

**THE CIVIL AVIATION ACT**

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**The Civil Aviation Regulations, 2004**  
**Incorporating**  
**The Civil Aviation (Amendment) (No. 1) Regulations, 2005**  
**and**  
**The Civil Aviation (Amendment) (No. 2) Regulations, 2005**

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In exercise of the powers conferred upon the Minister by section 3, 5, 8, and 9 of the Civil Aviation Act and of every other power hereunto enabling, the following Regulations are hereby made:-

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| Citation and construction                        | 1. These Regulations may be cited as the Civil Aviation Regulations, 2004.  |
| Commencement                                     | 2. These Regulations shall come into operation on the date of publication thereof in the <i>Gazette</i> .   |
| Applicable international convention requirements | 3. For the purposes of the Civil Aviation Act and of these Regulations, the provisions of the Chicago Convention and the Annexes thereto together with the standards and recommended practices established by the International Civil Aviation Organization (hereinafter referred to as "ICAO") thereunder and such other internationally recognized standards and practices shall to the extent necessary to meet Jamaica's international obligations be adopted and applied in Jamaica. |
| Interpretation.                                  | 4. - (1) In these Regulations, unless the context otherwise requires -<br><br>"aerial work" means an aircraft operation in which an aircraft is used for specialized services such as agriculture, construction, photo-graphing, surveying, observation and petrol, search and rescue and aerial advertisement, for which an aircraft is flown only if valuable consideration   |

is given or promised in respect of the business or purpose of the flight;

"Aerodrome" means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing, manoeuvring and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing, manoeuvring and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

"aerodrome operating minima", in relation to the operation of an aircraft at an aerodrome, means the cloud ceiling and runway visual range for take-off, and the decision height or minimum descent altitude, runway visual range and visual reference for landing, which are the minimum for the operation of that aircraft at that aerodrome;

"AIC" means aviation information circulars;

"AIPs" means Aeronautical Information Publications;

"airman" means any person licensed, or otherwise directly or indirectly authorized by the Authority to perform a service relating to aircraft flight operations or aircraft maintenance and includes a pilot, a flight attendant, an aircraft maintenance engineer, and a flight dispatcher;

"airman licence" means any licence issued to an airman under these Regulations;

"AOC" means Air Operator Certificate namely, a certificate issued by the Authority or the competent authority of another State authorizing the holder to conduct flight operations for remuneration, hire or valuable consideration;

"AOC holder" means the person or entity to which the AOC has been issued;

"approach to landing" means that portion of the flight of the aircraft, when approaching to land, in which it is descending below a height of 300 metres (1000 feet) above the relevant specified decision height or specified minimum descent altitude;

"appropriate aeronautical radio station" means, in relation to an aircraft, an aeronautical radio station serving the area in which the aircraft is for the time being;

"appropriate air traffic control unit" means, in relation to an aircraft, the air traffic control unit serving the area in which the aircraft is for the time being;

"Authority" means the Civil Aviation Authority established under Section 6 of the Act and includes any member or officer of the Authority or any public officer in relation to any function of the Authority delegated to the member, officer or public officer pursuant to the Act;

"authorized person" means any person authorized by the Minister, the Authority or the Director-General, either generally or in relation to a particular case or class of cases, to act in furtherance of the

provisions of these Regulations, and references to a person authorized by the Minister include references to the holder for the time being of any office designated by the Minister";

"cargo" includes mail and animals;

"Certificate of Airworthiness" means the airworthiness certificate issued by the Authority in accordance with the Fifth Schedule, after an inspection of an aircraft and its maintenance records, which confirms that at the time of issue the aircraft is in conformance with its type certificate and is being maintained in accordance with a maintenance programme approved by the Authority, and includes any validation thereof and any flight manual, performance standard or other document, whatever its title, incorporated by reference in that certificate;

"Certificate of Release to Service" means the entry in an aircraft's technical logbook, or journey log, duly signed by an aircraft maintenance engineer, that certifies that the work performed on an aircraft has been performed in accordance with the applicable civil aviation regulations and that the aircraft is therefore serviceable and fit for flight;

"ceiling" in relation to an aerodrome means the vertical distance from the elevation of the aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one-half of the sky so visible;

"Class A airspace", "Class B airspace", "Class C airspace", "Class D airspace", "Class E airspace", "Class F airspace", and "Class G airspace" means airspace respectively notified as such, pursuant to these regulations and in accordance with Annex 11 of the Chicago Convention;

"commercial air transport" means an operation which involves the carriage by air of passengers, or cargo, for remuneration, or hire;

"competent authority" means in relation to Jamaica, the Authority, and, in relation to any other state, the authority responsible under the law of that state for promoting the safety of civil aviation;

"Contracting State" means a State that is a party to the Convention;

"controlled aerodrome" means an aerodrome at which an air traffic control service is operating.

