil aviation and air transport, including but not limited to:
 - (a) unlawful seizure of aircraft;
 - (b) destruction of an aircraft in service,
 - (c) hostage-taking on board aircraft or on aerodromes;
 - (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 or hazardous device or material intended for criminal purposes;
 - (f) • use of an aircraft in service for the purpose of causing death, serious bodily injury, or serious damage to property or the environment, or
 - (g) communication of false information such as to 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 of a civil aviation facility.
 - ✓ **“aerial work”** means an aircraft operation in which an aircraft is used for specialised services such as agriculture, construction, photography, surveying observation and patrol, search and rescue, aerial advertisement, etc.
 - ✓ **“aircraft commander”** means the pilot responsible for the operation and safety of the aircraft during flight.



- ✓ **“aircraft operator”** means the commercial operator of any one or more aircraft holding an Air Operator Certificate or a Foreign Air Operator Certificate to whom these Regulations apply.
- ✓ **“aircraft operator security programme”** means the written security programme developed by aircraft operators which is approved by the Authority.
- ✓ **“aircraft security check”** means an inspection of the interior of an aircraft to which passengers may have had access and an inspection of the hold for the purposes of discovering suspicious objects, weapons explosives or other dangerous devices.
- ✓ **“aircraft security search”** means a thorough inspection of the interior and exterior of the aircraft for the purposes of discovering suspicious objects, weapons or other dangerous devices, articles and substances.
- ✓ **“airport”** is any area which is open for commercial air transport operations. For the purposes of these regulations, the following additional interpretations apply:
 - (a) international airport means any airport designated as an airport of entry and departure for international air traffic, where the formalities incident to customs, immigration, public health, animal and plant quarantine and similar procedures are carried out.
 - (b) designated airport means any airport which offers international and/or domestic services by national carriers, corporate aviation services where by virtue of a security risk assessment carried out by the Authority, the Standards and Recommended Practices of Annex 17 to the Convention on Civil Aviation shall apply.
- ✓ **“airport tenant”** means any enterprise that is resident as a tenant at an airport and offers services and products at that airport.
- ✓ **“airport operator”** means Department of Air Transport to which these Regulations apply.
- ✓ **“airport security programme”** means the written security programme developed by an airport operator and which is approved by the Authority.
- ✓ **“airside”** means the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is controlled.
- ✓ **“Appropriate Authority for Aviation Security”** means the Bhutan Civil Aviation Authority.
- ✓ **“Authority”** means the Head of Authority, Bhutan Civil Aviation Authority designated to be responsible for the development, implementation and maintenance of the National Civil Aviation Security programme.
- ✓ **“authorised person”** means any person authorised by the Authority to perform any act, function or duty under Part IX of these Regulations.
- ✓ **“aviation security officer”** means:
 - (a) a person who is trained in accordance with the security training requirements of the appropriately approved Security Programme of the employing entity and who has been appointed as an aviation security officer by that entity.; and
 - (b) any member of the Royal Bhutan Police and/or Royal Bhutan Army when assigned airport security duties.
- ✓ **“aviation security screening officer”** means a person who by virtue of his recruitment and training has been employed by the airport operator to carry out aviation security screening duties, and who has been certified as such by the Authority.



- ✓ **“background check”** means a check of a person’s identity and previous experience, including criminal history and any other security related information relevant for assessing the person’s suitability, in accordance with national legislation.
- ✓ **“baggage”** means the personal property of passengers or crew carried on an aircraft by agreement with the operator.
- ✓ **“bomb threat”** means a communicated threat, anonymous or otherwise, which suggests, or infers, whether true or false that the safety of an aircraft in flight or on the ground, or any airport or civil aviation facility or any person may be in danger from an explosive or other item or device.
- ✓ **“cabin baggage”** means baggage intended for carriage in the cabin of an aircraft.
- ✓ **“cargo”** means any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage.
- ✓ **“cargo security supply chain”** means a process commencing from the time security controls are first applied to a cargo consignment and intended to ensure the ongoing secure nature of the consignment.
- ✓ **“catering stores”** means all items, other than catering supplies, associated with passenger in-flight services, for example newspapers, magazines, headphones, audio and video tapes, pillows and blankets, and amenity kits.
- ✓ **“catering supplies”** means food, beverages, other dry stores and associated equipment used on board an aircraft.
- ✓ **“checked baggage”** means baggage and personal belongings accepted for transportation by an aircraft operator which is loaded into the hold of the aircraft, and to which a person will not have access while on board an aircraft.
- ✓ **“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.
- ✓ **“controlled area”** means an area airside of an airport to which access is controlled.
- ✓ **“contingency plan”** A proactive plan to include measures and procedures addressing various threat levels, risk assessments and the associated security measures to be implemented, designed to anticipate and mitigate events as well as prepare all concerned parties having roles and responsibilities in the event of an actual act of unlawful interference.
- ✓ **“corporate aviation”** means the non-commercial operation or use of aircraft by a company for the carriage of passengers and or goods as an aid to the conduct of company business, flown by a professional pilot employed to fly the aircraft.
- ✓ **“crew member”** means a person assigned by an operator to duty on an aircraft during a flight duty period.
- ✓ **“dangerous goods”** means articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions or which are classified according to those Instructions.



- ✓ **“deficiency”** shall mean failure to comply with an aviation security requirements.
- ✓ **“deportee”** means a person who had legally been admitted to Bhutan by its authorities or who had entered Bhutan illegally, and who at some later time is formally ordered by the relevant authorities to leave that State.
- ✓ **“deportation order”** means a written order, issued by the deporting authority of the State and served upon a deportee, directing him to leave the State.
- ✓ **“disruptive passenger”** means a passenger who fails to respect the rules of conduct on board an aircraft in flight or to follow instructions of the crew members and thereby disturbs the good order and discipline on board the aircraft.
- ✓ **“escort”** means an official designated to accompany or supervise an individual who does not have unescorted access to areas restricted for security purposes.
- ✓ **“explosives”** means all explosive products, including those commonly known as “plastic explosives, as explosives in flexible or plastic sheet form.
- ✓ **“facilitation”** means the efficient management of a necessary control process, with the objective to expedite clearance of persons or goods and prevent unnecessary operational delays.
- ✓ **“firearm”** has the meaning given to it in the applicable legislation.
- ✓ **“foreign aircraft operator”** means an aircraft operator who conducts international commercial air transport operations under the terms of an air operator certificate issued by a State other than Bhutan.
- ✓ **“flight catering operator”** means any enterprise that provides catering supplies for consumption on board an aircraft in flight engaged in the carriage of passengers.
- ✓ **“general aviation”** means an aircraft operation other than a commercial air transport operation or an aerial work operation.
- ✓ **“goods”** means personal belongings, baggage, cargo, mail, article, thing or conveyance that may be taken or placed on board an aircraft or taken into a restricted area.
- ✓ **“high risk cargo”** means Cargo or mail shall be considered high risk if:
 - ✓ a) specific intelligence indicates that the cargo or mail poses a threat to civil aviation;
or
 - ✓ b) the cargo or mail shows anomalies or signs of tampering which give rise to suspicion.
- ✓ **“human factors principles”** means 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.
- ✓ **“inadmissible person”** means a person who is or will be refused admission to Bhutan by its authorities. **Note:** Such persons would normally have to be transported back to their State of departure, or to any other State where the persons are admissible, by the commercial air transport operator on which they arrived.
- ✓ **“incendiary device”** means an object, other than a match or pocket lighter, that is fabricated with combustible materials and when ignited may cause fire damage to property or inflict burn injuries on individuals.



- ✓ **“in-flight”** means the period from the moment all external aircraft doors are closed following boarding through to the moment when one external door is opened to allow passengers to leave the aircraft, or until, if a forced landing, appropriate authorities take over responsibility for the aircraft and individuals and property on the aircraft.
- ✓ **“in-flight security officer”** means a person who is employed and trained by the Government to be deployed on an aircraft with the purpose of protecting that aircraft and its occupants against acts of unlawful interference. This excludes persons employed to provide exclusive personal protection for one or more specific people travelling on the aircraft, such as personal bodyguards.
- ✓ **“inspection”** means an examination of the implementation of one or more aspects of security measures and procedures in order to determine how effectively they are being carried out.
- ✓ **“investigation”** means an examination of a security incident and an explanation of its cause in order to avoid recurrence and to consider legal action.
“LAG” means liquids, aerosols and gels.
- ✓ **“landside”** is that area of an airport and buildings to which both travelling passengers and the non-travelling public have unrestricted access.
- ✓ **“National Civil Aviation Security Programme (NCASP)”** means the Programme adopted in accordance with the Civil Aviation Act of Bhutan 2016 and Section 3 of these Regulations.
- ✓ **“National Civil Aviation Security training Programme (NCASTP)”** means the Programme relating to security training adopted in accordance with the Civil Aviation Act of Bhutan 2016 or Section 3 of these Regulations.
- ✓ **“National Civil Aviation Security Quality Control Programme (NCASQCP)”** means the Programme adopted relating to security quality control activities in accordance with the Civil Aviation Act of Bhutan 2016 or Section 3 of these Regulations.
- ✓ **“permit”** means an access permit for a person or a vehicle as part of a permit system which consists of cards or other documentation issued to individual persons employed on airports or who otherwise have need for authorised access to the airport, airside or security restricted area, or in relation to vehicles, for the purpose of identifying the individual or vehicle and to facilitate access. Some permits may be referred to as airport identity cards or passes.
- ✓ **“person in custody”** means a person who is for the time being under the control of a law enforcement officer.
- ✓ **“personal search”** means a search of the clothing of a person and personal belongings for prohibited items by a designated aviation security officer, an aviation security screening officer or a member of the Royal Bhutan Police.
- ✓ **“qualification”** in relation to a person, means all attributes, including training and experience, enabling the person to qualify for a permit, license, authorisation, approval, or for an activity, function or office.
- ✓ **“record”** includes any writing, drawing, map, tape, film, photograph, or other means by which information is preserved.
- ✓ **“restricted area”** means any area of an airport that is identified as an area to which access is restricted to authorised persons.



- ✓ **“removal order”** means a written order served by Bhutan on the operator on whose flight an inadmissible person travelled into Bhutan, directing the operator to remove that person from its territory.
- ✓ **“risk assessment”** is a process conducted to define the specific risk resulting from a known threat. It includes an assessment by a deporting State of a deportee’s suitability for escorted or unescorted removal via commercial air service. The assessment shall take into account all pertinent factors, including medical, mental and physical fitness for carriage on a commercial flight, willingness or unwillingness to travel, behavioural patterns and any history of violence
- ✓ **“sabotage”** means an act or omission, intended to cause malicious or wanton destruction of property, endangering or resulting in unlawful interference with international civil aviation and its facilities.
- ✓ **“screening”** means the application of technical or other means which are intended 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 equipment”** means devices of a specialised nature for use, individually or as part of a system, in the prevention or detection of acts of unlawful interference with civil aviation and its facilities.
- ✓ **“screening point”** means an area provided by the airport operator for the carrying out of passenger screening operations.
- ✓ **“screening staff”** includes an aviation security screening officer.
- ✓ **“security audit”** means an in-depth compliance examination of the implementation of the National Civil Aviation Security programme by the security programme of an airline, airport, or other providers of security services which contribute to the implementation of the National Civil Aviation Security programme..
- ✓ **“security auditor”** shall mean any person authorised by the Authority to conduct security audits, inspections or tests.
- ✓ **“security control”** means a procedure by which the introduction of weapons, explosives and other dangerous devices, articles or substances which may be used to commit an act of unlawful interference can be prevented.
- ✓ **“Security Directive”** means a directive issued under Section 108 of these Regulations.
- ✓ **“security incident”** means an occurrence with negative implications for the security and safety of persons and property.
- ✓ **“security inspection”** means a compliance examination of the implementation of one or more aspects of the security programme of an airline, airport, or other providers of security services which contribute to the implementation of the National Civil Aviation Security programme.
- ✓ **“security investigation”** means an inquiry into any act or attempted act of unlawful interference against civil aviation and/or any alleged or suspected instance of non-compliance with Bhutan’s National Civil Aviation Security programme or other legal and/or regulatory requirements pertaining to civil aviation security.
- ✓ **“security programme”** means any written measures adopted to safeguard civil aviation against acts of unlawful interference, including an Airport Security Programme, Bhutan



Aircraft Operator Security Programme and Foreign Aircraft Operator Security Programme, as applicable.

- ✓ **“security restricted area”** means an approved airside area of an airport into which access is controlled and other security measures may be instituted to ensure security of civil aviation. Such areas will normally include, inter alia, all passenger departure areas between the screening checkpoint and the aircraft, the ramp, baggage make-up areas, cargo sheds, mail centres and airside catering.
- ✓ **“security test”** means a covert or overt trial of an aviation security measure which simulates an attempt to commit an unlawful act.
- ✓ **“sterile area”** means that area between any passenger inspection or screening control point and an aircraft into which access is strictly controlled.
- ✓ **“supplies of LAGs”** means Liquids, aerosols and gels, in any volume, for sale at airport outlets (excluding food and beverages for consumption in the airport premises and not intended for carriage into the aircraft passenger cabin) or on board aircraft during the day(s) of the journey, either in the airside area, or in a security restricted area.
“Unpredictability” The implementation of security measures in order to increase their deterrent effect and their efficiency, by applying them at irregular frequencies, different locations and/or with varying means, in accordance with a defined framework.
- ✓ **“technical instructions”** means the International Civil Aviation Organization Instructions for the Transport of Dangerous Goods by Air.
- ✓ **“test”** shall mean a trial of aviation security measures, where the Authority introduces or simulates intent to commit an unlawful act for the purpose of examining the efficiency and implementation of existing security measures.
- ✓ **“transfer passenger/baggage”** means passengers/baggage making direct connections between two different flights.
- ✓ **“travel document”** means a passport or other official document of identity issued by a State or organization, which may be used by the rightful holder for international travel.
- ✓ **“unruly or disruptive passenger”** means a person who commits on board a civil aircraft, from the moment when the aircraft door is closed prior to take-off to the moment when it is reopened after landing, an act of:
 - a) assault, intimidation, menace or wilful recklessness which endangers good order or the safety of property or persons;
 - b) assault, intimidation, menace or interference with a crew member in performance of duties or which lessens ability to perform duties;
 - c) wilful recklessness or damage to an aircraft, its equipment, or attendant structures and equipment such as to endanger good order and safety of the aircraft or its occupants;
 - d) communication of information which is known to be false, thereby endangering the safety of an aircraft in flight;
 - e) disobedience of lawful commands or instructions for safe, orderly or efficient operations.
- ✓ **“weapon”** means any object, device or substance designed, used or capable of inflicting physical harm and includes a firearm.



