

**THE UNIVERSITY OF WESTERN ONTARIO
MANAGEMENT AND ORGANIZATIONAL STUDIES
MOS 3306B
AVIATION LAW
WINTER 2009**

Thursdays, 7:00 p.m. – 10:00 p.m., Room 3102 Social Science Centre

Instructor: R. Dan Cornell, LL.B.
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COURSE DESCRIPTION:

Management and Organizational Studies – Aviation Law 3306B is an introduction to the law governing aviation in Canada and abroad. The objectives of the course are to provide students with a basic knowledge of the sources of aviation law and to give students a basic understanding of certain substantive and procedural aspects of aviation law.

The class meets one time per week for up to three hours.

COURSE READINGS

Written Material

- (1) *Course Materials – Aviation Law* (required, available in the University Book Store)
- (2) *Aircraft Regulations Simplified* (required, available in the University Book Store)
- (3) *Aeronautical Information Manual* (required, available in the University Book Store)

Statutes (required reading as assigned by the instructor)

- (1) *Aeronautics Act* R.S.C., 1985, c. A-2
<http://laws.justice.gc.ca/en/showtdm/cs/A-2>
- (2) *Canada Border Services Agency Act* S.C. 2005, c. 38
<http://laws.justice.gc.ca/en/showtdm/ca/C-1.4>

Statutes (cont.)

- (3) *Canada Transportation Act* S.C. 1996, c.10
<http://laws.justice.gc.ca/en/showtdm/cs/C-10.4>
- (4) *Canadian Air Transport Security Authority Act* S.C. 2002, c.9, s.2
<http://laws.justice.gc.ca/en/showtdm/cs/C-11.2>
- (5) *Canadian Charter of Rights and Freedoms*
<http://laws.justice.gc.ca/en/charter/index.html>
- (6) *Canadian Transportation Accidents Investigation and Safety Board Act* S.C. 1989, c.3
<http://laws.justice.gc.ca/en/showtdm/cs/C-23.4>
- (7) *Carriage By Air Act* R.S.C. 1985, c.C-26
<http://laws.justice.gc.ca/en/showtdm/cs/C-26>
- (8) *Civil Air Navigation Services Commercialization Act* S.C. 1996, c.20
<http://laws.justice.gc.ca/en/showtdm/cs/C-29.7>
- (9) *Constitution Act (1867)*, sections 91 and 92
<http://laws.justice.gc.ca/en/const/index.html>
- (10) *Criminal Code of Canada* R.S.C., 1985, c. C-46
<http://laws.justice.gc.ca/en/showtdm/cs/C-46>
- (11) *Customs Act* R.S.C. 1985, c.1 (2nd Supp.)
<http://laws.justice.gc.ca/en/showtdm/cs/C-52.6>
- (12) *Immigration and Refugee Protection Act* S.C. 2001, c. 27
<http://laws.justice.gc.ca/en/showtdm/cs/I-2.5>
- (13) *Transportation Appeal Tribunal of Canada Act* S.C. 2001, c. 29
<http://laws.justice.gc.ca/en/showtdm/cs/T-18.5>

Regulations

- (1) *Canadian Aviation Regulations (CARs)* S.O.R./2000-111
<http://laws.justice.gc.ca/en/showtdm/cr/SOR-96-433>
- (2) *Canadian Aviation Security Regulations* S.O.R./96-433
<http://laws.justice.gc.ca/en/showtdm/cr/SOR-2000-111>

Other

- (1) The Transportation Safety Board
<http://www.tsb.gc.ca/eng/index.asp>
- (2) International Civil Aviation Organization (ICAO)
<http://www.icao.int/>
- (3) International Air Transport Association (IATA)
<http://www.iata.org/index.htm>
- (4) NAV Canada
<http://www.navcanada.ca>
- (5) “Warsaw Convention”
<http://www.iata.org/NR/ContentConnector/CS2000/Siteinterface/sites/legal/file/warsaw.pdf>

This list of statutes, regulations and other material is for reference purposes only to provide access to material as assigned by the instructor. Students are responsible for completing all assigned readings and are to be prepared to discuss such material in class.