"controlled airspace" means an airspace of defined dimensions within which air traffic control service is provided in accordance with the airspace classification as specified in the Aeronautical Information Publication (namely "AIP") Jamaica;

"Convention" means the Chicago Convention;

"crewmember" means any person required to perform duties on an aircraft in flight;

"Dangerous Goods" includes articles or substances which are capable of posing a risk to health, safety, property or the environment when transported by air and which are classified according to the International Civil Aviation

Organization's technical instructions for the safe transport of dangerous goods by air;

"Director of Flight Safety" means a person appointed by the Director General for the purposes of managing the resources relevant to regulation 11;

"flight" and "to fly", in relation to an aircraft shall be construed in accordance with paragraph (2);

"flight crew", in relation to an aircraft, means those members of the crew of the aircraft who respectively undertake to act as pilot and flight engineer of the aircraft;

"flight simulator" means an apparatus by means of which flight conditions in an aircraft are simulated on the ground;

"general aviation operation" means any aircraft flight operation other than for the purpose of commercial air transport or aerial work;

"ICAO" means the International Civil Aviation Organization established under the Chicago Convention;

"licence" includes any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the state in which the licence is granted;

"logbook", in the case of an aircraft logbook, engine logbook, variable pitch propeller logbook, technical logbook (journey logbook) or personal flying logbook, includes a record kept either in a book, or by any other means approved by the Authority in the particular case;

"maximum total weight authorized" or "MCTOW" or maximum certificated take-off weight", in relation to an aircraft, means the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favorable circumstances in accordance with the Certificate of Airworthiness in force in respect of the aircraft;

"military aircraft" means the naval, army or air force aircraft of any country and includes any aircraft in respect of which there is in force a certificate issued by the Authority that the aircraft is to be treated for the purposes of these Regulations as a military aircraft;

"night" means the period of time between half an hour after sunset and half an hour before sunrise, where sunset and sunrise are determined at surface level;

"NOTAMs" means notices to airmen;

"notified" means that the information in question has been published in any of the following publications for the time being in force and issued in Jamaica, whether before or after the coming into operation of these Regulations, namely, NOTAMs (notices to airmen)", AIPs, or such other official publications so issued for the purpose of enabling any of the provisions of these Regulations to be complied with;

"Operator" shall be construed in accordance with paragraph (4);

"parascending parachute" means a parachute which is towed by cable in such a manner as to cause it to ascend;

"passenger" means on a flight a person other than a crew member;

"PIC" and "pilot-in-command" means the pilot assigned by an aircraft's owner or operator, as responsible for the operation and safety of the aircraft during flight time and there can only be one PIC on a given flight;

"pressurised aircraft" means an aircraft provided with the ability to maintain in any designated compartment a pressure greater than that of the surrounding atmosphere;

"record" includes -

- (a) any written entry in a document;
- (b) any disc, tape, sound-track or other electronic device in which sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced therefrom;
- (c) any film, tape or other electronic device in which visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom; and
- (d) any photograph, drawing or map,

and any reference to a copy of a record includes, in the case of a record falling within -

- (i) paragraph (b) of this definition, a transcript of the sounds or signals embodied therein;

(ii) paragraph (c) only of this definition, a still reproduction of the images embodied therein;

(iii) paragraphs (b) and (c) such a transcript together with such a still reproduction;

"replacement" in relation to any part of an aircraft or its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it; but does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded;

"second in command" "SIC" or "Co-pilot" in relation to an aircraft means a pilot who in performing his duties as such is subject to the direction of another pilot carried in the aircraft; but excludes a pilot who is on board the aircraft for the sole purpose of receiving flight instruction.

"to land" in relation to aircraft includes alighting on the water;

"valuable consideration" means the exchange of services, goods, equipment, or money.

(2) An aircraft shall be deemed to be in flight from the moment, when, after the embarkation of its crew for the purpose of take off, it first moves under its own power, until the moment when it next comes to rest after landing; and the expressions "a flight", "to fly" and "flight time" shall be construed accordingly.

(3) Every person employed or engaged on an aircraft in flight in the business of the aircraft shall be deemed to be a crewmember thereof.

(4) References in these Regulations to the Operator of an aircraft are, for the purposes of the application of any provision of these Regulations in relation to any particular aircraft, references to the person who at the relevant time has operational control of that aircraft.

(5) A power to issue directions under these Regulations shall include the power to make different provisions with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances and with respect to different parts of Jamaica and to make such incidental and supplementary provisions as are necessary or expedient for carrying out the purposes of these Regulations.