(II) In these Regulations, the use of the masculine gender shall include the feminine gender.



PART II

3. Bhutan Civil Aviation Authority

(1) The Bhutan Civil Aviation Authority (BCAA) is designated as the “appropriate authority for aviation security for Bhutan”, hereinafter referred to as “The Authority”. The International Civil Aviation Organisation (ICAO) is notified regarding this designation and will be notified regarding any change to this designation.

(2) The Authority shall be responsible for the development, implementation, maintenance and enforcement of the National Civil Aviation Security Programme (NCASP) Volumes 1, 2, 3 and 4 and for safeguarding civil aviation operations against acts of unlawful interference.

(3) The NCASP shall be the repository of national policy of the Government with regard to civil aviation security measures, and shall specify the agencies responsible for the implementation of that policy.

(4) The Authority shall confirm that the National Civil Aviation Security programme (NCASP) Volumes 1, 2, 3 and 4 meet all the requirements of the Civil Aviation Act of Bhutan 2016 and these Regulations prior to approving the Programmes.

(5) The NCASP shall include the policy for each of the following requirements of ICAO Annex 17 Aviation Security:

- a) programme objective;
- b) legislation;
- c) allocation of responsibilities;
- d) coordination and communications;
- e) protection of airports, aircraft and air navigation facilities;
- f) security control of persons and items being placed on board aircraft;
- g) security equipment;
- h) personnel;
- i) management of response to acts of unlawful interference;
- j) quality control; and
- k) adjustment of the programme and contingency plans.

4. National Committee for Civil Aviation Security/Facilitation

(1) In accordance with the NCASP, a National Committee for Civil Aviation Security/Facilitation shall be established (hereinafter referred to as “National Committee”, whose primary function shall be to protect civil aviation operations against acts of unlawful interference while taking into account the principle of facilitation.

(2) The National Committee shall meet at least twice yearly and is chaired by the Minister, Ministry of Information and Communications having portfolio responsibility for Civil Aviation, or his designated representative. The NCASP shall set out provisions regarding the functions, composition, and procedure as required for the National Committee.



(3) The provisions referred to in Subsection (2) shall ensure that the National Committee may be called to convene at short notice in the event of an emergency, a need to use contingency plans or a change in threat level or risk assessment.

PART III

5. General Conditions for Security Programmes

(1) The Department of Air Transport as the airport operator, is required to establish, implement and maintain a written Airport Security Programme, for each airport, appropriate to meet the requirements of these Regulations and the Bhutan National Civil Aviation Security Programme. This Airport Security Programme is to meet the requirements defined in the National Civil Aviation Security programme and to be approved by the Authority. Subsequent amendments are to be provided to the Authority for assessment and approval so as to keep the programme updated.

(2) No Aircraft Operator shall operate any aircraft covered by these Regulations within Bhutan, whether such aircraft are registered in Bhutan or in another State, unless a proposed Aircraft Operator Security Programme has been submitted to the Authority for assessment and has been approved.

(3) No foreign Aircraft Operator shall conduct operations in Bhutan unless a proposed Aircraft Operator Security Programme, as part of the application for air services, has been submitted to the Authority for assessment and has been approved.

(4) Where a person wishes a proposed security programme under this regulation to be approved by the Authority, the person shall:

- a) submit such security programme in writing at least sixty (60) days before the intended date of operations; and
- b) meet the requirements of these Regulations and the National Civil Aviation Security Programme.

(5) A security programme under these Regulations shall meet the requirements of the National Civil Aviation Security Programme, be signed by the applicant and provide for the effective, efficient and sustainable safeguarding against acts of unlawful interference of:

- a) passengers, crew and their property;
- b) the aircraft;
- c) operating staff associated with the facility or aircraft; and
- d) related aviation support facilities.

6. Additional requirements for applications

(1) Where a person, under Section 5, submits a security programme to the Authority as part of an application for:

- a) an airport operator approval;
- b) an Aircraft Operator Certificate under relevant Bhutan legislation; and
- c) a foreign air operator authorisation under relevant Bhutan legislation,

The applicant shall, in addition to meeting the requirements of that application process, meet the requirements for an aviation security programme under these Regulations.

(2) For the purpose of administering these Regulations, an aviation security programme shall be submitted to the Authority for assessment and approval.



7. Approval of Security Programmes

(1) Where the Authority is satisfied that a proposed security programme submitted under Sections 5 and 6 meets the requirements of these Regulations and does not conflict with the National Civil Aviation Security Programme, the proposed security programme may be approved.

(2) Where the Authority determines that a proposed security programme submitted for approval under Sections 5 and 6 requires modification, the Authority shall direct the applicant to modify and re-submit the proposed security programme within a specified time-limit for reassessment and approval by the Authority.

(3) The submission of a programme under this Regulation does not authorise the Airport Operator, Aircraft Operator or Aviation Service Provider to implement the proposed security programme, until the programme has been assessed and approved by the Authority.

(4) Where the Authority determines that the submitted aviation security programme does not meet the requirements of these Regulations or is in conflict with the National Civil Aviation Security Programme, then such Aviation Security Programme will not be approved. The Authority shall inform the applicant accordingly, including the reasons for its decision, and may set a time-limit for submitting a new or modified security programme.

8. Contents of an Airport Security Programme

(1) An Airport Security Programme required under Section 5 (1) in respect of a designated airport shall be drafted to describe the measures in place to safeguard that airport against acts of unlawful interference in an effective, efficient and sustainable manner and shall be in such form, manner and content as specified by the Authority.

(2) An Airport Security Programme under Subsection (1) above shall be accompanied by a current scale map of the airport, terminal buildings, airport building and facilities security restricted and sterile areas and other designated airside areas.

(3) An Airport Security Programme required under Section 5 (1) in respect of a designated airport shall include a description and content of contingency plans to be designed to describe the measures in place to safeguard that airport against acts of unlawful interference in an effective, efficient and sustainable manner and shall be in such form, manner and content as specified by the Authority.

9. Development of Security Measures

(1) In developing an Airport Operator Security Programme under Sections 5 and 8, the Department of Air Transport, as the airport operator shall take into consideration the needs of all aviation stakeholders, including:

- a) reasonable access to airport facilities and aircraft;
- b) the optimising of airport security arrangements in future development, renovation and expansion plans; and
- c) the concept of ‘unpredictability’ in the implementation of measures.



10. Approval of Airport Security Programmes (ASP)

(1) Upon a proposed Airport Security Programme submitted under Sections 5 and 6 being approved by the Authority under Section 7, the Department of Air transport, shall within thirty days of such approval, ensure that such Airport Security Programme is implemented.

(2) Where an airport operator has implemented the approved Airport Operator Security Programme, the operator shall forthwith notify the Authority:

- a) of the Airport Security Programme full implementation date; or
- b) give cause as to why there is a delay in fully implementing the approved Airport Security Programme including areas which are not implemented.

(3) Where the Authority is not satisfied with the rate or standard of implementation of the Airport Operator Security Programme at the airport, the Authority may, through a Security Directive restrict a specific operation or operations at the Airport, pending full implementation of the Airport Security programme.

11. Contents of an Aircraft Operator Security Programme

(1) A proposed Aircraft Operator Security Programme required under Section 5 Subsections (2) and (3) shall meet the requirements of the National Civil Aviation Security Programme and shall be in such form, manner and content as specified by the Authority.

12. Development of Security Measures

(1) In addition to the matters set out in Section 11, an aircraft operator shall ensure that its Aircraft Operator Security Programme, required under Section 5, contains:

- a) provisions to meet the operator's international obligations;
- b) provisions to meet the requirement of the National Civil Aviation Security Programme; and
- c) the national obligations under the Civil Aviation Act of Bhutan and these Regulations made hereunder.

13. Approval of Aircraft Operator Security Programme

(1) Upon a proposed Aircraft Operator Security Programme, submitted under Sections 5 and 6, being approved by the Authority under Section 7, the aircraft operator shall within thirty days of such acceptance ensure that such Aircraft Operator Security Programme is implemented and in full operation.

(2) Where an aircraft operator has implemented its approved Aircraft Operator Security Programme, it shall notify the Authority of the implementation date.

(3) Where the Authority is not satisfied with the rate or standard of implementation of the Aircraft Operator Security Programme at the airport, the Authority may, through a Security Directive restrict a specific operation or operations of that aircraft operator, pending full implementation of the Aircraft Operator Security programme.

**14. Regulated Agents**

RESERVED

15. Contents of a Regulated Agent Security Programme.

RESERVED

16. Approval of Regulated Agent Security Programme

RESERVED

17. Contents of a Flight Catering Operator Security Programme

RESERVED

18. Approval of Flight Catering Operator Security Programme

RESERVED

19. Contents of a Tenant Restricted Area Security Programme (TRA)

RESERVED

20. Approval of Tenant Restricted Area Security Programme

RESERVED

21. Contents of an Aviation Service Provider Security Programme

(1) An aviation service provider shall ensure that the Security Programme, required under Section 5 Subsection (6), contains provisions to meet the requirements of National Civil Aviation Security Programme of Bhutan and the national obligations under these Regulations made hereunder.

(2) An aviation service provider shall ensure that the Security Programme required under Section 5 Subsection (6) shall be designed to describe the measures in place to safeguard that facility against acts of unlawful interference and shall be in such form, manner and content as specified by the Authority.

22. Approval of an Aviation Service Provider Security Programme

(1) Upon a proposed Aviation Service Provider Security Programme submitted under Section 5 Subsection (6) being approved by the Authority under Section 7, the aviation service provider shall within thirty days of such approval ensure the Security Programme is implemented.

(2) Where the aviation service provider has implemented the approved Aviation Service Provider Security Programme in accordance with Subsection (1) above, the service provider shall:

- a) notify the Authority that the approved security programme has been implemented; and



- b) confirm that its staff has received training in the security programme.

23. Modifications to Operational Particulars Affecting Security

(1) Where a security programme has been submitted under Sections 5 and 6 and approved under Section 7, the airport operator, aircraft operator or aviation service provider where applicable shall follow the procedures under Section 22 Subsection (2), whenever:

- a) in respect of an airport operator:
- I. any description of the airport area set out in such Airport Operator Security Programme is no longer accurate; or
 - II. there is a change to the designation of the Airport Security Co-ordinator under Section 47;
- b) any description of operations set out in the programme is no longer accurate or the procedures, facilities or equipment described in such Airport Operator Security Programme are no longer adequate.

(2) Whenever a condition described in Subsection (1) above occurs, the airport operator, aircraft operator or aviation service provider where applicable shall:

- a) immediately notify the Authority of the changed condition, and identify each interim measure being taken to maintain adequate security until further approval is granted for a Security Programme amendment; and
- b) within thirty days after notifying the Authority in accordance with the preceding Subsection (2)(a), submit for approval in accordance with Section 22 an amendment to the Security Programme to bring it into compliance with these Regulations.

24. Amendment of Approved Security Programmes

(1) Where an airport operator, aircraft operator or aviation service wishes to amend or revise their approved Security Programme, they shall submit the request for such approval or revision to the Authority as soon as possible, and before the proposed effective date of intended implementation of the proposed amendment.

(2) When the Authority is satisfied that the proposed amendment or revision to the Security Programme provides the level of security required by these Regulations and the NCASP, the Authority may approve the Security Programme as amended.

(3) Approved amendments and revisions to security programmes will be inserted by the holders of these security programmes in accordance with instructions specified by the Authority.

25. Amendment of Approved Security Programme by the Authority

(1) The Authority may require an airport operator, aircraft operator or aviation service provider to amend its approved Security Programme, where it is determined that safety or security and the public interest require the amendment.

(2) Except in an emergency as provided in Subsection (5) of this Section, where the Authority requires an airport operator, aircraft operator or aviation service provider to amend an approved Security Programme under Subsection (1) above, the Authority shall notify the airport operator, aircraft operator or aviation service provider in writing of the required



amendment and allow a period of thirty days only from the date contained in the notice, for a written response.

(3) Upon receipt of a notice of a proposed amendment under Subsection (2) above, the airport operator, aircraft operator, or aviation service provider may submit an alternative amendment to its Security Programme which meets the intent of the directed amendment under Subsection (2) above, for consideration and approval by the Authority.

(4) When the Authority is satisfied that the alternative amendment submitted under Subsection (3) above, would provide an overall level of security equal to that required by the Authority, the Authority may approve the alternative amendment to the Security Programme.

(5) Where the Authority determines that an emergency exists which requires immediate action that makes the procedure in Subsections (2) and (3) of this Section, impracticable or contrary to the public interest and safety or security; the Authority may direct the airport operator, aircraft operator or aviation service provider to deviate in a specified manner from the approved security programme in the area of concern, for a specified period. This notification will be promulgated in the form of a Security Directive.

26. Standards for Security Oversight

(1) Any holder of an approved Security Programme to which these Regulations apply shall ensure that:

- a) the Security Coordinator or Manager authorised to perform a security related function, on behalf of such programme holder, has knowledge of:
 - I. the relevant provisions of these Regulations, NCASP, applicable Security Directives and Information Bulletins promulgated pursuant to these Regulation; and
 - II. elements of the approved Security Programme required for the performance of his or her functions;
- b) the Security Coordinator or Manager
 - I. reviews daily all security-related functions for effectiveness and compliance with:
 - a) this part;
 - b) the approved security programme
 - c) the National Civil Aviation Security programme; and
 - d) Applicable Security Directives
 - II. immediately initiates corrective action for each instance of non-compliance with:
 - a) this Part;
 - b) the approved Security Programme;
 - c) the National Civil Aviation Security programme; and
 - d) applicable Security Directives.

(2) The requirements prescribed under Subsection (1) above, shall apply to all security-related functions performed for the holder of an approved Security Programme whether by his employee or the employee of a contractor.



(3) An Airport Operator shall not use any person to perform any required screening function, unless such person has:

- (a) a combination of education and experience, which the Authority has determined is necessary for the person to perform the required duties as stipulated in the National Civil Aviation Security Training Programme and National Civil Aviation Security Quality Control Programme and has been certified as an aviation security screener;
- (b) the following basic aptitudes and physical abilities:
 - i. the ability to distinguish on the x-ray monitor the appropriate imaging standard specified in the national aircraft operator security programme, or airport security programme including the perception of colours where displayed by the x-ray system;
 - ii. the ability to distinguish each colour displayed on every type of screening equipment and explain what each colour signifies;
 - iii. the ability to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active check point environment;
 - iv. the ability to efficiently and thoroughly manipulate and handle such baggage, containers, and other objects subject to security processing; and
 - v. the ability to have sufficient dexterity and capability to conduct partial and full body searches or hand held metal detector searches in accordance with the guidelines prescribed by the Authority;
- (c) the ability to read, write, and speak the English language well enough to:
 - (ii) carry out written and oral instructions in English language for the proper performance of screening duties;
 - (iii) read and understand, relevant documents issues in English language, in particular airport restricted area permits, credentials, airline tickets, and labels on items normally encountered in the screening process;
 - (iv) provide directives to and understand and answer questions from persons undergoing screening in English language; and
 - (v) write incident reports and statements and log entries into security records in English language;
 - (vi)
- (d) a reasonable command of Dzongkha language; and
- (e) satisfactorily completed all initial, recurrent, and appropriate specialised aviation security training required by and the National Civil Aviation Security Training Programme.