METHODS OF EVALUATION(1) Course Grading

Mid-term examination (Thursday, February 26, 2009)	25%
Group Presentation (as assigned)	25%
Class Participation	20%
Final examination (held during the April examination period)	30%

(2) Class Participation

Students are expected to have completed all assigned readings in a timely fashion and be prepared to discuss such material in class.

(3) Group Presentation

Students will be broken down into small groups and each group will be required to prepare a paper and presentation on the subjects to be covered in classes 8 through 12. These groups will be established and the topic assigned to each group on Thursday, January 22, 2009.

It is expected that the presentation will involve each member of the group, such presentation to take approximately 30 minutes with an additional 10 minutes being allowed for questions and discussion.

A paper will also be required to be submitted by the group which will demonstrate the group's critical reading and research skills and their ability to prepare a concisely written commentary on the assigned topic. The paper shall be a minimum of 1500 and a maximum of 2000 words. The paper must be handed in at 7:00 p.m. on the day that the presentation is to be made. If the paper portion of the presentation is not available when due, a mark of zero will be assigned for that portion of the task.

To protect against loss of a written assignment, students are advised to keep a duplicate copy of the assignment as submitted, and to retain his or her rough notes until final grades in the course have been determined.

(4) Examinations

The format for the both the mid-term examination and the final examination may include multiple-choice, short answer and short essay answers, or any combination thereof.

The mid-term examination to be written on Thursday, February 26, 2009 will cover assigned readings, lectures, guest speaker's material and class discussion from class 1 through class 6 inclusive.

The final examination to be written during the April final examination period will cover assigned readings, lectures, guest speaker's material, group presentation material and class discussion for all of the material covered during the course from class 1 through to and including class 12.

ACADEMIC OFFENCES

Scholastic Offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following Web site: <http://www.uwo.ca/univsec/handbook/appeals/scholoff.pdf>.

- (A) required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com.

- (B) computer-marked multiple-choice test and/or exams will be given, and software might be used to check for unusual coincidences in answer patterns that may indicate cheating.

CLASSROOM MANAGEMENT

It is expected that students will have read all assigned material prior to such material being covered in class and that the student will be prepared to discuss such material as required. It is also expected that students will give their undivided attention during class. To achieve this objective and to avoid unnecessary interruptions, all cell phones are to be turned off during class, no ipods or other personal devices are permitted. During class, students are not permitted to send text messages, use e-mail or use laptop computers for purposes other than related to class material.

ACADEMIC INTEGRITY

Integrity is what we do, what we say, and what we say we do.

- Don Galer

Character is doing the right thing when nobody's looking. There are too many people who think that the only thing that's right is to get by, and the only thing that's wrong is to get caught!

- J.C. Watts

Don't compromise yourself. It's all you've got.

- Janice Joplin

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CLASS READINGS

CLASS ONE – January 8, 2009

- OVERVIEW OF THE LEGAL SYSTEM
 - o *Course Materials*
 - pp. 1-1 to 1-28

CLASS TWO – January 15, 2009

- THE REGULATORY REGIME – CANADA – PART 1
 - o *Course Materials*
 - pp. 2-1 to 2-22
 - o *Aircraft Regulations Simplified*
 - pp. A. 2-1 to A. 2-16
 - pp. A. 3-1 to A. 3-16
- *Aeronautical Information Manual*
 - GEN pp. 44-45;
 - LRA pp. 368 - 370
- o *Johannson v. West St. Paul* 1 S.C.R. 292
- o *Regional District of Comox-Strathcona v. Hansen* (2005) B.C.S.C. 220
- o Statutory References
 - *Aeronautics Act*
 - *Constitution Act*, s.s. 91 and 92
- o *Canadian Aviation Regulation (CARs)*