(6) For the purpose of these Regulations -

(a) "instrument" means a document issued by the Government, the Authority or the Director General, as the case may be, and includes any regulations, orders, directives, instructions, manuals, flight safety notifications, rules, or other requirements, any notice and any aviation document, logbook, record or other document;

(b) "instruments" means aircraft components used by the flight crew for the purpose of flight and navigation.

**PART I.** *Enforcement of these Regulations*

Applicability,  
military  
aircraft  
exemption.

5. - (1) Subject to paragraphs (3), (4) and (1), these Regulations apply, in respect of aviation, to all -

(a) persons, aeronautical products and items in

Jamaica that may affect aviation safety and security including manuals, documents, appliances, lights, located at or around airports, signs, fences, air navigation facilities, electronic and communication devices and firearms;

- (b) persons outside Jamaica who hold Jamaican aviation documents; and
- (c) Jamaican aircraft and passengers and crewmembers thereon even when outside Jamaica.

(2) Where any person is responsible for an act or omission which would constitute an offence if it had taken place in Jamaica then if such person is -

- (a) a citizen of Jamaica, and the act or omission occurred -
  - (i) on board a Jamaican aircraft at any place outside Jamaica;
  - (ii) on board any foreign aircraft to which he does not belong; or
- (b) not a citizen of Jamaica, and the act or omission occurred at any place outside Jamaica,

and that person is found within the jurisdiction of any court in Jamaica which would have had cognizance of the offence if it had been committed on board a Jamaican aircraft within the limits of its ordinary jurisdiction within Jamaica, that court shall have power to try the offence as if it had been so committed.

(3) Save as otherwise expressly provided for in a lease agreement approved pursuant to Part X and the Twelfth Schedule hereof, these Regulations

Schedule.

apply to a foreign registered aircraft leased and operated by a Jamaican operator.

(4) Except for the applicable airspace and air traffic control provisions of PART XIV and the relevant Schedule, these Regulations do not apply to military aircraft, and military personnel, including aircraft and members of a visiting force while operating under the authority of the Minister responsible for the Jamaica Defence Force.

Provisional  
or emergency  
decision of  
Authority.

6. - (1) In accordance with its powers under the Act or under these Regulations or any order made by the Minister, the Authority may, if it thinks fit, provisionally issue an instruction to take action to enforce any Regulations that have been contravened, including but not limited to -

- (a) the re-examination and re-inspection for original certification basis or competence;
- (b) assessment of a pecuniary penalty for contravention of the requirements of a Regulation or Schedule;
- (c) disapproval, suspension or variation an aviation document;
- (d) revocation, suspension or variation a certificate, license or permit; and
- (e) the prevention of flying.

(2) A person provisionally found by the Authority to be in contravention of these Regulations and subject to civil action that may result in the suspension of their aviation documents, issued under these Regulations, may elect to accept a provisional decision by the Authority to close the matter.

(3) A person provisionally found by the Authority to be in contravention of these Regulations and subject to civil proceedings that may result in the assessment of pecuniary penalties pursuant to an

order of the Minister made under section 20A of the Act, may pay a pecuniary penalty assessed by the Authority.

(4) Where a person has -

(a) elected pursuant to paragraph (2) to accept a provisional decision; or

(b) paid a penalty pursuant to paragraph (3), then the investigation and all further civil proceedings regarding the alleged contravention of the relevant regulations will be closed without prejudice;

(5) A person provisionally found by the Authority to be in contravention of these Regulations and subject to civil proceedings that may result in the assessment of pecuniary penalties or suspension or revocation of any certificates, licences or permits issued under these Regulations, may elect to surrender these documents and such action on the part of that person shall close the investigation.

Revocation,  
suspension and  
variation of  
certain aviation  
document

7. - (1) The Authority may, if it thinks fit, provisionally suspend or vary any aviation documents issued granted or having effect under these Regulations (other than those to which regulation 8 applies), pending inquiry into or consideration of the case.

(2) The Authority may, on sufficient ground being shown to its satisfaction after due inquiry, revoke, suspend or vary any such aviation documents.

(3) The holder or any person having the possession or custody of an aviation document which has been revoked, suspended or varied under these Regulations shall surrender it to the Authority within a reasonable time after being required to do so by the Authority.

(4) The breach of any condition subject to

which any aviation document, other than a licence issued in respect of an aerodrome, has been granted or issued, or which has effect under these Regulations shall, in the absence of a provision to the contrary in the document, render the document invalid during the continuance of the breach.

(5) Notwithstanding paragraph (1), a flight manual, performance standard or other document incorporated by reference in the Certificate of Airworthiness may be varied on sufficient ground being shown to the satisfaction of the Authority, whether or not after due inquiry.