(4) Any holder of an approved Security Programme shall not use a person to perform a screening function after that person has failed an operational test related to that function, until such person has successfully completed the remedial training specified in his Security Programme, and has passed a re-test related to that function.

(5) Any holder of an approved Security Programme shall ensure that a Security Coordinator or manager conducts and records an annual evaluation of each person assigned screening duties and assesses the continued employment of that person in a screening capacity based upon the determination that the person:



- a) has not suffered a significant diminution of any physical ability required to perform a screening function since the last evaluation of those abilities;
- b) has a satisfactory record of performance and attention to duty; and
- c) demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.

(6) Subsections (1) through (5) above, shall not apply to those aviation security screening functions conducted outside Bhutan over which national aircraft operators do not have operational control.

(7) At locations outside Bhutan where a Bhutan aircraft operator has operational control over a screening function, he may use aviation security screeners who do not meet the requirements of Subsection (3) (c) above, provided that at least one of his representatives who has the ability to functionally read and speak the English language is present while the passengers of the aircraft operator are undergoing the security screening process.

27. Protection of Sensitive Security Information

(1) For the purpose of these Regulations, the following information and records containing such information constitute sensitive security information:

- a) an approved security programme for an aircraft operator, airport operator or aviation service provider
- b) any security programme that relates to transportation by air and any comments, instructions or implementing guidance pertaining thereto;
- c) Security Directives or instructions, information bulletins and any comments, or implementing guidance pertaining thereto;
- d) any profile used in any security screening process, including for persons, baggage or cargo;
- e) any security contingency plan or information and any comments, or implementing guidance pertaining thereto;
- f) technical specifications of any device used for the detection of any deadly or dangerous weapon, explosive, incendiary, or destructive substance;
- g) a description of, or technical specifications of, objects used to test screening equipment;
- h) communication procedures and technical specifications of any security communication equipment;
- i) any information that the Authority has determined may reveal a systemic vulnerability of the aviation system or a vulnerability of aviation facilities, to attack;
- j) information concerning threats against civil aviation released by the Authority;
- k) specific details of aviation security measures whether applied directly by the Authority or regulated parties and includes, but is not limited to, information concerning specific numbers of aviation security officers and aviation security screening officers, deployments or missions, and the methods involved in such operations;



- l) any other information, the disclosure of which the Authority has prohibited; and
- m) any draft, proposed or recommended change to the information and records identified in these Regulations.



PART IV

28. Issuance of Security Directives

(1) The Authority may, for the purpose of implementation of any of the Security Programmes required under these Regulations, issue a Security Directive to any person to whom Subsection (3) of this Section applies and require the implementation of such measures as are specified in the Security Directive.

(2) Where the Authority intends to issue a Security Directive and such issuance is not urgent, it may seek the advice of the National Committee for Security and Facilitation for Civil Aviation on the proposed content of the Security Directive prior to issuing it.

(3) This Subsection applies to:

- a) the Airport Operator;
- b) the manager of an airport;
- c) any operator of an aircraft registered or operating in Bhutan;
- d) any person who occupies any land forming part of an airport;
- e) any person who is permitted to have access to a restricted area in an airport for the purposes of the activities of a business carried on by him;
- f) any person who manages navigational or other aviation related facilities that are important to the continued operation of international civil aviation; and
- g) any person who carries on a business:
 - I. which involves handling of any article intended to be carried into an airport for any purpose;
 - II. which involves provision of service by personnel who have access to a restricted area; or
 - III. which, in the opinion of the Authority, otherwise impinges on the security of an airport.

(4) The Authority may, by a Security Directive:

- a) revoke wholly or partly another Security Directive issued previously; and
- b) modify another Security Directive issued previously in such manner as he thinks fit.

(5) Where the Authority has evidence that a person or organization has not complied, or has refused to comply with the intent of a Security Directive, the Authority may, if the matter is not resolved:

- a) deny access to facilities;
- b) cancel or suspend the security programme;
- c) cancel or suspend licences and operating certificates; and
- d) take civil action against the offending person or organization.



29. Requirements of Security Directives

- (1) A Security Directive shall be issued in writing.
- (2) A Security Directive may:
 - a) be either of a general or of a specific nature;
 - b) require any measure to be taken, or require any person not to cause or permit anything to be done, at such time and during such period as may be specified in the directive;
 - c) require additional measures be implemented in relation to increased levels of threat or risk specified in the directive;
 - d) specify:
 - I. the minimum number of persons to be employed for the purposes of implementing any measures required to be taken by the person to whom it is issued;
 - II. the manner in which persons employed for such purposes are to be deployed; and
 - III. the qualifications of persons employed for such purposes are to have; and
 - e) specify any apparatus, equipment or other aids to be used for such purposes.

30. Implementation of Security Directives

- (1) Any person who receives a Security Directive shall:
 - a) no later than twenty-four hours after delivery by the Authority or within the time prescribed in the Security Directive, acknowledge receipt of such Security Directive;
 - b) within the time prescribed in such Security Directive, specify the method by which he has implemented or plans to implement the measures contained in the Security Directive; and
 - c) ensure that information regarding the Security Directive and measures implemented in response to such Security Directive are distributed to specified personnel as prescribed in the Security Directive and to other personnel who require to have such information for the performance of their functions.
- (2) In the event that a person, to whom a Security Directive has been issued, is unable to implement the measures contained in the Security Directive, received under Subsection (1) above, he shall submit proposed alternative measures, to the Authority within the time frame for compliance prescribed in the Security Directive.
- (3) The Authority shall review alternative measures submitted by a person to whom a Security Directive has been issued, under Subsection (2) above, and where the Authority is satisfied that such person meets the requirements of the Security Directive, the Authority may approve such alternative measures.
- (4) The person to whom a Security Directive has been issued shall implement any alternative measures approved by the Authority under Subsection (3) above.
- (5) Any person who receives a Security Directive under Section 28 shall:



- a) restrict the availability of the Security Directive and information therein to those persons who require such information for the performance of their functions; and
- b) refrain from releasing the Security Directive and related information regarding the Security Directive to other persons without the prior written consent of the Authority.
- c)

31. Objection to Security Directive

(1) A person to whom a Security Directive is issued may serve on the Authority a notice in writing objecting to the directive, on the grounds that the measures specified in the directive:

- a) are unnecessary and should be dispensed with; or
- b) are excessively onerous or inconvenient and should be modified.

(2) Where the person to whom a Security Directive is issued serves a notice under Subsection (1) above, objecting to the Directive, the Authority shall consider the grounds of the objection and, if so requested by the objector, shall afford to him a reasonable opportunity of appearing before and being heard by a public officer appointed by the Authority for this purpose. The public officer shall then decide on the objection by:

- a) confirming the Directive as originally issued; or
- b) confirming the Directive subject to one or more modifications requested or specified in the notice served under subsection (1) above; or
- c) withdrawing the Directive.

(3) A decision under Subsection (2) above shall be notified to the objector by the Authority in writing.



PART V

32. Airport Operator Responsibilities

(1) Department of Air Transport, as the airport operator shall, prior to the implementation of any renovation and expansion works at the airport or the construction of additional airport facilities at the same location, submit to the Authority a revision of the measures designed to safeguard against acts of unlawful interference which may arise.

(2) Where a foreign aircraft operator uses the facilities of an airport in Bhutan, the Authority may, in coordination with the airport operator, approve an inspection by the Agency responsible for aviation security of the Contracting State of such foreign aircraft operator in order to assess the adequacy of the security measures.

(3) An airport operator shall keep at the airport current scale maps of the airport that identify the restricted areas, security barriers and restricted area access points in accordance with the requirements of the Airport Security Programme.

33. Airport Security Committee

(1) Department of Air Transport, as the airport operator, shall establish an Airport Security Committee to ensure the implementation of the relevant requirement of the National Civil Aviation Security programme and any further national civil aviation security initiatives that may be required by the Authority from time to time.

(2) An Airport Security Committee under Subsection (1) above shall comprise those representatives stipulated within the NCASP and the respective Airport Security Programme approved by the Authority.

(3) An Airport Security Committee shall be chaired by the Airport Operator.

(4) An Airport Security Committee shall be convened at no less than once every two months.

34. Aviation Security Officers and Aviation Security Screening Staff

(1) An airport operator shall provide aviation security officers and aviation security screening staff, in the number and in a manner adequate to support:

- a) the Airport Operator Security Programme; and
- b) each passenger, staff, checked bag, cargo and mail security screening checkpoint required under any Part of these Regulations and the NCASP.

(2) An airport operator shall ensure that an aviation security officer or aviation security screening staff employed at the airport:

- a) abstains from the consumption of alcoholic beverages or other substances prohibited by law while assigned to duty; and
- b) is readily identifiable by uniform and displays or carries a badge or other means of identification of his authority while assigned to duty; and
- c) has successfully completed pre-requisite training programmes, and certification where applicable, to meet the requirements in Subsection (6) of this Section.

(3) An airport operator shall ensure that an aviation security officer or aviation security screening staff at the airport:

- (a) is authorised to carry out all duties and functions assigned; and
- (b) conducts security duties in accordance with the applicable provisions of these



Regulations, the NCASP and the Airport Security Programme.

(4) An aviation security officer or aviation security screening staff shall, while on duty at an airport, have the authority to detain any person, whom he believes has committed:

- a) a crime in his presence; or
- b) an offence against any of these Regulations or the provisions of the National Civil Aviation Security programme, the provisions of the Airport Security Programme or of a Security Directive or Instruction.

(5) Any person at an airport, who obstructs, insults, intimidates or performs any act of violence against an aviation security officer or aviation security screening officer, while that officer is on duty at an airport, shall commit an offence and be liable upon conviction to the penalties determined.

(6) The training programme and certification criteria required by Subsection (2)(c) of this Section, shall provide specialist training and testing in the subjects specified within the National Civil Aviation Security Training Programme and the approved Airport Security Programme and meet the training standards specified by the Authority.

35. Employer Responsibilities

(1) An airport operator shall not employ any person as an aviation security officer or aviation security screening staff unless:

- a) such person meets the requirements of these Regulations and the NCASP;
- b) such person has been trained in accordance with the requirements of these Regulations and the national Civil Aviation Security Training Programme, where his duties are in respect to screening of persons, passengers, crew, baggage, cargo and mail; and

(2) An airport operator shall ensure that:

- a) initial and regular background checks are performed in respect of each aviation security officer and aviation security screening staff;
- b) regular background checks are to be performed before the reissue of a security access card;
- c) initial and recurrent training on aviation security is received by each aviation security officer and aviation security screening staff in his employ; at a frequency specified in the national civil aviation security training programme; and
- d) aviation security screening staff are certified in accordance with the requirements of the Authority.

(3) An airport operator shall keep accurate records of aviation security officers and aviation security screening staff employed at the airport and such record shall be retained for the duration of the officer's employment and thereafter for a period of one year. Records shall include as a minimum:

- a) details of initial and annual background checks;
- b) experience and work history; and
- c) initial and recurrent training and certification

(4) Training and certification records shall be made available to the Authority for inspection as requested.



36. Support from Members of the Police

(1) At each airport designated and authorised by the Authority, Royal Bhutan Police Officers shall be deployed in support of airport security personnel to provide an armed response capability to prevent the occurrence of acts of unlawful interference.

(2) The deployment of Police Officers will be in accordance with the measures described within the National Civil Aviation Security programme, the approved Airport Security Programme and through formal service agreements.

37. Unaccompanied Baggage

Where baggage is received at an airport for transport on an aircraft and such baggage is not accompanied by a person who may give the permission to screen such baggage, an aviation security officer or aviation security screening officer, may carry out screening of the baggage, including if necessary an authorised search of the baggage in the presence of the aircraft operator concerned or a Royal Bhutan Police Officer, and in carrying out that search may use such force as may reasonably be necessary to gain access to the baggage.

38. Security Incidents

(1) An airport operator or aircraft operator, shall immediately notify an aviation security officer, aviation security screening staff or a Royal Bhutan Police officer when there is:

- a) evidence of a firearm carried on a person or in baggage destined for the aircraft hold or carriage in the aircraft cabin;
- b) the discovery, at the airport, or on board an aircraft, of an explosive substance or an incendiary device or a suspected explosive substance or suspected incendiary device;
- c) refusal by a person to subject themselves to the security screening process required under these Regulations;
- d) refusal by a person to remove themselves or their possessions from a restricted area when so ordered;
- e) unattended baggage is identified within the area of responsibility;
- f) suspicious packages, articles or goods within the area of responsibility; or
- g) a perceived or genuine threat against the airport is realised.

(2) An airport operator shall investigate any of the reported security incidents set out in Subsection (1) above, and provide a report of the incident to the Authority in accordance with procedures set out in the approved Airport Security Programme.

39. Records

(1) An airport operator shall ensure that a record is kept of every security incident at the airport.

- (2) A record required to be kept under Subsection (1) above, shall:
- a) be kept for a minimum of one year;
 - b) be made available to the Authority upon request; and
 - c) include the number:



- i. and type of prohibited items discovered during any passenger screening process and the method of detection of each;
- ii. of acts and attempted acts of unlawful interference;
- iii. of genuine and hoax bomb threats received, real or simulated bombs located and actual bombings at the airport; and
- iv. of detentions and arrests and the immediate disposition of each person detained or arrested.

40. Airport Tenant Responsibilities

(1) An airport tenant to which these Regulations apply shall conform to the requirements of the Airport Security Programme to manage access to any Restricted Areas or other area, under the tenant's control in compliance with the Airport Security Programme approved under Sections 7 and 10.

(2) An airport tenant shall ensure that personnel receive appropriate airport security training or security awareness training as appropriate, in accordance with the approved Airport Security Programme.

41. Security Sensitive Information

(1) A person shall not divulge documented information in respect of security measures in effect at an airport without the permission of the Airport Operator.