CLASS THREE – January 22, 2009

- THE REGULATORY REGIME – CANADA – PART 2
 - o *Course Materials*
 - pp. 3-1 to 3-43
 - o *Aeronautical Information Manual*
 - GEN pp. 11 to 14
 - o Statutes
 - *Canada Border Services Agency Act*
 - *Canada Transportation Act*
 - *Canadian Transportation Accident Investigation and Safety Board Act*
 - *Canadian Air Transport Security Authority Act*
 - *Carriage By Air Act*
 - *Civil Air Navigation Services Commercialization Act*
 - *Transportation Appeal Tribunal of Canada Act*

CLASS THREE (cont.)

- THE REGULATORY REGIME – INTERNATIONAL
 - o *Course Materials*
 - pp. 3-44 to 3-62
 - pp. 3-74 to 3-88
 - o *Aircraft Regulations Simplified*
 - pp. A. 1-1 to A. 1-4
 - o *Chicago Convention of 1944*
 - Articles 1, 5, 6 and 44

CLASS FOUR – January 29, 2009

- AERODROMES AND AIRPORTS
 - o *Course Materials*
 - pp. 4-1 to 4-25
 - o *Aeronautical Information Manual*
 - AGA pp. 49 to 69
 - o *CARs*
 - Aerodromes: 3.01.01, 301.02, 301.03, 301.05, 301.08, 301.09
 - Airports: 302.01, 302.02, 302.03, 302.06, 302.07, 302.08, 302.09, 302.10, 302.11
 - Aircraft Noise Emission Levels: 602.150, 602.151, 602.152

- AIRCRAFT OPERATORS
 - o *Aircraft Regulations Simplified*
 - pp. C.2-1 to C. 2-9

CLASS FIVE – February 5, 2009

- PERSONNEL LICENSING AND TRAINING
 - o *Course Materials*
 - pp. 5-1 to 5-2
 - o *Aeronautical Information Manual*
 - LRA pp. 354 – 366
 - o *Aircraft Regulations Simplified*
 - pp. D. 9-1 to D. 9-14
 - o *Chicago Convention of 1944*
 - Article 32a, Article 33, Article 37, Article 39b, Article 40
 - o *Aeronautics Act*
 - section 4.9 (a) (i); section 6.5; section 7.3
 - o *CARs*
 - Examinations: 400.02, 400.03, 400.04
 - Medical Requirements: 404.03, 404.04, 404.06, 404.16, 404.17, 404.18

CLASS FIVE (cont.)

- Flight Crew Permits, Licences and Ratings: 401.03, 401.04, 401.06, 401.07, 401.08, 401.19, 401.22/421.22, 401.26/421.26, 401.30/421.30, 401.34/421.34
 - Air Traffic Controller Licences and Ratings: 402.01, 402.02, 402.03, 402.04, 402.05, 402.07/422
 - Aircraft Maintenance Engineer: 403.01, 403.02, 403.03, 403.04, 403.05
- AIRCRAFT EQUIPMENT AND MAINTENANCE
- *Aircraft Regulations Simplified*
 - pp. C. 4-1 to 4-22; C. 7-1 to C. 7-18; C. 8-1 to C. 8-8; C. 9-1 to C. 9-14

CLASS SIX – February 12, 2009

- AIRCRAFT REGISTRATION AND AIRWORTHINESS
- *Course Materials*
 - pp. 6-12 to 6-13
 - *Aeronautical Information Manual*
 - LRA pp. 347 to 354
 - *Aircraft Regulations Simplified*
 - pp C. 1-1 to C. 1-11; C. 5-1 to C. 5-16
 - *Chicago Convention of 1944*
 - Article 17, Article 18, Article 19, Article 20, Article 21, Article 31, Article 33, Article 37
 - *Aeronautics Act*
 - section 4.9(b)
 - *Canada Transportation Act*
 - section 55
 - *CARs*
 - Identification of Aircraft and Other Aeronautical Products: 201.01
 - Aircraft Marking and Registration: 202.01, 202.02, 202.03, 202.04, 202.13, 202.15, 202.17, 202.25, 202.26, 202.35, 202.38
- AIRCRAFT PURCHASE, SALE AND LEASING
- *Course Materials*
 - pp. 6-14 to 6-88