Revocation,  
suspension or  
variation of  
permits

8. - (1) Based on the surveillance and recommendations of an authorized person, and subject to the provisions of this regulation, the Authority or the Director General may revoke, suspend or vary (whether provisionally or definitively) any permit to which this regulation applies.

(2) Subject to paragraph (3), the Authority or Director General may exercise powers under paragraph (1) only after notifying the permit holder of his intention to do so and after examining the particular case.

(3) If, by reason of the urgency of the matter, it appears to the Authority or the Director General to be necessary, the Authority or the Director General may provisionally suspend or vary a permit to which this regulation applies without prior compliance with the requirements of paragraph (2); but shall, in any such case, comply with those requirements as soon thereafter as is reasonably practicable.

(4) In exercise of the powers under paragraph (3) the Authority or the Director General, as the

case may be, shall after examining the particular matter, either -

(a) revoke the provisional suspension or variation of the permit; or

(b) substitute therefor -

(i) a definitive revocation;

(ii) a definitive suspension, which may be for the same or a different period as the provisional suspension (if any); or

(iii) a definitive variation, which may be in the same or different terms as the provisional variation (if any).

(5) The powers vested in the Authority or Director General by paragraph (1) or (3) may be exercised whenever, and whether or not by reason of anything done or omitted to be done by the permit-holder or otherwise connected with the permit-holder, it appears necessary or expedient that the permit-holder should not enjoy, or should no longer enjoy, the rights conferred on him by a permit to which this regulation applies or should enjoy them subject to such limitations or qualifications as the Authority or Director General, as the case may be, may determine and without prejudice to the generality of the foregoing, the Authority or the Director General may exercise those powers if it appears to the Authority or the Director General that -

(a) the person to whom the permit was granted has committed a breach of any condition to which it is subject;

- (b) any agreement between the Government of Jamaica and the Government of any other country in pursuance of which or in reliance on which the permit was granted is no longer in force or that that other Government has committed a breach thereof;
- (c) the person to whom the permit was granted, or the other Government or the aeronautical authorities of the country concerned
  - (i) have acted in a manner which is inconsistent with or prejudicial to the operation in good faith, and according to its object and purpose, of any such agreement as aforesaid; or
  - (ii) have engaged in unfair, discriminatory or restrictive practices to the prejudice of -
    - (A) the holder of a licence granted under regulation 6 of the Civil Aviation (Air Transport Licensing) Regulations 1966; or
    - (B) the holder of a permit granted under regulation 23 of the aforesaid Regulations in his operation of air services to or from points in the country concerned; or
- (d) the person to whom the permit was granted, having been granted it as a person designated by the Government of a country other than Jamaica for the purposes of any such agreement as aforesaid, is no longer so designated

or the person has so conducted himself, or that such circumstances have arisen in relation to him, as to make it necessary or expedient to disregard or qualify the consequences of his being so designated.

(6) The permit-holder or any person having the possession or custody of any permit which has been revoked, suspended or varied whether provisionally or definitively under this regulation shall surrender it to the Authority within a reasonable time of being required to do so.

(7) The breach of any condition subject to which any permit to which this regulation applies has been granted shall render the permit invalid during the continuance of the breach.

(8) The permits to which this regulation applies are permits issued by the Authority or Director General under the Civil Aviation (Air Transport Licensing) Regulations, 1966, as amended from time to time and any approvals or authorizations of, or consents to, any matter which the Authority has granted, or is deemed to have granted, in pursuance of a permit which he has so granted.

(9) References in this regulation to the "permit-holder" are references to the person to whom any permit to which this regulation applies has been granted or is deemed to have been granted.

(10) For the purposes of paragraphs (1) and (2), the Director General or any authorized person may enter upon and inspect any aircraft and any documents of the permit holder.

(11) The relevant provisions in Schedules 5, 10, 13, 14, 15 and 18 shall apply to an inspection under paragraph (10).

Contraventions,  
defences and  
penalties

9. - (1) If any provision of these Regulations or any directions thereunder are contravened in relation to an aircraft, the operator of that aircraft and the pilot in command thereof shall (without prejudice to the liability of any other person under these Regulations for that contravention) and subject to paragraph (2), be deemed for the purposes of the following provisions of this regulation to have contravened that provision.

(2) Liability under paragraph (1) shall not apply to an operator or PIC who proves that the act or omission, which would otherwise have been a contravention -

(a) occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention; and

(b) was due to any cause not avoidable with the exercise of reasonable care by that person.

(3) Where a person is charged with contravening any Regulation or any relevant Schedule by reason of his having been a crew member of an aircraft on a flight for the purpose of commercial air transport or aerial work, the flight shall be treated (without prejudice to the liability of any other person under these Regulations) as not having been for that purpose if he proves that he neither knew nor suspected that the flight was for that purpose.

