

Enforcement

The expression **enforcement action** may seem relatively new, but such actions have always been performed by Inspectors, although they may not have been known as such. Now, pursuant to the amendments to the *Act* and *Regulations* previously mentioned, the variety of enforcement actions available has been expanded and therefore, some of them need to be introduced, as they have not been previously used.

The enforcement actions currently available include the following, shown in order of increasing severity:

- Verbal Counselling
- Written Notices
- Assurance of Compliance
- Administrative Monetary Penalty
- Prosecution

These actions, when used in the suggested escalating sequence, encourage the timely resolution of non-compliance situations and are likely to have a deterrent impact before the next level of enforcement is considered.

On the other hand, this sequence gives everyone the flexibility to determine what enforcement action is best for a given situation, based on mitigating or aggravating circumstances such as compliance history or severity of the situation, to name a few.

Other enforcement actions are also available, as required, and they may be considered as single actions or in combination with other enforcement actions:

- Direction to the means of transportation
- Detention of the means of transportation
- Suspension of a certificate of proficiency
- Cancellation of a certificate of proficiency

These four actions, however, may be used for purposes other than enforcement. For example, intelligence suggesting a potential threat may warrant the use of such actions.

Contraventions

A contravention occurs when an action or a practice is deemed non-compliant with a statutory or regulatory requirement. Therefore, a contravention will be identified as such whenever a provision of an act and/or its regulations fails to be observed. Alternatively, any contravention may be called an *offense*.

However, some specific provisions of acts and regulations, when contravened, will be more acutely referenced as *violations*. These provisions have been designated under Schedules 2 and 3 of said *Regulations*.