

Air Navigation (99 — Breath Testing for Alcohol) Regulations 2019

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AIR NAVIGATION ACT
(CHAPTER 6)

AIR NAVIGATION
(99 — BREATH TESTING FOR ALCOHOL)
REGULATIONS 2019

In exercise of the powers conferred by section 3A of the Air Navigation Act, the Civil Aviation Authority of Singapore, with the approval of the Minister for Transport, makes the following Regulations:

PART 1

PRELIMINARY

Citation and commencement

1. These Regulations are the Air Navigation (99 — Breath Testing for Alcohol) Regulations 2019 and come into operation on 31 March 2019.

Definitions

2. In these Regulations, unless the context otherwise requires —

“alcohol” includes any liquid containing any form of ethanol;

“AOC holder” means a holder of an air operator certificate granted under the Air Navigation (119 — Air Operator Certification) Regulations 2018 (G.N. No. S 443/2018);

“applicable flight” means a flight involving a relevant aircraft that —

(a) begins from Singapore; and

(b) is carried out by a relevant operator;

“approved tester” means a person appointed as an approved tester under regulation 8;

“breath analysing device” means an instrument or apparatus that is used to ascertain, by analysis of an individual’s breath, the presence, or presence and concentration, of ethanol in the individual’s breath;

“breath test” means the tests mentioned in regulation 5(1);

“notice of unfitness” means a written notice given by an approved tester under regulation 5(5) to a pilot, containing the matters in regulation 5(6);

“problematic consumption of alcohol”, in relation to a pilot, means consumption of alcohol to excess, such that —

- (a) as a result, the pilot’s judgment is impaired;
- (b) as a result, the pilot is incapable at times of managing himself or herself or his or her affairs; or
- (c) the pilot shows prodromes of becoming so impaired or incapable;

“relevant aircraft” means —

- (a) any aircraft operated by a Singapore operator;
- (b) any Singapore registered aircraft operated by a person other than a Singapore operator; or
- (c) any foreign registered aircraft in Singapore that is operated by a person other than a Singapore operator;

“relevant operator” means —

- (a) an AOC holder; or
- (b) any other person who is operating —
 - (i) a Singapore registered aircraft, whether in or outside Singapore; or
 - (ii) a foreign registered aircraft in Singapore.

PART 2

BREATH TESTS

Pilot may be required to undergo breath test

3.—(1) An approved tester may require a pilot to undergo a breath test at a time and place specified by the approved tester, where the approved tester has reasonable cause to believe that the pilot is operating, or is about to operate, a relevant aircraft for an applicable flight.

(2) For the purposes of paragraph (1), the approved tester must serve a written notice on the pilot.

(3) A pilot who is given a notice under paragraph (2) —

- (a) must comply with the notice to undergo a breath test; and
- (b) must not perform, or purport to be available to perform, any function or duty in the capacity of a pilot of a relevant aircraft, unless the pilot —
 - (i) has completed the breath test; and
 - (ii) is not given a notice of unfitness as a result.

(4) A pilot who contravenes paragraph (3) shall be guilty of an offence and shall be liable on conviction —

- (a) for a first offence, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both; and
- (b) for a second or subsequent offence, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

Obligations of pilot

4.—(1) A pilot who is given a notice under regulation 3(2) by an approved tester must —

- (a) comply with the instructions of the approved tester in relation to the conduct of the breath test, including providing such specimens of the pilot's breath as the approved tester may require in accordance with these Regulations; and
- (b) remain in the presence of the approved tester for such period as is reasonable in the circumstances to enable the breath test to be completed.

(2) A pilot who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction —

- (a) for a first offence, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both; and
- (b) for a second or subsequent offence arising from another breath test, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

(3) However, it is not an offence under paragraph (2) for a pilot to refuse to comply with any request, demand or order made or given by an approved tester who fails to declare his or her office and refuses to produce his or her identification card on demand being made by that pilot.