(4) If any person contravenes these Regulations or the applicable Schedules, not being a provision referred to in paragraphs (5) or (6), he shall be guilty of an offence and liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or imprisonment with or without hard labour for a term not exceeding three years for each offence and for each flight while the

offence continues, or to both such fine and imprisonment.

Second  
Schedule.

(5) Any person who contravenes any provision specified in Part A of the Second Schedule shall be guilty of an offence and liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding six months for each offence and each flight while the offence continues, or to both such fine and imprisonment.

(6) Any person who contravenes any provision specified in Part B of the Second Schedule shall be guilty of an offence and liable on summary conviction before a Resident Magistrate to a fine not exceeding four hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding one year for each offence and each flight while the offence continues, or to both such fine and imprisonment.

(7) Any person who without reasonable excuse fails to comply with any directive given to him under any provision of these Regulations or directions made thereunder shall be deemed for the purposes of these Regulations to have contravened that provision and where no other penalty is provided is liable -

(a) on summary conviction in a Resident Magistrate's Court to a fine not exceeding five hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding one year, or to both such fine and imprisonment;

(b) on conviction on indictment in a Circuit Court to -

- (i) a fine not exceeding one million dollars;
- (ii) imprisonment with or without hard labour for a term not exceeding five years; or
- (iii) to both such fine and imprisonment.

Appeals procedure. 10. A person aggrieved by a decision of the Tribunal under section 25 of the Act may appeal against that decision to the Court of Appeal.

**PART II.** *Flight Safety Division*

Establishment and functions of the Flight Safety Division. 11. - The Authority shall establish a Flight Safety Division within the Authority, and shall assign thereto the requisite number of technically qualified Inspectors to conduct the necessary technical evaluations, inspections and investigations required to meet Jamaica's responsibilities under the convention to provide safety oversight for -

- (a) registration of aircraft;
- (b) airworthiness of aircraft;
- (c) personnel licensing;
- (d) operations of aircraft;
- (e) aerial work;
- (f) commercial air transport;
- (g) carriage of dangerous goods;
- (h) accident investigation;
- (i) aviation security; and
- (j) aerodromes.

Delegation of powers. 12. - (1) The Minister may by order delegate any of his functions under the Act to the Director General of Civil Aviation or such other officer of the Authority as may be specified in the order, and thereupon or from such date as may be specified in the order, the Director General or other officer,

as the case may be, shall have power to perform such functions.

(2) A delegation made under subsection (1) shall be revocable by the Minister by order and no delegation shall prevent the performance of any function by the Minister.

(3) The Director-General, or other officer of the Authority, acting pursuant to a delegation under subsection (1), where required, may, by means of Standards, Documents, Directives, Aviation Information Circulars, Airworthiness Notices, Aeronautical Information Publications, Notices to Airmen, Notices of Non-Compliance and other documents develop, issue and revise instructions, directions, rules and procedures or prescribe requirements to give effect to -

- (a) the provisions of the Convention and the Annexes thereto;
- (b) the Standards and Recommended Practices of ICAO,
- (c) the provisions of the Act and of these Regulations, relating to the operation, use, possession or maintenance of aircraft -
  - (i) flying in or over Jamaica;
  - (ii) registered in Jamaica; or
  - (iii) operated by the holder of an AOC issued under these Regulations.

(4) The Director of Flight Safety may designate persons in the aviation industry to function as Flight Test Examiners or as Company Check Pilots, where such persons meet the requirements defined in the Ninth Schedule and the Fourteenth Schedule.

Inspectors' credentials

13. The Inspectors assigned to the Flight Safety Division shall by virtue of their assignment, have the status of authorized persons under these Regulations and shall each be issued a unique credential in the form of a badge accompanied by a picture identification card to serve to identify the Inspector and to confirm his authority, during the performance of his functions.

Possession of credentials

14. No person shall possess or use an Inspector's credential unless that person is -

- (a) appointed by the Director General as an Inspector; and
- (b) using the credential in the performance of a specific function of the Flight Safety Division.

Authorized person's powers and duties.

15. - (1) The Director General or any authorized person, shall have the right to carry out audits or surveillance or to require any person to produce documents or any other article for the purposes of these Regulations.

(2) A person commits an offence if, having been required to produce any document or other article, that person -

- (a) fails to produce such document or article which is in his possession or control or to which he has access; or

- (b) without lawful cause makes a statement that is false in any material particular.

(3) An authorized person shall have the right to enter and inspect any aerodrome, hangar or other place (at which an aircraft is located or stored), aircraft or the premises of any organization performing tasks and services related to aviation safety and to inspect any aircraft, aircraft equipment, components, materials, or

facilities, and to observe the performance of personnel or crew members for the purpose of ensuring that the provisions of the Act and these Regulations have been, or are being complied with.