CLASS SEVEN – February 26, 2009

- Mid-term examination

CLASS EIGHT – March 5, 2009

- AIRCRAFT OPERATING AND FLIGHT RULES
 - o *Course Materials*
 - pp. 8-1 to 8-22
 - o *Aeronautical Information Manual*
 - COM ANNEX B – pp. 105-108
 - RAC – pp. 183-211
 - o *Chicago Convention of 1944*
 - Article 12, Article 37
 - o *Aeronautics Act*
 - section 4.9(h), (i), (k) & (n)
 - o *CARs*
 - Reckless or Negligent Operation of Aircraft: 602.01
 - Fitness of Flight Crew Members: 602.02
 - Alcohol or Drugs – Crew Members: 602.03
 - Flight Time and Flight Duty Time Limitations and Rest Periods: 700.14, 700.15, 700.16, 700.17, 700.19, 700.23
 - o *Criminal Code*
 - section 219 (1); section 220; section 221; section 249(1)(c); section 251(b); section 253; section 255 and section 259

CLASS NINE – March 12, 2009

- ENFORCEMENT OF CANADIAN AVIATION REGULATIONS
 - o *Course Materials*
 - pp. 9-1 to 9-31
 - o *Aeronautical Information Manual*
 - LRA pp. 367 – 368
 - o *The Warsaw Convention*
 - *International Convention for the Unification of Certain Rules Relating to International Carriage by Air*
 - Article 3, Article 17, Article 20, Article 21, Article 25, Article 29
 - *Protocol to Amend Convention for the Unification of Certain Rules Relating to International Carriage by Air, Signed at Warsaw on 12 October 1929, Done at The Hague on 28 September 1955 (The Hague Protocol 1955)*
 - Article XIII
 - *The Montreal Protocols of 1975*
 - o *1999 Montreal Convention for the Unification of Certain Rules for International Carriage by Air (1999 Montreal Convention)*

CLASS TEN – March 19, 2009

- CIVIL LIABILITY
 - o *Course Materials*
 - pp. 10-1 to 10-60

CLASS ELEVEN – March 26, 2008**- AIRCRAFT SECURITY**

- *Course Materials*
 - pp. 11-1 to 11-59
- *Aeronautical Information Manual*
 - FAL pp. 315 to 324
- *Aeronautics Act*
 - sections 4.71, 4.72, 4.74, 4.75, 4.76, 4.78, 7.41
- *CARs*
 - Alcohol or Drugs – Passengers: 602.04
 - Compliance with Instructions: 602.05
 - Smoking: 602.06
 - Portable Electronic Devices: 602.08
- *Canadian Aviation Security Regulations*
 - 2; 3; 10; 11; 12; 13; 14; 15; 16; 17; 18; 24; 25; 26; 55-65.1
- *Criminal Code*
 - section 7; section 76; section 77; section 78; section 248
 - section 2 “peace officer” (f); section 129; section 495
 - section 27; section 27.1; section 25
- “Aviation Security” Instruments
 - *Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963)*
 - *Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 1970)*
 - *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal 1971)*
 - *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, Done at Montreal, on 23 September 1971, Signed at Montreal on 24 February 1988 (Montreal Protocol 1988)*
- *Chicago Convention of 1944*
 - Article 37

CLASS TWELVE – April 2, 2009**- CUSTOMS, IMMIGRATION AND BORDER SECURITY**

- *Course Materials*
 - pp. 12-1 to 12-34
- *Aeronautical Information Manual*
 - FAL pp. 315 to 324
- Statutes
 - *Canada Border Services Agency Act*
 - *Customs Act*
 - *Immigration and Refugee Protection Act*