42. False Statements, Entries or Unauthorised Reproduction

(1) A person shall not make, or cause to be made, any of the following:

- a) a fraudulent or intentionally false statement in any Airport Security Programme or an application for any security programme;
- b) a fraudulent or intentionally false entry in any record or report that is kept, made or used to show compliance with this Part or exercise any privileges under this Part; and a reproduction or alteration of any report, record, security programme, issued under this Part without the approval of the airport operator.

43. Airport Security Access Card System

(1) Issuing Authority

- a) The Authority shall specify the organizations designated to issue identification cards to persons who have applied for, and have been cleared following a satisfactory background checks, the issue of Security Access Card for use at airports within Bhutan.
- b) The organization shall be known as Issuing Authority.
- c) The organization specified as the Issuing Authority in Bhutan is the Department of Air Transport.
- d) An Issuing Authority shall be responsible for the issue, control and recovery of Security Access Cards issued under its control.
- e) Access is controlled by the airport operator.

(2) Types of Airport Security Access Card

- a) The Authority shall approve the types of security access cards for use at airports. Cards authorised for use at airports in Bhutan are 'Permanent', 'Temporary' and 'Visitor'.



- b) Permanent type of security restricted area card authorised for issue at airports in Bhutan is:
- (i) Designated Airport Card
Issued by an airport operator to a person(s) having justifiable cause, in the execution of their duty, for an access card at the operator's airport.
- c) Temporary types of access card authorised for issue at airports in Bhutan are:
- (i) Temporary Access Card
Issued by an airport operator, to persons having a justifiable cause, in the execution of their duty, for an access card at the operator's airport. A temporary access card must not be issued unless a satisfactory background check has been carried out on the applicant; or the applicant is escorted by a permanent card holder at all times. A temporary access area card may be issued to a person who has reported a lost, stolen or damaged permanent card. The temporary card shall be valid until a new permanent card has been processed. A background check shall be conducted at the time of processing new permanent cards.
 - (ii) A Visitor's Card
Issued by an airport operator to a person(s) sponsored by and under the positive control of a permanent restricted area card holder for the duration of the visit. A visitor's card shall not be issued for a period in excess of 24 hours.
- (3) Background Checks
- a) A permanent card shall not be issued to any person until such time as a satisfactory background check has been conducted and the written results of the check are received by the Issuing Authority.
 - b) The Authority shall designate the Agency responsible for the conduct of background checks on applicants for access cards.
 - c) Background checks are to be based on current information and shall include as a minimum:
 - (i) a security assessment by the Issuing Authority;
 - (ii) a personal history check; and
 - (iii) a criminal history check
 - (d) Where additional checks are considered, they should include:
 - (i) an association check; and
 - (ii) a financial check.
 - (e) Agencies such as Interpol shall be consulted in exceptional cases where insufficient detail is available on applicants who have been outside Bhutan for excessive periods of time; or on those entering Bhutan from a foreign State.
- (4) Specifications of the Security Access Card
- a. The Authority shall establish the specification of identification cards used for identification purposes at airports.
 - b. Access card specifications will be promulgated in the National Civil Aviation Security programme; Card specifications shall prescribe as minimum, details of:
 - (i) dimensions of the restricted area card
 - (ii) photograph size and background colour for zoning purposes



- (iii) details of the card holder
- (iv) organization
- (v) airport three letter designators
- (vi) logos/holograms
- (vii) biometrics/barcodes/magnetic stripes
- (viii) card expiry date
- (ix) return address for lost cards
- (x) card holder's signature
- (xi) card serial number.

(5) Validity of the Security Access Card

- a) A security access card shall be valid for a period not exceeding two (2) years.
- b) A background check of card holders is to be conducted prior to the renewal of a security restricted area identification card.
- c) Organizations sponsoring card holders must reapply for card renewal at least three (3) months prior to the expiry of the holder's restricted area card.

(6) Responsibilities of Security Access Card Holders

- a) Holders of security restricted area identification cards are responsible for immediately notifying the relevant Issuing Authority when:
 - (i) a card is known to be lost, stolen or damaged; and
 - (ii) an action by the holder has resulted in police intervention or prosecution.
- b) Any holder of a security access card who fails to comply with the reporting requirement in Subsection (6) (a) above, commits an offence; and shall be subject to prosecution
- c) The security access card must be prominently displayed by the holder on the outer garment between the chest and the waist at all time when present on the airside of an airport in Bhutan. Provision shall be made for displaying the card on the outside of safety vests and foul-weather jackets.

(7) Responsibilities of Security Access Card Issuing Authorities

- a) Issuing Authorities shall be responsible for:
 - (i) the issue, control and recovery of security access cards.
 - (ii) ensuring cards are not issued until background checks have been conducted.
 - (iii) maintaining detailed records of issued cards and associated applicant documentation.
 - (iv) ensuring persons receive composite briefings on the purpose and use of the card and holder obligations prior to issue.
 - (v) ensuring holders display the security access card at all time when on the airside.
 - (vi) designating areas on airport where security access cards must be displayed.
 - (vii) removing persons from airside who do not display a valid security access card.
 - (viii) withdrawing the cards of persons who have committed a crime or are subject to judicial administration or prosecution.
 - (ix) immediately notifying stakeholders and police when lost and stolen cards are reported.



- (x) providing a watch list of lost and stolen cards to all staffed access control posts providing access to airside.
- (xi) initiating a total reissue of security access cards should lost and stolen cards exceed five (5) percent.
- (xii) incorporating airport identification card policy and procedures in airport security programmes.

44. Vehicle Permit System

(1) Department of Air Transport, as the airport operator shall establish a system to ensure vehicle access to the airside and the security restricted areas is positively controlled by ensuring that:

- a) the need for vehicle access to airside or the security restricted area is justified through specific written application;
- b) vehicle permits are only issued by the airport's security administration;
- c) stringent controls are applied in relation to permit production staff, permit stock and vehicle registration records;
- d) vehicles satisfy the safety, licensing and insurance provisions required by national legislation;
- e) vehicle permits are issued for a period not exceeding 5 years;
- f) access on a continuing basis only be granted to vehicles having a regular requirement;
- g) special provisions are made for vehicles that require infrequent access;
- h) non-aircraft servicing vehicles to airside areas shall be restricted;
- i) private vehicle access to airside and the security restricted area is not permitted and must be denied; and
- j) thorough checks of vehicles, drivers and occupants shall be conducted prior to granting access to designated airside areas.

(2) A vehicle permit must contain at a minimum the following information:

- a) registration index or serial number of the vehicle;
- b) name of the organization owning/operating the vehicle;
- c) period of validity (to a maximum of 5 years);
- d) airport/security restricted areas to which access granted; and
- e) access control points which the vehicle is permitted to use.

(3) Vehicle permits must not be transferred from one vehicle to another:

(4) Vehicle permits must be:

- a) affixed to, and permanently displayed on the front of vehicles to which they are issued;
- b) of a form that is difficult to remove, alter or forge; and
- c) clearly visible so that they can be readily identified as a vehicle authorised to be on the airside or the security restricted area.

45. Access Control System

(1) Department of Air Transport, as the airport operator shall ensure that the location and function of controlled areas, security restricted areas and sterile areas at the airport are designated and properly defined within the Airport Security Programme.



(2) The level of access to a controlled area, security restricted area or sterile area shall be clearly defined and made known to all persons at the airport whose duties require them to have access to these areas.

(3) An airport operator shall include in his approved Airport Security Programme details of an access control system, including its method and procedure, which shall ensure that:

- a) access points into controlled areas, security restricted areas or sterile areas are limited in number and physical access through those points are strictly prohibited to other than authorised persons;
- b) entry points which cannot be effectively controlled are locked or otherwise secured to prevent entry by unauthorised persons;
- c) access by persons and vehicles to controlled areas, security restricted areas and sterile areas is restricted to persons who display valid airport identification cards; and vehicles which display valid airport security permit for the areas being accessed;
- d) sterile areas not subject to continual access control measures shall be subjected to a thorough search and security sweep prior to being brought into use;
- e) persons whose duties require security restricted area access at an airport are required to display on their person, a valid security access card for the airport and subject themselves and items carried to security screening prior to being given access to security restricted or sterile areas;
- f) the screening under paragraph (e) shall be to the same standard as that required for passengers under Part V of these Regulations; and
- g) persons employed at an airport receive training and fully understand areas where access is prohibited.

(4) Notwithstanding the screening requirements under Subsection (3)(e) above, the Airport Operator shall conduct random additional screening at certain access points based on perceived threat or assessed risk not specified in the approved Airport Security Programme.

(5) The system under Subsection (3) of this Section shall describe the scope of initial and periodic background checks conducted on applicants for all types of airport restricted area permits issued.

46. Access to Airport Security Restricted Areas

(1) A person shall be allowed access to airport security restricted areas in accordance with the requirements of the Airport Security Programme and relevant Airport Security Instructions.

(2) A person who has been granted access to a restricted area of an airport shall only access or attempt to access such restricted area at a designated security controlled access point.

- (3) It is an offence for a person to:
- a. provide another person with physical access to a security restricted area where the latter has not been issued with a security restricted area card; or
 - b. assist another person in gaining physical access to a security restricted area where the latter has been issued a restricted area card but is not in possession of such card.



- (4) Notwithstanding Subsection (3) above, a person may enter certain security restricted areas of an airport where such person:
- a. has a valid boarding pass issued by an aircraft operator, is proceeding to the assigned gate for the purpose of boarding an aircraft and has been subjected to the screening requirements prescribed within these Regulations and is escorted; or
 - b. is identified in the emergency response plan of the airport operator and is attending to an airport emergency.

47. Airport Security Officer or Manager

(1) An airport operator shall designate, in his approved Airport Security Programme, an officer in his organisation as the Airport Security Officer or Manager, who shall be held responsible for the coordination of all aviation security policies, procedures and preventive measures applied at a designated airport.

(2) An Airport Security Officer or Manager shall serve as the primary contact of the airport operator for security-related activities and communications with the Authority, as set forth in the approved Airport Operator Security Programme.

48. Measures in the event of a Genuine Threat at Airports

Where an airport operator assesses a threat to be “Genuine” and such threat jeopardises the security of the airport; additional security measures are to be implemented immediately to ensure the safety of the airport and persons at the airport, including informing the relevant aviation security officers and/or aviation security screening officers of the nature of the threat and the response measures applied.

49. Notification of Threat

(1) If an airport operator is made aware of a threat against an airport facility or any part of the airport, immediate action shall be taken to:

- a. notify the person in control of that facility of the nature of the threat;
- b. determine whether there is a “Genuine” threat that jeopardises the security of the airport; and
- c. notify the Authority immediately of the threat; and whether the threat is assessed as “Genuine” or “Hoax”.

(2) Where a person authorised to conduct any screening activity at an airport is made aware of a threat against the airport, such person shall:

- a. immediately notify the airport operator of the nature of the threat; and
- b. assist the airport operator in determining whether the threat jeopardises the security of the airport.

50. Discovery of Weapons, Incendiary Devices or Explosives at Airports

(1) An airport operator shall respond immediately to; and notify the Authority when there is:

- a. the discovery, at the airport, of a weapon or firearm carried by a person other than an authorised officer or law enforcement office;
- b. the discovery, at the airport, of an explosive substance or an incendiary device, other than an explosive substance or incendiary device allowed under these regulations made hereunder;



- c. an explosion at the airport, unless the explosion is known to be the result of an excavation, a demolition, construction or the use of fireworks displays; or
- d. a “Genuine” threat against the airport.

51. Airport Operator to keep Maps and Plans of Airport

An airport operator shall keep at the airport a certified copy of a current scale maps/plans/diagrams, certified by the Authority, of the airport and buildings located at that airport, that identify restricted areas, security restricted areas and sterile areas including access points and security barriers and any items required by the NCASP. Such maps/plans/diagrams should be incorporated in the Airport Security Programme.

52. Airport Operator to Provide Information

(1) The airport operator shall provide to the Authority with written and/or electronic records and other information relevant to the security of the airport, including:

- a. information concerning the method of implementing the security measures applied by airport operator in accordance with the Airport Security Programme approved under Sections 7 and 10; and
- b. a copy of the scale map/plans/diagrams referred to in Section 51.

(2) An airport operator shall provide the Authority with written notice of any new commercial air transportation service that is intending to commence operations at the airport.



PART VI

53. Screening Agency

The Department of Air Transport as the Airport Operator is designated, via these regulations, as the approved organisation to carry out the security screening of persons and goods, including cargo and mail, at an airport to which these Regulations apply.

54. Use of Screening Equipment

(1) Department of Air Transport, as airport operator shall not use any screening equipment systems within the airport to inspect carry-on or checked baggage, cargo or aircraft catering and stores unless the screening equipment is specifically authorised under the approved Airport Security Programme under Section 7.

(2) An airport operator authorised to conduct screening may be authorised by the Authority, to use x-ray systems for inspecting carry-on or checked baggage, cargo, catering and stores under the approved Airport Security Programme, where he shows that:

- a. the x-ray system complies with the standards for x-ray systems designed primarily for the inspection of carry-on and checked baggage and meets the performance requirements set out in the National Civil Aviation Security programme;
- b. a certification programme for initial and recurrent training of operators of the system is established, which includes training in radiation safety, the efficient use of x-ray systems, and the identification of weapons and other dangerous articles, as prescribed in the National Civil Aviation Security Training Programme; and
- c. the system meets the imaging requirements described in the approved Airport Security Programme, in accordance with the combined test requirements prescribed by the Authority; and
- d. the equipment used for screening has been tested in accordance with the instructions established by the Authority.

(3) An airport operator authorized to conduct screening shall ensure that an x-ray system is not used:

- a. unless within the preceding twelve months, a test has been conducted which shows that the system meets the applicable performance standards or guidelines prescribed by the Authority;
- b. whenever the equipment are turned off, for example for airport non-operational periods, an daily start up test of all equipments is completed and results are recorded; and
- c. after the system is initially installed or after it has been moved from one location to another, a test has been conducted which shows that the system meets the applicable performance standards or guidelines prescribed by the Authority.

(4) An airport operator authorised to conduct screening shall maintain at least one copy of the results of the most recent test conducted under Subsection (3) above, and shall make it available for inspection upon request by the Authority at each of the following locations:

- a. the principal business office of the organization conducting the screening; and
- b. the place where the x-ray system is in operation.

(5) An airport operator authorised to conduct screening shall ensure that screening staff comply with x-ray operator duty time limitations specified in the National Civil Aviation Security programme and contained in the approved Airport Security Programme.



55. Requirement for Screening

(1) Every person entering a sterile area, or security restricted area, at any airport to which these Regulations apply, as specified within the NCASP and the airport security programme, is required to be screened, including any carry-on baggage, goods or other articles in their possession.