(4) Where it appears to any authorized person that an aircraft is intended or likely to be flown in such circumstances that the flight would involve an offence against these Regulations or be a cause of danger to persons in the aircraft or to persons or property on the ground, the Authority may take such action by way of detention of the aircraft or such other action necessary for the purpose of inspecting the aircraft or causing the circumstances of the flight to be investigated.

(5) Where an aircraft has been detained pursuant to paragraph (4) such aircraft shall not be operated until the Authority, being satisfied that these Regulations are being complied with, approves or until such modifications or repairs have been effected as the Authority considers necessary to render the aircraft fit for flight.

(6) For the purpose of exercising his responsibilities under these Regulations any authorized person shall be issued with and carry at all times the credentials issued in accordance with Regulation 13.

(7) No person shall willfully obstruct or impede any authorized person acting in the exercise of his powers or in the performance of his duties under these Regulations.

Access and  
inspection.

16. - (1) The Authority may cause such evaluations, inspections, observations, investigations, tests, experiments and test flights to be made as it deems necessary for the purposes of these Regulations; and any person duly authorized by the

Authority to conduct these inspections, investigations and observations may, at any reasonable time, freely inspect, observe or examine any aircraft, personnel, facilities, records or operations subject to these Regulations.

(2) The Director General or any authorized person shall, subject to paragraph (3), have the right of access at all reasonable times -

- (a) to any aerodrome for the purpose of inspecting the aerodrome or any aircraft on the aerodrome or any document which he has power to demand, or for the purpose of detaining the aircraft;
- (b) to any place, whether public or private, where an aircraft is located, for the purpose of inspecting the aircraft or any document he has power, under these Regulations, to demand or for the purpose of detaining the aircraft;
- (c) to any aircraft, for the purpose of checking, whilst in flight, the performance of the aircraft, any of its equipment and the competency of the crewmembers in performance of their duties:

(3) Notwithstanding paragraph (2), the safety or commercial operations of the aircraft shall not be unduly prejudiced by the exercise of the right of access under this regulation.

Power to inspect and copy.

17. - (1) An authorized person shall have the power to inspect and copy any certificate, licence, logbook, document or record which he has the power pursuant to these Regulations and any directions issued thereunder, to require to be produced.

(2) No person shall obstruct, impede or otherwise interfere with the copying of the documents

under paragraph (1) by or on behalf of an authorized person.

Production  
of documents  
and records.

18. - (1) Each person involved or participating in an aviation activity shall, within a reasonable time after being requested to do so by an authorized person, cause to be produced to that person the certificates and documents which he is required to have, carry, complete or preserve during the course of his activities, including such airmen and medical certificates, operational and maintenance manuals and records as required by these Regulations and the relevant Schedules.

(2) The holder of a licence granted or rendered valid under these Regulations shall, within a reasonable time after being requested to do so by an authorized person, cause to be produced to that person his licence, including any certificate of validation.

(3) The requirements of paragraph (2) shall be deemed to have been complied with, except in relation to licences required by these Regulations to be carried in the aircraft or kept at an aerodrome, if the licence requested is produced to the Flight Safety Division within five days after the request has been made.

Power to  
prevent  
aircraft  
flying.

19. - (1) The Director General or an authorized person shall act in accordance with paragraph (2) if it appears that any aircraft is intended or likely to be flown -

(a) in such circumstances that the flight would be a cause of danger to any person or property whether or not in the aircraft and in contravention of any provision of these Regulations or any directions issued thereunder; or

(b) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of these Regulations or of any directions issued thereunder.

(2) The Director General or authorized person may -

(a) direct the operator or the pilot in command of the aircraft not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Authority, the Director General or an authorized person; and

(b) take such steps as are necessary to detain the aircraft.

(3) For the purposes of paragraphs (1) and (2), the Director General or any authorized person may enter upon and inspect any aircraft.

(4) If it appears to the Director General or an authorized person that any aircraft is intended or likely to be flown in such circumstances that any provision under these Regulations or provision relating to the licensing of air transport in Jamaica would be contravened in relation to the flight, the Director General or that authorized person may -

(a) direct the operator or the pilot in command of the aircraft not to permit the aircraft to make a particular flight or any other flight of such description as may be specified in the direction until the direction has been revoked by the Authority, Director General or any authorized person; and

(b) take such steps as are necessary to detain the aircraft.

(5) For the purposes of paragraphs (1), (2) and (4) the Director General or any authorized person may enter upon any aerodrome, or any other place, where the aircraft may be located and may enter and inspect such aircraft.

**PART III. Reports, Documents, and Records**

Mandatory reporting.

20. - (1) Paragraph (2) applies to every person who -

- (a) is the operator or pilot in command of an aircraft which is registered in Jamaica or a commercial air transport aircraft not registered in Jamaica but operated by the holder of an AOC issued in Jamaica;
- (b) carries on the business of inspecting, manufacturing, repairing or overhauling such an aircraft, or any equipment or part thereof; or
- (c) signs a release to service, or certificate of release to service in respect of such an aircraft, part or equipment.

(2) The person referred to in paragraph (1) shall make the reports to the Authority -

- (a) which are specified in these Regulations and the relevant Schedules; or
- (b) upon its request for such information as is specified in a notice in writing served upon the person, being information which -
  - (i) is in this person's possession or control; and
  - (ii) relates to a reportable occurrence which has been reported by him or by another person to the Authority in accordance with this regulation.

(3) The reports shall -

- (a) be made within such time, by such means, and shall contain such information as is so specified; and
- (b) be presented in such form as the Authority may require.

(4) In this regulation "reportable occurrence" means -

- (a) any incident relating to an aircraft mentioned in paragraph (1) or any defect in or malfunctioning of such an aircraft or any part or equipment of such an aircraft, being an incident, malfunctioning or defect endangering, or which, if not corrected, would endanger, the aircraft, its occupants, or any other person or property; and
- (b) any defect in or malfunctioning of any facility on the ground used or intended to be used for purposes of or in connection with the operation of such an aircraft, being a defect or malfunctioning endangering, or which, if not corrected, would endanger, such an aircraft, its occupants or any other person or property.

(5) Subject to paragraph (2)(a), nothing in this regulation shall require a person to report any occurrence which he has reason to believe has been or will be reported by another person to the Authority in accordance with this regulation.

(6) A person shall not make any report under this regulation if he knows or has reason to believe that the report is false in any particular.

Documents to  
be carried.

21. - (1) An aircraft shall not fly in or over Jamaica unless it carries the documents which it is required to carry under the law of the country in which it is registered.

Tenth  
Schedule.

(2) An aircraft registered in Jamaica shall, when in flight, carry documents in accordance with the Tenth Schedule provided that, if the flight intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than Jamaica, the documents may be kept at that aerodrome instead of being carried in the aircraft.

Preservation  
of documents.

22. - (1) A person required by these Regulations and the relevant Schedules to preserve any document or record shall continue to preserve that document or record, and in the event of his death bankruptcy, or (in the case of a company) winding up, the duty to preserve the document or record shall fall upon the personal representative of such person or company.

(2) A person assigned under these Regulations and the applicable Schedules to preserve any document or record shall continue to preserve that document or record until such time as the responsibility may be transferred to another assigned person.

Offences in  
relation to  
documents and  
records.

23. - (1) A person shall not with intent to deceive -

- (a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked or suspended, or to which he is not entitled; or
- (b) lend any certificate, licence, approval, permission, exemption or other document issued or having effect or required by or under these Regulations to, or allow it to be used by, any other person; or
- (c) make any false representation for the purpose of procuring for himself or any other person

the grant, issue, renewal or variation of any such certificate, licence, approval, permission or exemption or other document, and in this paragraph a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy thereof.

(2) A person shall not intentionally damage, alter or render illegible any logbook or other record required by or under these Regulations to be maintained or any entry made therein, or -

- (a) knowingly make, or procure or assist in the making of any false entry in or material omission from any such logbook or record; or
- (b) knowingly destroy any such logbook or record during the period for which it is required under these Regulations to be preserved.

(3) All entries to be made in writing in any logbook or record referred to in paragraph (2) shall be made in ink or indelible pencil.

(4) A person shall not purport to issue any certificate for the purposes of these Regulations or any directions made thereunder unless he is authorized to do so under these Regulations.

(5) A person shall not issue any such certificate as aforesaid unless he is satisfied that all statements in the certificate are correct.

(6) A person commits an offence if that person -

- (a) operates an aircraft without being the holder of any aviation document required to be held under these Regulations; or

(b) wilfully destroys any aviation document required to be kept under these regulations;

(7) A person commits an offence who -

(a) with intent to deceive -

(i) uses any aviation document which has been forged, altered, revoked, or suspended, or to which he is not entitled; or

(ii) lends to any other person any aviation document issued to him, or having effect or required by or under these regulations, or allows it to be used by, any other person; or

(iii) makes any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any aviation document,

and in this paragraph a reference to an aviation document includes a copy or purported copy thereof;

(b) intentionally damages, alters or renders illegible any logbook or other record required by or under these Regulations to be maintained or any entry made therein;

(c) knowingly makes, or procures or assists in the making of, any false entry in or material omission from any such logbook or record;

- (d) wilfully destroys any such logbook or record during the period for which it is required to be preserved;
- (e) knowingly makes in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet; or
- (f) purports to issue any certificate for the purposes of these Regulations when he is not authorized to do so.