(2) The airport operator authorised by the Authority to carry out screening functions must ensure that any person who acts or will act as a screening officer for it or on its behalf meets the minimum standards set out by the Authority, as amended from time to time.

(3) The airport operator approved by the Authority to carry out screening functions must not permit a screening officer to conduct an authorised search for it or on its behalf unless the screening officer meets the minimum standards contained in the National Civil Aviation Security programme or as set out by the Authority, as amended from time to time.

(4) An aircraft operator must not transport a person or goods that must be screened in accordance with Subsection (1), unless the person or goods have been screened in accordance with that Regulation.

(5) A person who must be screened under Subsection (1) above, must not circumvent a screening of their person or goods or other things in their possession or control a vehicle under their care, or control or assist another person who must be screened, in circumventing a screening of that person or goods or other things in that person's possession.

(6) A person who is at an airport or on board an aircraft must not falsely declare that:

- a. they are carrying a weapon, an explosive substance, an incendiary device or other dangerous item that could be used to jeopardize the security of an airport or aircraft or that such an item is contained in goods or other things in their possession or control or in a vehicle under their care or control that they have tendered or are tendering for screening or transportation; or
- b. another person who is at the airport or on board an aircraft is carrying a weapon, an explosive substance, an incendiary device or other dangerous item that could be used to jeopardize the security of an airport or aircraft or that such an item is contained in goods or other things in that person's possession or control or in a vehicle under their care or control and is being tendered or has been tendered for screening or transportation.

(7) Notwithstanding Subsection (1) above, the Authority may, in writing, exempt a person from the requirements to be screened. Any exemption made under this Regulation shall be promulgated in the National Civil Aviation Security programme and Airport Security Programme.

56. Refusal of Screening

(1) Subject to Section 55(1), any person who refuses to allow themselves and their carry-on baggage, goods or other articles in their possession to be screened will be denied access to the security restricted area or sterile area.

(2) Where, after entering a security restricted area or sterile area, a person who is required by an aviation security officer or aviation security screening officer, to submit to



screening of his person, goods, vehicle or means of conveyance refuses such a search, the aviation security officer or aviation security screening officer shall order such person to leave the security restricted area or sterile area and remove the goods, vehicle or means of conveyance in his possession from the security restricted area or sterile area.

(3) Where, after having boarded an aircraft, a passenger is required by an aviation security officer or aviation security screening officer to submit to the screening of his person, or of the goods that he carried or had placed on board the aircraft and he refuses such a screening, the aviation security officer or aviation security screening officer shall order such person to disembark the aircraft and remove the carry-on baggage, goods or checked baggage of such person.

57. Discovery of Prohibited Items

A person authorised to conduct screening activities shall immediately notify the airport operator who will ensure further notification to the relevant aircraft operator, the Royal Bhutan Police and the Authority when any of the following is detected at a restricted, security restricted or sterile area access point where screening is conducted of persons and their carry-on baggage:

- a. a prohibited weapon, loaded firearm or ammunition;
- b. an explosive substance, other than ammunition; or
- c. an incendiary device.

58. Use of Explosives Detection Systems

RESERVED

**PART VII****59. Aircraft Operator Security Programme**

An aircraft operator having an approved Aircraft Operator Security Programme shall:

- a. lodge for retention a complete copy with the Authority;
- b. maintain one complete copy of his approved Aircraft Operator Security Programme at his principal business office;
- c. maintain a complete copy or the pertinent portions of his approved Aircraft Operator Security Programme at each designated airport where security screening is being conducted;
- d. make the documents under the preceding paragraphs (b) and (c) available for inspection upon request by the Authority; and
- e. restrict the distribution, disclosure, and availability of sensitive security information only to persons who by their defined roles in the programme require to have such information for the performance of their function.

60. Screening of Passengers and Property

(1) An aircraft operator shall ensure that at designated airports screening is conducted of:

- a. passengers, transfer passengers and crew travelling on the aircraft;
- b. carry-on baggage of persons under paragraph (a);
- c. checked baggage of persons under paragraph (a); and
- d. other goods in the hold of the aircraft.

(2) An aircraft operator shall use the procedures and the facilities and equipment described in the Aircraft Operator Security Programme:

- a. to prevent or deter the carriage of any weapon or incendiary device on or about the person of an individual or accessible property and the carriage of any weapon or incendiary device in checked baggage on aircraft;
- b. to detect the existence of a weapon or incendiary device, to inspect each person entering a sterile area at each pre-boarding screening check point and to inspect all accessible property under the control of such person; and
- c. to perform the following control functions with respect to each aircraft operation for which screening is required:
 - i. prohibit unauthorised access to the aircraft;
 - ii. ensure that baggage carried in the aircraft is checked-in by a properly trained airline employee or contracted agent and that identification is obtained from all passengers and persons shipping goods or cargo on board the aircraft;
 - iii. ensure that cargo and checked baggage carried on board the aircraft are handled in a manner that prohibits unauthorised access; and
 - iv. conduct a security inspection of the aircraft before placing it in service and after it has been left unattended.

(3) An aircraft operator shall refuse to transport:

- a. any person who does not consent to an authorised search of his/her person when required to do so by the aircraft operator or person authorised to conduct such searches on the operator's behalf; and
- b. the property of any person who does not consent to a search or inspection of that property in accordance with the screening system prescribed by Subsection (1)



above.

(4) A foreign aircraft operator shall not conduct a flight within Bhutan with a passenger on board who refuses to submit to a screening, required under these Regulations or while the carry-on or checked baggage of such person is on board his aircraft.

(5) Notwithstanding being in possession of a boarding pass, where the pilot in command of an aircraft has reasonable grounds to believe that a person is in violation of this Part, the pilot in command may order that person to disembark such aircraft.

61. Prevention and Management of Hijackings and Sabotage Attempts

(1) An aircraft operator shall:

- a. assign an appropriately qualified and trained person as a Ground Security Co-ordinator to co-ordinate the ground security duties specified in the approved Aircraft Operator Security Programme; and
- b. designate the pilot in command as the In-flight Security Co-ordinator for each flight, as required by the approved Aircraft Operator Security Programme to co-ordinate activities in response to threats or acts of unlawful interference.

(2) An aircraft operator shall, where so directed by the Authority, permit and facilitate the carriage of in-flight security officers on specified flights to prevent:

- a. unauthorised persons from gaining access to the flight deck; and
- b. hijackings and other criminal acts on board the aircraft.

(3) In-flight Security Officers under this Section, where required to be on board a flight, shall:

- a. prevent unauthorised persons from gaining access to the flight deck and prevent hijackings and other criminal acts on board the aircraft; and
- b. conduct a technical crew briefing prior to boarding to ensure the flight crew fully understand the In-flight Security Officer's role on board the aircraft.

62. Carriage of Weapons

(1) An aircraft operator shall not permit any person, on a commercial air transport aircraft, to have on or about his person or property, a weapon, either concealed or unconcealed, accessible to him while on board an aircraft.

(2) For the purpose of this Regulation, "a loaded firearm" means a firearm, which has inserted in it a live round of ammunition, cartridge, in the chamber or in a clip, magazine or cylinder.

(3) An aircraft operator shall not knowingly permit any person to transport, nor may any person transport or tender for transport, any unloaded firearm in checked baggage on board an aircraft unless:

- a. such person declares to the aircraft operator, either orally or in writing before tendering the baggage for the purpose of being checked in that he/she has a firearm carried in checked baggage and it is unloaded;
- b. The weapon is then removed from the bag in a non-public environment and its status as 'unloaded' is checked by a person qualified in weapons handling and authorised to undertake this task, prior to it be returned to the baggage;
- c. the baggage or container in which a firearm is carried is locked;
- d. the checked baggage or container containing the firearm is loaded on the aircraft



in an area that is inaccessible to passengers; and

- e. such person presents a licence for such firearm from the State that permits him to have in his possession such firearm, an export licence for such firearm from the State of departure and an import licence for such firearm to the State of destination.

(5) Where a firearm to be transported in checked baggage but not secured, it shall be removed from such checked baggage and carried in the hold of the aircraft, in a container that the aircraft operator has fitted for secure carriage of such items.

63. Security Threats and Procedures

(1) Where an aircraft operator determines that there is a “Genuine” threat which jeopardises the security of an aircraft or flight, the operator shall immediately take all measures necessary to ensure the safety of the aircraft, passengers and crew on board such aircraft, including:

- a. informing the pilot in command, the crew members assigned to the aircraft or flight, the airport operator and the relevant Police agency and the Authority of the nature of the threat;
- b. where the aircraft is on the ground, moving such aircraft to a place of safety at the airport according to the instruction of the airport operator; and
- c. the inspection of the aircraft and search of the passengers and goods on board such aircraft, unless the inspection and search are likely to jeopardise the safety of the passengers and crew members.

(2) Where the aircraft, under Subsection (1) above, is on the ground, the Pilot in Command shall comply with any directive given by the airport operator under Subsection 1(a) above, or a member of the Royal Bhutan Police, unless complying with such directive is likely to jeopardise the safety of the passengers and crew members.

(3) Immediately upon receiving information that an act or suspected act of unlawful interference has been committed, the aircraft operator shall notify the Authority.

(4) Where an aircraft operator determines that there is a “Genuine” threat which jeopardises the security of a part of an airport, the operator shall immediately take all measures necessary to ensure the safety of the part of the airport and persons at the airport, including informing the airport operator, Royal Bhutan Police and the Authority of such threat.

(5) Where the aircraft under Subsection (3) above, is in a location or airspace under the jurisdiction of a State other than Bhutan, the aircraft operator shall also notify the Authority of the State in whose territory the aircraft is located and, if the aircraft is in flight, the Civil Aviation Administration of the State in whose territory the aircraft is to land.

(6) Upon receipt of a bomb threat against an aircraft, each aircraft operator shall attempt to determine whether or not any explosive or incendiary device is aboard the aircraft involved by doing the following:

- a. conduct an analysis of the threat and classify such threat as:
 - (i) Hoax; or
 - (ii) Genuine
- b. in case of a “Genuine” threat to an aircraft is on the ground, the aircraft operator shall notify:
 - (i) the Aircraft Commander and the considered action to be taken;



- (ii) the Airport Operator;
 - (iii) the Authority; and
 - (iv) conduct a mandatory security search of the aircraft.
- c. where the aircraft is in flight, the aircraft operator shall notify:
- (i) the Pilot in Command of all pertinent information available so that necessary emergency action can be taken.
 - (ii) the Airport Operator at the airport where the aircraft is expected to land; and
 - (iii) the Authority
- d. an aircraft check or search, as directed by the Authority, is to be conducted once the aircraft has landed and passengers deplaned.

(7) Where the aircraft is in flight, the Aircraft Commander shall notify the appropriate air traffic control facility of the threat.

64. Reporting of Security Incidents

- (1) An aircraft operator shall immediately notify the Authority when there is:
- a. a hijacking or attempted hijacking of an aircraft;
 - b. the discovery, on board an aircraft, of a weapon, other than an unloaded firearm allowed under Section 62;
 - c. the discovery, on board an aircraft, of an explosive substance or an incendiary device, other than an explosive substance or incendiary device allowed on board the aircraft under these Regulations made hereunder;
 - d. an explosion on an aircraft; or
 - e. a threat assessed as “Genuine” or “Hoax” against an aircraft on the ground; or in-flight; or a facility or part of an airport under its control.
- (2) An aircraft operator shall immediately notify the airport operator when there is a threat to an aircraft on the ground; and when a weapon other than a firearm allowed under Section 58, is detected in any part of the airport under its control.
- (3) An airport operator, Air Traffic Services, the Royal Bhutan Police, any airport tenant or stakeholder shall immediately notify the Authority of any act of unlawful interference to civil aviation; or about any perceived or identified aviation security breach or incident.

65. Security Information

An aircraft operator shall where the Authority provides reasonable notice, provide the Authority, with a written or electronic record or other information relevant to the security of his operations, including:

- a. information concerning the method of implementing the security measures that apply to the aircraft operator under Section 13; and
- b. a description of the nature of operations related to a particular flight and the services provided in respect of the flight.

66. Information to the Authority on Security of Service Provider Operations

A person who provide services to an aircraft operator and a person, who provides a service related to the transportation of goods by air, shall provide to the Authority, on reasonable notice given by the Authority, written or electronic records or other information relevant to the security of the operations of the service provider, including:



- a. information concerning the method of implementing the security measures that apply to those persons under Section 5 (6); and
- b. a description of the nature of the operations related to a particular flight and the services provided in respect of the flight.

67. Information to the Authority on Security of Screening Personnel Operations

The airport operator authorised to perform screening by the Authority shall provide to the Authority, on reasonable notice given by the Authority, written or electronic records or other information relevant to the security of his screening operations, including:

- a. information concerning the method of implementing the security measures that apply to it under Section 55; and
- b. a description of the nature of the screening operations related to a particular flight or at a particular airport.

68. Carriage of Persons/Deportees under Administrative or Judicial Control

(1) An aircraft operator, in receipt of a deportation order or control movement application and risk assessment from the departing agency, to carry a passenger who is the subject of judicial or administrative proceedings, shall only do so once security controls prescribed by the Authority have been applied to the passenger in question; and the Aircraft Commander has been notified and briefed on the risk assessment.

(2) The departing agency must provide an aircraft operator with risk assessment and other relevant details for each person or deportee for who uplift is requested, no less than 24 hours prior to the scheduled departure of the flight. The risk assessment must include all pertinent factors to assist the aircraft operator assess the risk to the security of the flight. Detail regarding the person shall include:

- a. medical, mental and physical fitness for carriage on a commercial flight;
- b. willingness or unwillingness to travel;
- c. facing criminal charges in transit or at the final destination; and
- d. behavioural patterns and history of violence.

(3) An aircraft operator and/or Aircraft Commander have authority to refuse uplift of a person under Administrative or Judicial Control based on risk to the safety of the flight.

(4) The aircraft operator shall not uplift more than five (5) unescorted persons or deportees under Administrative or Judicial Control on any one (1) flight. The decision to uplift such persons shall be determined by the aircraft operator and/or Aircraft Commander having reviewed the assessment of risk provided by the departing agency.

(5) The departing agency and the aircraft operator are to coordinate the removal of persons or deportees via the most direct non-stop flights, where practicable.

69. Inadmissible Persons

(1) The State agency responsible for processing passengers arriving in Bhutan shall immediately inform the aircraft operator in writing when a person is found to be inadmissible.

(2) The State agency responsible for ordering the removal of an inadmissible person shall provide the aircraft operator with:

- a. a formatted letter indicating the status of the inadmissible persons travel documents;



- b. a removal order, which shall include, if known, the name, age, gender and citizenship of the person being removed; and
- c. any other relevant information including the reason for the persons being deemed inadmissible.

(3) Where escorts are used to accompany persons being removed, the documentation in Subsection (2) above is to be given to the escort who shall be responsible for delivering it to the public authorities at the State of destination.

(4) The deporting agency shall be responsible for advising the aircraft operator, as far in advance:

- a. should there be cause to believe the inadmissible person may offer resistance to his/her removal so that risk to the security of the flight can be effectively assessed; and
- b. to allow the aircraft operator to arrange for the safe removal of the inadmissible person or finding an alternate suitable means of travel.

(5) The aircraft operator shall remove an inadmissible person to:

- a. the point where he/she commenced the journey; or
- b. to a place where he/she is admissible.

70. Persons in Custody of an Escort Officer

(1) In this Section, “organization responsible for the person in custody” does not include a person or an organization that provides escort officer services under a contract for remuneration.

(2) An aircraft operator shall not uplift a person in the custody of an escort officer unless:

- a. the organization responsible for the person in custody has provided the aircraft operator with written documentation which includes:
 - (i) a copy of the deportation order;
 - (ii) a risk assessment by the Deporting agency along with other pertinent information to assist the aircraft operator assess the risk the safety of the flight; and
 - (iii) the names and nationalities of escort officers.
- b. the risk assessment shall categorise the person in custody as being of high, medium or low threat to the safety of the aircraft operation and travelling public.
- c. the aircraft operator and the organization responsible for escorting the person in custody have agreed to the number of escorts needed to escort a person;
 - (i) two (2) escort officers for persons of high risk;
 - (ii) one (1) escort officer for persons of medium risk;
 - (iii) one (1) escort officer for not more than two persons of low risk.
- (d) persons under escort shall escorted by at least one officer of the same gender as the person being removed.
- (e) each passenger travelling has been searched and does not have on or about his/her person or property anything that can be used as a weapon; and
- (f) each passenger travelling whether under the control of an escort officer or not, under this Regulation, is:
 - (i) boarded before any other passengers when boarding at the airport from which the flight originates and deplaned at the destination after all other terminating passengers have deplaned;
 - (ii) seated in the rear-most passenger seat when boarding at the airport from



which the flight originates; and

(iii) seated in a seat that is not located close to or directly across from any exit.

- (3) An aircraft operator operating an aircraft under Subsection (2) above, shall not:
- a. serve beverage other than water, or provide food that requires the use of eating utensils to a passenger under such judicial or administrative proceedings while on board such aircraft; or
 - b. serve any escort officer, or the passenger under the control of the escort officer, any alcoholic beverages while on board such aircraft.

(4) In cases where an escort officer is also carried under the provisions of Subsection (2) above, the escort officer shall, at all times, accompany the passenger under his control and keep the passenger under surveillance while on board the aircraft including visits to the lavatory.

(5) An aircraft operator shall not uplift a person in custody routed via Bhutan to a third State, unless the person is under escort; and the essential documentation is submitted for approval and confirmation to the transit/transfer and final destination stations prior to the commencement of the flight from the originating station.

(6) This Section shall not apply to the carriage of passengers under voluntary protective escort.

71. Powers to Impose Restrictions in relation to Aircraft

(1) The Authority may, by Security Directive in writing or in case of urgency orally, direct the operator of any aircraft or class of aircraft registered or operating in Bhutan, or the operator of an airport in Bhutan:

- a. not to cause or permit any person or class of person(s), or any property to go or to be taken on board an aircraft to which the directive relates, or to come or be brought into proximity of that aircraft unless such person, class of person(s) or property has been searched by a police officer or such other person as may be specified in such directive; or
- b. not to cause or permit any aircraft to take off unless that aircraft has been searched by a police officer or other person as may be specified in such directive.

(2) Any Security Directive issued under Subsection (1) orally as a matter of urgency shall thereafter be confirmed in writing as soon as practicable.

72. Carriage of Passenger Restraint Devices

(1) The operator of an aircraft registered in Bhutan, licensed to conduct commercial air transport operations must ensure that each aircraft is equipped with at least two (2) restraining devices for use with disruptive and unruly passengers.

- (2) Restraint devices are to be:
- a. stowed in a location in the aircraft cabin or on the flight deck;
 - b. inaccessible to, and kept out of sight of, passengers;
 - c. maintained as part of aircraft accountable equipment;
 - d. audited as part of the pre-flight security check conducted prior to departure;
 - e. readily accessible to crew members for use on board when necessary.



(3) Aircraft Operators must ensure sufficient stocks of restraint devices are held at Duty Stations to enable replacement of devices on aircraft should it be necessary prior to departure.

73. Training

(1) An aircraft operator shall not use any person as a Security Co-ordinator unless, within the preceding twelve months, such person has satisfactorily completed the required security training specified in his approved Aircraft Operator Security Programme and as required by the National Civil Aviation Security Training Programme or Security Directive issued by the Authority.

(2) An aircraft operator shall not use any person as a crewmember on any domestic or international flight unless within the preceding twelve months that person has satisfactorily completed the security training required by these Regulations and as specified in the National Civil Aviation Security Training Programme and Aircraft Operator Security Programme.

(3) An aircraft operator shall ensure that the Security Coordinator and crewmembers shall undertake refresher training on a regular basis as required by NCASP and NCASTP.



PART VIII

74. Security Controls over Cargo and Mail

(1) An aircraft operator shall not accept consignments of cargo, courier and express parcels or mail for carriage on passenger flights unless the consignment has been subjected to appropriate security controls in accordance with these regulations and the National Civil Aviation Security Programme; and such security cleared consignments are maintained in a secure environment protected from unlawful interference prior to acceptance, and include documentation defining the security status in either written or electronic form, to safeguard such aircraft against an act of unlawful interference.

(2) An airport operator undertaking security controls on cargo, including screening, must include within the airport security programme, sufficient detail of the processes involved and applicable detection standards in accordance with these regulations, National Programmes and appropriate Security Directives.

(3) An airport operator undertaking security controls on cargo and mail will utilise equipments and processes suitable for various consignments and in accordance with Section 54 of these regulations.

(4) An airport operator undertaking security controls on cargo and mail will issue each consignment with a security status in either electronic or written form, in accordance with the detail in the NCASP.

75. Aviation Security Responsibilities of a Regulated Agent

RESERVED

76. Responsibility of Aircraft Operator Receiving Goods from the designated approved screening agency (the airport operator)

(1) An aircraft operator accepting goods for transport on his aircraft:

- a. may conduct screening of such shipments of goods; and
- b. shall ensure that:

- (i) the safeguarding of such goods against unlawful interference until such goods have been placed in the aircraft;
- (ii) the shipments of goods are recorded; and
- (iii) whenever the goods are received from the airport operator such goods are delivered by an authorised employee of such airport operator.

(2) An aircraft operator shall not accept any goods for transport by aircraft unless the documentation for such goods is examined for inconsistencies and is accompanied by a valid consignment security declaration defining the security status in either written or electronic form.

(3) An aircraft operator shall provide the approved designated screening agency with the necessary information in order for the agency to be able to comply with the required specification and/or technical Instructions to facilitate the processing of cargo.

(4) An aircraft operator shall make available to the Authority a report of any incident where an airway bill, consignment security declaration or equivalent document did not provide an accurate record of the goods being offered for air transport.



(5) An aircraft operator, except as provided in the Technical Instructions, shall not place in an aircraft any goods that are not acceptable.

77. Inspection of Goods Offered for Transport by Regulated Agent

RESERVED

78. Screening of Cargo

RESERVED

79. High Risk Cargo

(1) High risk cargo requires security measures greater than baseline security measures to be able to reliably detect prohibited items that could endanger an aircraft. An airport operator security programme (as the screening agency) and an aircraft operator security programme are to meet the requirements contained in the NCASP for high risk cargo.

**PART IX****80. Aviation Security Responsibilities of the Aircraft Operator for Flight Catering**

(1) Aircraft operators in Bhutan undertaking flight catering operations, will include in the airline security programme sufficient detail to meet the requirements of the NCASP. This detail will include processes for accepting raw materials, security training of staff, sealing of catering consignments and physical security of premises and will be approved by the Authority.

(2) The aircraft operator will ensure the ongoing physical security and protection of catering, stores and supplies until they are loaded onto the aircraft, in accordance with the requirements of the NCASP, including seals etc.

(3) The aircraft operator will detail in the aircraft operator security programme a system for checking of catering for irregularities including seals or physical damage, prior to loading of catering onto the aircraft.

81. Responsibility of Aircraft Operator Receiving Catering Stores and Supplies from external agency

(1) An aircraft operator accepting catering stores and supplies for transport on his aircraft from an external agency:

- a. will ensure the security of such catering stores and supplies by the application of security controls in accordance with the NCASP. .

(2) An aircraft operator shall not place in an aircraft any catering supplies and stores that have not been subject to the appropriate security controls.

(3) An aircraft operator shall preserve for not less than one year any record of acceptance checklists and inspections carried out under this Part.

82. Inspection of Catering Supplies

(1) An aircraft operator may inspect any catering supplies and stores or any package, or container having catering supplies and stores offered for transport by air.

(2) Where an inspection is conducted pursuant to Subsection (1) above, a representative of the supplier may observe the inspection.

(3) In the absence of a representative of the supplier, an aircraft operator may use such force as is necessary to access the contents of any package or container containing catering supplies and stores offered for transport by air.

(4) Where an inspection is conducted by an aircraft operator pursuant to Subsection (3) above, the package, container or catering supplies and stores shall remain in possession of the aircraft operator until after the inspection is complete.

(5) Where an inspection of catering supplies and stores under this Section provides evidence of a breach of this Part, the aircraft operator shall maintain possession of the catering supplies and documentation and inform the Authority.

**PART X****83. Objectives and Content of Quality Control Programme**

(1) The National Civil Aviation Security Quality Control Programme (NQCP) shall contain all necessary quality control monitoring measures to determine compliance with, and validate the effectiveness of, the National Civil Aviation Security Programme of Bhutan on a regular basis, including the policies on which they are based.

(2) The quality control programme shall be in such form and include such elements as are stipulated within the National Civil Aviation Security programme (NCASP).

(3) Within the National Civil Aviation Security Quality Control Programme (NQCP) the Authority may identify and direct organisations holding approved aviation security programmes to undertake internal quality control activities and to provide reporting on these activities.

84. Compliance Monitoring

(1) The implementation of the National Civil Aviation Security Programme shall be monitored by the Authority for compliance by all stakeholders.

(2) Monitoring shall be undertaken in accordance with the approved National Civil Aviation Security Quality Control Programme (NQCP), taking into consideration the threat level, risk assessments, type and nature of the operations, standard of implementation, and other factors and assessments which may influence the need for more frequent monitoring.

(3) The management, setting of priorities and organisation of the quality control programme shall be undertaken including members of the Authority not directly involved with the operational implementation of the measures taken under the National Civil Aviation Security programme (NCASP).

(4) The Authority may in writing require any person who:

- a. is required to hold an aviation security programme; or
- b. operates, maintains, or services, or does any other act in respect of any aircraft, aeronautical product, aviation related service, air traffic service, or aeronautical procedure which relates to security outcomes, to undergo or carry out such inspections, audits, tests and such monitoring as the Authority considers necessary in the interests of civil aviation security.

(5) The Authority may, in respect of any person described in Subsection (4), paragraphs (a) or (b) above, carry out such inspections, audits, tests and monitoring as the Authority considers necessary in the interests of civil aviation security.

(6) For the purposes of any inspection, audit, test or monitoring carried out in respect of any person under Subsection (5) above, the Authority may in writing require from that person such information as the Authority considers relevant to the inspection, audit, test or monitoring.

(7) An airport operator shall carry out periodic inspections and audits of aviation security measures to determine whether the terms and provisions of the approved security programmes are being effectively implemented.



85. Qualification Criteria for Inspectors

(1) The Authority shall ensure that inspectors performing functions on behalf of the Authority shall have appropriate qualifications, which shall include sufficient theoretical and practical experience in the relevant field.

- (2) The inspectors and auditors shall have:
- a. good knowledge and understanding of the Act, these regulations and the National Civil Aviation Security programme and how they are applied to the operations being examined;
 - b. knowledge and understanding of the authority and powers of inspectors
 - c. where appropriate, knowledge of the enhanced measures as applicable in the organisation or location being examined;
 - d. good working knowledge of security technologies and techniques;
 - e. knowledge of inspection, audit, survey and testing principles, procedures and techniques;
 - f. working knowledge of the operations being examined.

86. Authority and Powers of Aviation Security Inspectors

(1) Aviation Security Inspectors appointed by the Authority shall exercise the powers set out in these Regulations for the following purposes:

- a. to ensure compliance with these Regulations and the NCASP by aviation stakeholders; and
- b. to investigate any non-compliance with these Regulations and the NCASP.

(2) Aviation security inspectors shall carry formal authorisations, to be produced if required, enabling them to exercise their powers and/or authority under these Regulations. These powers shall include the authority to:

- a. issue infringement notices;
- b. inspect any aircraft;
- c. inspect any airport or part thereof;
- d. inspect any land outside an airport occupied for business purposes by a person who also occupies land within the airport for those business purposes or who has access to security restricted and controlled areas of an airport for business purposes;
- e. subject any property found to tests;
- f. assess and test the effectiveness of security practices and procedures;
- g. require an aircraft operator, airport manager or occupier of land outside an airport occupied for business purposes in connection with the airport to provide information relevant to inspections, surveys, audits, tests and investigations;
- h. detain an aircraft for the purpose of inspection;
- i. enter any land or any building, access to which is necessary for the purpose of inspecting an airport; and
- j. record any operation, procedure or installation in written, photographic or other electronic form.

(3) The above powers shall apply equally to air navigation installations.

(4) Aviation Security Inspectors are authorized to take into security restricted and controlled areas of airports, any recording equipment necessary to their duties, including cameras, video recorders and tape recorders, and make use of such equipment.



87. Powers of Investigation

(1) The Authority may, in writing, require any holder of an approved aviation security programme to undergo an investigation conducted by the Authority if it believes, on reasonable grounds, that it is necessary in the interests of civil aviation security, and if the Authority:

- a. has reasonable grounds to believe that the holder has failed to comply with any conditions of an aviation security programme; or
- b. considers that the privileges or duties for which the security programme has been approved, are being carried out by the holder in a careless or incompetent manner.

(2) If the Authority requires a holder of an approved security programme to undergo an investigation, the Authority shall:

- a. inform the holder in writing of:
 - (i) the date on which the investigation will begin; and
 - (ii) the results of the investigation, including:
 - a. any recommendations arising out of the investigation; and
 - b. the grounds for those recommendations; and
- b. conclude the investigation as soon as practicable.

88. General Powers of Entry

(1) For the purpose of carrying out his or her functions, duties, or powers under these Regulations and the NCASP, every person duly authorised by the Authority shall have right of access at any reasonable time to the following:

- a. any aircraft, airport, building, or place; and
- b. any document or record concerning any aircraft, aeronautical product, or aviation related service.

(2) Without limiting the powers conferred by Subsection (1) of this Section, every person duly authorised by the Authority who has reasonable grounds to believe that:

- a. any breach of these Regulations is being or is about to be committed;
- b. a condition imposed under any approved aviation security programme is not being complied with; or
- c. a situation exists within the aviation security system or is about to exist that constitutes a danger to persons or property, may at any reasonable time enter any aircraft, airport, building, or place, and carry out an inspection to determine whether or not a situation referred to in paragraphs (a) to (c) of this Subsection exists.

(3) Every person who is authorised to have access to or to enter any aircraft, airport, building, or place under Subsection (1) or Subsection (2) of this Section:

- a. may require any person who is in possession of an aviation security programme, or of any certificate, book, manual, record, list, notice, or other document that is required to be kept under these Regulations, to produce or surrender it; and
- b. shall, if a document is surrendered under the preceding paragraph (a), inform the relevant aviation document holders orally, and as soon as practicable in writing, that the document has been surrendered.

(4) Nothing in Subsection (1) or Subsection (2) of this Section shall confer on any person or agency the power to enter any private dwelling house without specific prior authorisation.



(5) Every specific authorisation under Subsection (4) of this Section shall be directed to a named person or agency and shall be valid for the period specified by the Authorising Agency.

(6) Every person exercising the power of entry conferred by Subsection (1) or Subsection (2) of this Section shall carry a proof of identity and authority, issued by the Authority, specifying:

- (a) the name and the office or offices held by the person; and
- (b) that the person is authorised by the Authority to exercise the powers conferred by Subsections (1) and (2) of this Section to enter any aircraft, airports, buildings, and places, and to carry out such inspection.

(7) Every person exercising the powers of entry conferred by Subsections (1) and (2) of this Section shall produce evidence of identity and authority:

- a. on entering any aircraft, airport, building, or place; and
- b. whenever subsequently there are reasonable grounds to do so while on the premises.

89. Security Directive to delay an aircraft

(1) An aviation security inspector may issue a Security Directive orally or in writing to delay the departure of an aircraft.

(2) An aviation security inspector intending to issue an oral Security Directive shall obtain the authorization of the Authority prior to doing so.

(3) Where an aviation security inspector issues such a directive orally, the inspector shall, as soon as practicable, confirm the details of the directive in writing.

(4) The written confirmation shall:

- a. identify details of the oral Security Directive issued; and
- b. set out valid reasons for issuing such a directive.

(5) Where an oral directive has been issued to an aircraft operator or to a pilot in command, the written confirmation shall be sent or handed to the respective aircraft operator.

90. Power to Suspend Security Programme

(1) The Authority shall have the power to suspend any aviation security programme approved under these Regulations or to impose conditions in respect of any such security programme if:

- a. such action is necessary in the interest of aviation security;
- b. such action is necessary to ensure compliance with these Regulations;
- c. the operator has failed to comply with any conditions of an aviation security programme; or
- d. the rights, privileges or duties granted by the approval of the security programme are being exercised or fulfilled by the operator in a careless, reckless or incompetent manner.

91. Notification of Inspections and Audits

(1) The Authority shall give notice to the approved security programme holder who is intended to be the subject of a security inspection, audit or test.



(2) When an airport or airline is to be inspected or audited, the Authority shall notify the operator accordingly.

(3) When giving notice of an inspection, audit or test to the approved security programme holder, the Authority shall advise the extent of the inspection/audit/test which may also include examination of:

- (i) the approved facility or service provider security programme;
- (ii) records, and results of any internal quality assurance audits undertaken;
- (iii) results of any investigations conducted into security incidents since the date of the last audit; and
- (iv) results of previous audits and/or inspections carried out by Authority designated auditors.

(4) in the case of covert or unannounced tests, a general notification will be provided to the approved security programme holder without including a specific date or test details.

(5) Upon receipt of notice of an inspection or audit by the Authority, an airport operator, facility operator or service provider shall give reasonable cooperation to the Authority's inspectors and staff to enable the inspection or audit to be performed in an orderly manner.

92. Conduct of Inspections and Audits

(1) A standard methodology shall be used to monitor compliance with the requirements laid down in the National Civil Aviation Security Programme and relevant approved security programmes.

(2) The approved security programme holder shall ensure that the Authority's inspectors are accompanied at all times during inspections, audits or overt tests.

(3) Authority Inspectors shall carry an official credential identity card justifying the conduct of inspections, audits and tests on behalf of the Authority and an airport identification card allowing access to all areas required for inspection and audit purposes.

(4) Overt tests shall only be performed after advance notification and agreement, in close coordination with the approved security programme holder, to ensure their security, safety and effectiveness.

(5) Covert tests will only be undertaken after a general notification and using a strict protocol with a test controller to ensure the security, safety and effectiveness of the test.

(6) Without prejudice to this Section, Authority Inspectors shall, wherever appropriate and practicable, deliver an informal oral summary of their findings on the spot. In any case, the approved aviation security programme holder shall be informed promptly of any serious deficiencies identified by the Authority's inspection and/or audit in writing.

(7) An approved security programme holder shall rectify without delay any deficiencies identified by an inspection, audit or test by the Authority, and if a time-limit for remedial action has been set, within the time-limit specified by the Authority.

93. Failure to Cooperate with Inspectors or to Rectify Findings

(1) The penalty for failure to cooperate with inspectors or to rectify findings shall be in accordance with Enforcement Manual.



94. Obstruction of Aviation Security Inspectors or Authorised Persons

(1) A person commits an offence when he obstructs or impedes an Aviation Security Inspector or any person who is duly authorised by the Authority and acting in the performance or exercise of any functions, duties, or powers conferred on him by these Regulations.

(2) It shall be an offence to:

- a. intentionally obstruct or impede an Aviation Security Inspector;
- b. fail or refuse to supply information requested by an Aviation Security Inspector;
- c. supply false or reckless information to an Aviation Security Inspector; or
- d. falsely pretend to be an Aviation Security Inspector.

(3) The penalty for the obstruction of Aviation Security Inspectors or Authorised Persons shall be in accordance with Enforcement Manual

(4) Subsection (1) of this Section shall apply only where an Aviation Security Inspector or authorised person whose activity was obstructed or impeded has previously produced evidence of his authority.

95. Inspection, Audit or Test Report

(1) The Authority shall provide a written report of inspection/audit/test findings to the relevant facility operator or service provider.

(2) The report shall identify findings established during the inspection/audit/test and deficiencies. The report may contain recommendations for remedial action.

(3) When assessing the implementation of the terms of the individual facility operator's, or service provider's approved security programme, and the requirements of the National Civil Aviation Security programme, the following classifications shall apply:

- a. fully compliant;
- b. compliant, but improvement desirable;
- c. not compliant, with minor deficiencies;
- d. not compliant, with major deficiencies;
- e. not applicable;
- f. not confirmed.

96. Approved Security Programme Holder Response

(1) Within the period specified by the Authority in correspondence covering an inspection, audit or test report, the approved security programme holder shall submit in writing to the Authority a response to the report which:

- a. addresses the findings and recommendations;
- b. provides an action plan, specifying actions and deadlines, to remedy any identified deficiencies.

(2) Where the inspection or audit report identifies no deficiencies, no answer shall be required.

97. Conduct of Exercises

(1) Airport operators shall ensure that various components of the practical implementation of aviation security measures, including equipment, personnel and



procedures are tested regularly in order to monitor the effectiveness of the security measures in place.

(2) Airport operators shall exercise aviation security contingency plans developed to prevent and/or react to acts of unlawful interference against civil aviation to test their effectiveness:

- a. annually in table-top format; and
- b. at least every 24 months, through the conduct of a practical exercise involving all relevant participants.

(3) Airports operators shall advise the Authority at the commencement of each year, the exercises scheduled for the following 12 months.

98. Last Port of Call Inspections

(1) The Authority may conduct last port of call inspections of aircraft operations at airports from where direct services are conducted to and from the Bhutan:

- a. to observe the security measures applied in respect of Bhutan's national aircraft operators; and
- b. when the Authority has concern regarding the level of threat at a specific foreign airport based on a security risk assessment process by relevant national authorities.

(2) Last port of call inspections shall normally be conducted in conjunction with national aircraft operator's aviation security personnel.

(3) National aircraft operators shall be responsible for facilitating the air travel of Aviation Security Inspectors participating in last port of call inspections at the place of their foreign operations.



PART XI

99. Assault & Other Acts of Interference against a Crew Member on Board a Civil Aircraft

(1) Any person who commits on board a civil aircraft any of the following acts thereby commits an offence:

- a. assault, intimidation or threat, whether physical or verbal, against a crew member if such act interferes with the performance of the duties of the crew member or lessens the ability of the crew member to perform those duties;
- b. refusal to follow a lawful instruction given by the Aircraft Commander, or on behalf of the Aircraft Commander by a crew member, for the purpose of ensuring the safety of the aircraft or of any person or property on board or for the purpose of maintaining good order and discipline on board.

(2) The penalty for such offence shall be as set out in Section 103.

100. Assault & Other Acts Endangering Safety or Jeopardising Good Order & Discipline on Board a Civil Aircraft

(1) Any person who commits on board a civil aircraft an act of physical violence against a person or of sexual assault or child molestation thereby commits an offence.

(2) Any person who commits on board a civil aircraft any of the following acts thereby commits an offence if such act is likely to endanger the safety of the aircraft or of any person on board or if such act jeopardizes the good order and discipline on board the aircraft:

- a. unlawfully seizes or takes control of an aircraft by use of force or threat;
- b. assault, intimidation or threat, whether physical or verbal, against another person;
- c. intentionally causing damage to, or destruction of, property; and
- d. consuming alcoholic beverages or drugs resulting in intoxication.

(3) For the purpose of these regulations a person is intoxicated if the Aircraft Commander (or senior flight attendant authorised by the aircraft commander for this purpose) has reasonable grounds to believe that the person is under the influence of an intoxicating liquor, or substance to such an extent as to:

- a. be incapable of properly conducting himself or herself, or
- b. present a hazard or potential hazard to the aircraft or to a person on the aircraft, or to himself; or
- c. offends against the good order and discipline required on board an aircraft.

(4) The penalty for such offences shall be as set out in Section 103.

101. Other Offences Committed on Board a Civil Aircraft

(1) Any person who commits on board a civil aircraft any of the following acts thereby commits an offence:

- a. smoking in a lavatory, or smoking elsewhere in a manner likely to endanger the safety of the aircraft;
- b. tampering with a smoke detector or any other safety-related device on board the aircraft;
- c. operating a portable electronic device when such act is prohibited.



(2) For the purposes of this Regulation, smoking means to draw into the mouth and puff out smoke of tobacco or the like, as from a pipe, cigar or cigarette, hold, or otherwise have control over an ignited product, weed or plant; and smoked and smoking have corresponding meanings.

(3) The penalty for such offences shall be as set out in Section 103.

102. Offences Committed other than on Board a Civil Aircraft

(1) Any person who commits any of the following acts from a location other than on board a civil aircraft thereby commits an offence if such act is likely to endanger the safety of the aircraft:

- a. destroys an aircraft in service or causes damage to such aircraft which renders it incapable of flight or which is likely to endanger its safety in flight;
- b. communicates information relating to the safety of any aircraft which he knows to be false thereby endangering the safety of an aircraft in flight;
- c. destroys or damages any air navigation installation, vital installation or facility or interferes with any such operation, if any such act is likely to endanger the safety of any aircraft in flight.
- d. directs a laser beam at the cockpit of an aircraft with the intention of disrupting flight crew during taxiing, take-off and landing; or
- e. uses any other electrical device to interfere with aircraft operations.

(2) The penalty for such offences shall be as set out in Section 103.

103. Penalties for the Offences in Sections 99 – 102

(1) The penalties for the offences in sections 99-102 shall be in accordance with the Enforcement Manual.

104. Jurisdiction

(1) The jurisdiction of Bhutan shall extend to any offence under Sections 99 to 101 of these Regulations if the act constituting the offence took place on board:

- a. any civil aircraft registered in Bhutan; or
- b. any civil aircraft leased with or without crew to an operator whose principal place of business is in Bhutan or, if the operator does not have a principal place of business, whose permanent residence is in Bhutan; or
- c. any civil aircraft on or over the territory of Bhutan; or
- d. any other civil aircraft in flight outside Bhutan, if
 - I. the next landing of the aircraft is in Bhutan; and
 - II. the Aircraft Commander has delivered the suspected offender to the relevant authorities of Bhutan, with the request that the authorities prosecute the suspected offender and with the affirmation that no similar request has been or will be made by the commander or the operator to any other State.

(2) The term “in flight” as used in this Section means the period from the moment when all its external doors are closed following embarkation until the moment when an such door is opened for disembarkation. However, in the case of a forced landing the aircraft shall be



deemed to remain in flight until the competent entities take over responsibility for the aircraft and for persons and property on board.

(3) The jurisdiction of Bhutan shall also extend to any offence under Section 102 of these Regulations committed within its territory, or against an aircraft registered on its registry or leased without crew to a lessee who has his principal place of business, or if the lessee has no such place of business, his principal residence, in Bhutan.

(4) The jurisdiction shall not extend to any act committed in relation to an aircraft used for military, customs or police service committed inside or outside the territory of Bhutan.

(5) Any person who attempts to commit any of the offences mentioned in this Part, or aids, abets, counsels or procures any person to commit any such offence, or is an accomplice to a person who commits or attempts to commit any such offence shall be liable to penalties in accordance with the Enforcement Manual.

105. Powers of the Aircraft Commander

(1) The provisions of this Section shall not apply to offences and acts committed or about to be committed by a person on board an aircraft in flight in the airspace of the State of Registration or over the high seas or other area outside the territory of any State unless the last point of take-off or the next point of intended landing is situated in a State other than that of registration, or the aircraft subsequently flies in the airspace of a State other than that of registration with such person still on board.

(2) The Aircraft Commander of an aircraft engaged in commercial air transport operations shall, when he has reasonable grounds to believe that a person has committed, or is about to commit, on board the aircraft, an offence or act, impose upon such person reasonable measures including restraint which may be necessary:

- a. to protect the safety of the aircraft, or of persons or property therein; or
- b. to maintain good order and discipline on board; or
- c. to enable him to deliver such person to relevant authorities or to disembark him in accordance with the provisions of this Section.

(3) The Aircraft Commander may require or authorise the assistance of other crew members and may request or authorise, but not require, the assistance of passengers to restrain any person whom he is entitled to restrain.

106. Powers of Crew Members or Persons on Board Aircraft

(1) Any crew member on board an aircraft engaged in commercial air transport operations shall, if so required by the Commander, assist in restraining any person whom the Commander has reasonable grounds to believe that a person has committed, or is about to commit, on board the aircraft, an offence or act of unlawful interference. Such crew member may also take reasonable preventive measures without prior authorisation when he has reasonable grounds to believe that danger is imminent and such action is immediately necessary to protect the safety of the aircraft or of persons or property therein.

(2) Any other person on board the aircraft may, at the request or with the prior authority of the Commander of the aircraft, assist in restraining any person whom the Commander has reasonable grounds to believe that a person has committed, or is about to commit, on board the aircraft, an offence or act of unlawful interference.



107. Measures of Restraint

(1) Measures of restraint imposed upon a person shall not be continued beyond any point at which the aircraft lands unless:

- a. such point is in the territory of a non-Contracting State and its authorities refuse to permit disembarkation of that person or those measures have been imposed in order to enable his delivery to relevant authorities;
- b. the aircraft makes a forced landing and the Aircraft Commander is unable to deliver that person to relevant authorities;
- c. that person agrees to onward carriage under restraint.

(2) The Aircraft Commander shall as soon as practicable, and if possible before landing in the territory of a State with a person on board who has been placed under restraint, notify the authorities of such State of the fact that a person on board is under restraint and the reasons of such restraint.

108. Disembarkation of Persons

(1) The Aircraft Commander may, in so far as it is necessary to protect the safety of the aircraft, or persons or property therein or to maintain good order and discipline on board, disembark in the territory of any State in which the aircraft lands any person who he has reasonable grounds to believe has committed, or is about to commit, on board the aircraft, an act contemplated under this Part.

(2) The Aircraft Commander shall report to the relevant law enforcement agency of the State in which he disembarks any person, the fact of, and the reasons for, such disembarkation.

109. Delivery to Relevant Law Enforcement Agency

(1) The Aircraft Commander may deliver to the relevant law enforcement agency of any Contracting State in the territory of which the aircraft lands any person who he has reasonable grounds to believe has committed on board the aircraft an act, which, in his opinion, is a serious offence according to the penal law of the State of registration of the aircraft.

(2) The Aircraft Commander shall as soon as practicable and if possible before landing in the territory of the Contracting State with a person on board whom the Aircraft Commander intends to deliver, notify the relevant law enforcement agency of such State of his intention to deliver such person and the reasons thereof.

(3) The Aircraft Commander shall furnish the law enforcement agency to whom any suspected offender is delivered with evidence and information which, under the law of the State of Registration of the aircraft, is lawfully in his possession.

110. Powers of Search at Airports

(1) Where the Authority has reasonable cause to believe that any device or article which is likely to or could destroy an aircraft or is likely or could damage an aircraft so as to render it incapable of flight or endanger its safety in flight, is in, or could be brought into any part of an airport, the Authority may issue a directive to authorise the airport operator, Royal Bhutan Army or the Royal Bhutan Police to conduct a search:

- a. at the airport or designated parts thereof; or
- b. of any persons suspected of carrying such a device or article.



(2) Notwithstanding the provisions of Subsection (1) above, a police officer or such other person as may be authorised by the Authority shall have the power to search, without warrant, any person who, or property which, is in any part of an airport.

(3) For the purpose of conducting a search in terms of Subsection (1) above, a female person shall be searched only by a female police officer or other authorised person, who is female, and a male person by a male police officer or other authorised person who is male.

(4) For the purpose of conducting a search in terms of Subsection (1) above, a police officer or any other person specified in the direction may:

- a. enter any land, building or works in the airport; and
- b. stop any aircraft, vehicle or person from entering or leaving the airport and detain such aircraft, vehicle, person or property for as long as necessary to conduct the search.

111. Accountability

(1) For actions taken under this Part neither the Aircraft Commander nor any other member of the crew, passenger, owner or operator of the aircraft, nor the person on whose behalf the flight was performed shall be held responsible in any proceeding on account of the treatment undergone by the person against whom the actions were taken.



PART XII

112. Policy and Procedures

- (1) The Authority shall be responsible for:
 - (a) the protection of personnel, the general public and air travellers against the threat of liquid, aerosol or gel (LAG) explosives within Bhutan or on board aircraft departing from its national airports.
 - (b) developing policy to be adopted by stakeholders involved with the transportation, delivery, retail and screening and clearance of liquids, aerosols and gels within Bhutan. Stakeholders shall include but may not be limited to:
 - (i) Manufacturers;
 - (ii) Warehouse controllers;
 - (iii) Retailers;
 - (iv) Airport Operators;
 - (v) Aircraft Operators;
 - (vi) Caterers;
 - (vii) Screening Operatives; and
 - (viii) Agents contracted by any of the above.
 - (c) developing procedures and processes for stakeholder implementation to ensure supply chain security measures are effectively controlled.
 - (d) determining the standards for Security Tamper-Evident Bags (STEBs) provided by retailers to passengers purchasing duty free liquids, aerosols and gels items at airports.
 - (d) conducting regular compliance monitoring of liquids, aerosols and gels measures to ensure the integrity of supply chain security is maintained.
 - (e) reviewing and assessing technological advances that enhance the electronic detection and positive identification of liquids, aerosols and gels in hold and cabin baggage intended for carriage on commercial air transport aircraft.
 - (f) notifying to screening operatives the names and codes of ICAO Contracting States with whom Bhutan has agreed to permit passengers to carry duty free items through transfer security checkpoints.

113. Security Tamper-Evident Bags (STEBs)

The Authority shall ensure that organizations responsible for the purchase, storage and supply of Security Tamper-Evident Bags (STEBs) implement the same supply chain security measures as those applicable to Liquids, Aerosols and Gels (LAGs).

114. Airport Operators

- (1) Airport operators shall ensure that:
 - (a) liquids, aerosols and gels procedures are developed and incorporated in the Airport Security Programme;
 - (b) stakeholders on the airport comply with the liquids, aerosols and gels measures prescribed in the Airport Security Programme;
 - (c) the Airport Security Programme is approved by the Authority.
 - (d) departing, transit and transfer passengers travelling or commercial air transport aircraft are made aware of the liquids, aerosols and gels policy at the airport prior to being subjected to screening at the security checkpoint.



115. Aircraft Operators

- (1) Aircraft operators shall ensure that:
 - (a) liquid, aerosol and gels procedures are developed and incorporated into the Aircraft Operator Security Programme;
 - (b) liquids, aerosols and gels are not introduced onto an aircraft used for commercial air transport without having been subjected to the security measures specified in the airport and aircraft operator security programmes and approved by the Authority;
 - (c) passengers who refuse to comply with the limitations for the carriage of liquids, aerosols and gels are denied access to the aircraft; and
 - (d) all liquids, aerosols and gels introduced into the cabin of the aircraft by catering or any other entity are fully inspected to prove the integrity of the catering or other such containers.

116. Security Screening Operative

- (1) The Department of Air Transport as the organisation authorised by the Authority to carry out screening at security checkpoints at airports shall ensure that:
 - (a) liquid, aerosol and gels instructions, consistent with the policy promulgated by the Authority, are developed and incorporated into screening checkpoint training and guidance material for security personnel;
 - (b) security personnel are fully trained, certified and qualified in processing liquids, aerosols and gels through the screening checkpoint into the sterile area;
 - (c) records training are maintained for inspection by the Authority as requisite.
 - (c) passengers passing through the transfer security checkpoint are not carrying liquids, aerosols and gels in excess of that permitted in carry-on baggage;
 - (d) passengers passing through the transfer security checkpoint are not permitted to carry duty free items unless:
 - (i) the duty free goods are carried in a security tamper-evident bag endorsed by the Authority;
 - (ii) the security tamper-evident bags shows no signs of having been interfered with or opened; and
 - (iii) a receipt of purchase is can be inspected within the sealed bag.
 - (e) all liquids, aerosols and gels surrendered by passengers are to be recorded and placed in secure containers for disposal by the designated agency.

117. Retailers of Duty Free Items

- (1) Duty Free retailers must ensure that:
 - (a) instructions, consistent with the policy promulgated National Civil Aviation Security programme and the Airport Security Programme, are developed and incorporated into a Retail/Tenant Security Programme;
 - (b) goods received from manufacturers are inspected on receipt to prove the integrity of the consignment;
 - (c) employees receive the required training in supply chain security of duty free items;
 - (d) records training are maintained for inspection by the Authority as requisite.
 - (e) provide secure facilities for the storage of duty free goods and security tamper-evident bags;



- (f) maintain records of all duty free liquids, aerosols and gels and security tamper-evident bags for inspection by the Authority at any time; and
- (g) reports of losses of liquids, aerosols and gels as well as security tamper-evident bags are reported without delay to the Authority.

118. Other Contracted Agents

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PART XIII

119. Entry and Departure of Persons

(1) Consistent with the requirements of the Convention on International Civil Aviation and its Annex 9, the applicable border control regulations and procedures shall facilitate and expedite the clearance of persons entering or departing by air.

(2) The border control regulations and procedures shall be appropriate to the air transport environment and, taking into consideration aviation security, shall be applied in such a manner as to prevent unnecessary delays.

120. Responsibilities of the Authority

(1) The Authority shall establish a national air transport facilitation programme, consistent with the requirements of the Convention on International Civil Aviation and its Annex 9, and shall ensure the effective implementation of the air transport facilitation programme through regular compliance monitoring of the programme.

(2) The Authority shall be responsible for ensuring the effective implementation of security measures applied to travel documents.

(3) The Authority, in conjunction with the Ministry of Foreign Affairs (MFA), shall develop procedures to be applied to persons entering and departing from Bhutan.

121. Responsibilities of the Entity having Control of Travel Documents

- (1) The Ministry of Foreign Affairs (MFA) shall ensure that:
 - (a) the Authority is notified of proposed system and/or advanced technological changes to travel documents and which impact on the effectiveness and currency of aviation security and the air transport facilitation programme;
 - (b) machine readable passport specifications accord with ICAO Doc 9303, Part 1;
 - (c) the regular update of security features in new versions of travel documents to prevent misuse and facilitate detection of cases where such documents have been unlawfully altered, replicated or issued;
 - (d) travel document stock is safeguarded against theft and misappropriation;
 - (e) that effective training is provided to personnel involved with travel documents;
 - (e) biometrics are incorporated in machine readable passports, visas and official travel documents using data storage technologies;
 - (f) seize all fraudulent, falsified or counterfeit travel documents and return them to the issuing, or resident Diplomatic Mission of that State; and
 - (g) that a record of each crew member's certificates and other official documents issued, suspended or withdrawn is stored in a secure electronic database protected from interference and unauthorised access.



122. Responsibilities of the Airport Operator

The Airport Operator shall ensure that airport facilities and services are adapted or incorporated into the terminal design to meet the needs of persons with disabilities.

123. Physical Examination of Cargo

(1) The Authority shall cooperate with Airport Operators to improve the efficiency of cargo operations through the research and introduction of modern screening or examination techniques to be used to facilitate the physical examination of goods being imported or exported.

- (2) The Authority shall develop simplified processes to ensure the clearance of:
- (a) ground and security equipment and replacement parts; and
 - (b) instructional material and training aids imported or exported by an aircraft operator of another Contracting State.



PART XIV

124. Failure to Submit Airport or other Security Programme for Approval

(1) Any person who fails to submit an Airport Security Programme or other Security Programme for approval, in contravention of Section 5 of these Regulations, shall be guilty of an offence and shall be liable upon conviction to penalties in accordance with the Enforcement Manual.

(2) Where a person is convicted of an offence under Subsection (1) above, and the failure to comply in respect of which the person was convicted is continued after the conviction without reasonable excuse, the person shall be guilty of a further offence and liable on conviction to penalties in accordance with the Enforcement Manual.

125. Failure to Comply with Obligations under these Regulations

(1) Any person who fails to comply or otherwise contravenes any of his obligations under these Regulations, other than Section 5, shall be guilty of an offence and shall be liable upon conviction to penalties in accordance with the Enforcement Manual.

(2) Where a person is convicted of an offence under Subsection (1) above, and the failure to comply in respect of which the person was convicted is continued after the conviction without reasonable excuse, the person shall be guilty of a further offence and liable on conviction to penalties in accordance with the Enforcement Manual.

126. Failure to Comply with Obligations under National Civil Aviation Security Programme

(1) Any person assigned responsibility for a specific function or task within the National Civil Aviation Security programme, who fails to comply with the obligations resulting from that function or task to the standard specified in the National Civil Aviation Security programme, commits an offence under these Regulations and shall be liable upon conviction to penalties in accordance with the Enforcement Manual.

(2) Where a person is convicted of an offence under Subsection (1) above, and the failure to comply in respect of which the person was convicted is continued after the conviction without reasonable excuse, the person shall be guilty of a further offence and liable on conviction to penalties in accordance with the Enforcement Manual.

127. Failure to Comply with Obligations under Approved Airport or Other Approved Security Programme

(1) Any person who without reasonable excuse fails to comply with any of his obligations under an Approved Airport Security Programme or Other Approved Security Programme shall be guilty of an offence and shall be liable upon conviction to penalties in accordance with the Enforcement Manual.

(2) Where a person is convicted of an offence under Subsection (1) above, and the failure to comply in respect of which the person was convicted is continued after the conviction without reasonable excuse, the person shall be guilty of a further offence and liable on conviction to penalties in accordance with the Enforcement Manual.

**128. Failure to Comply with Security Directive**

(1) Any person who without reasonable excuse fails to comply with the requirements of a Security Directive issued to him by the Authority commits an offence and shall be liable to penalties in accordance with the Enforcement Manual.

(2) Where a person is convicted of an offence under Subsection (1) (a) above, and the failure to comply in respect of which the person was convicted is continued after the conviction without reasonable excuse, the person shall be guilty of a further offence and liable on conviction to penalties in accordance with the Enforcement Manual.

**PART XV****129. Amendment of Regulations and Schedules**

(1) These Regulations may be amended by amending regulation which shall be published in the Official Gazette.

(2) The Authority may amend the Schedule to these Regulations. Any such amendments shall be published in the Official Gazette.

130. Entry into force

This Regulation shall enter into force on the day following its publication in the Official Gazette.



SCHEDULE I

131. List of Airports Subject to this Regulations

The following airports within Bhutan are deemed to be designated airports to which the Regulations shall apply:

Paro International Airport

Bumthang Domestic Airport

Yonphula Domestic Airport

Gelephu Domestic Airport