(8) A person guilty of an offence under these Regulations is liable -

- (a) on summary conviction in a Resident Magistrate's Court to a fine not exceeding one million dollars or to imprisonment for a term not exceeding one year;
- (b) on conviction on indictment in a Circuit Court to -
  - (i) a fine not exceeding five million dollars or to;
  - (ii) imprisonment for a term not exceeding five years.

**PART IV.** *Registration and marking of aircraft*

Aircraft to  
be registered.

24. - (1) An aircraft shall not fly in or over Jamaica unless it is registered in -

- (a) Jamaica;
- (b) another Contracting State; or
- (c) another country, in relation to which there is in force an agreement between the Government of Jamaica and the Government of that country which makes provision for the flight over Jamaica of aircraft registered in that country:

Provided that this paragraph shall not apply to any kite or captive balloon.

(2) Where an aircraft flies over Jamaica in contravention of paragraph (1) in such manner or circumstances that if the aircraft had been registered in Jamaica an offence against these Regulations would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

Registration  
of aircraft.

25. - (1) The Authority shall, subject to the provisions of this Part, register aircraft in Jamaica and for this purpose shall cause a register to be kept and shall record therein the particulars specified in paragraph (7).

(2) Subject to the provisions of this regulation, an aircraft shall not be registered or continue to be registered in Jamaica if it appears to the Authority that -

- (a) the aircraft is registered outside Jamaica and such registration does not cease by operation of law upon the aircraft being registered in Jamaica;
- (b) an unqualified person holds any legal or beneficial interest by way of ownership in the aircraft or any share therein pursuant to paragraph (3);
- (c) it would be inexpedient in the public interest for the aircraft to be or to continue to be, registered in Jamaica; or
- (d) the aircraft does not qualify for the issue of a Certificate of Airworthiness or flight permit in accordance with the provisions of Regulation 28.

(3) The following persons and no others shall be qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in Jamaica or a share therein -

- (a) the Government of Jamaica;
- (b) a citizen or permanent resident of Jamaica or other such persons as the Minister shall approve;
- (c) a company incorporated in Jamaica under the Companies Act and having its principal place of business in Jamaica.

(4) If any unqualified person residing or having a place of business in Jamaica holds a legal or beneficial interest by way of ownership in an aircraft, or a share therein, the Authority, upon being satisfied that the aircraft may otherwise be properly so registered, may register the aircraft in Jamaica and such person shall not cause or permit the aircraft, while it is registered in pursuance of this paragraph, to be used for the purpose of commercial air transport or aerial work.

(5) If an aircraft is sold under a contract of hire-purchase, let on hire or chartered by demise to a person qualified under paragraph (3), the Authority may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest therein, register the aircraft in Jamaica in the name of the hire purchaser, lessee or charterer upon being satisfied that the aircraft may otherwise be properly so registered in accordance with this regulation, and, subject to the provisions of this Regulation, the aircraft may remain so registered during the continuation of the contract, lease or charter.

(6) Application for the registration of an aircraft in Jamaica shall -

- (a) be made in writing to the Authority; and
- (b) include or be accompanied by such particulars and evidence relating to the

aircraft and the ownership and contract lease or charter thereof as the Authority may require, in accordance with the Third Schedule, to enable it to determine whether the aircraft may properly be registered in Jamaica and to issue the certificate referred to in paragraph (8).

(7) Upon receiving an application for the registration of an aircraft in Jamaica and being satisfied that the aircraft may properly be so registered, the Authority shall register the aircraft, wherever it may be, and shall include in the register of aircraft the following particulars -

- (a) the nationality mark of the aircraft, and the registration mark assigned to it by the Authority;
- (b) the name of the constructor of the aircraft and its designation;
- (c) the serial number of the aircraft;
- (d) the name and address of each person who is entitled as owner to a legal interest in the aircraft or a share therein, or in the case of an aircraft which is the subject of a contract of hire-purchase, letting on hire, or charter by demise, the name and address of the hire-purchaser, lessee, or charterer;
- (e) an indication that the aircraft is registered pursuant to either paragraph (4) or (5) where applicable; and
- (f) the number of the certificate of registration(if any).

(8) The Authority shall furnish to the person in whose name the aircraft is registered (hereinafter in this regulation referred to as "the registered

owner") a certificate of registration, which shall include the particulars specified in paragraph (7) and the date on which the aircraft was registered.

(9) A certificate of registration shall be regarded as a record only of the particulars therein and nothing in these Regulations shall

(a) constitute the certificate of registration to be a deed of title nor evidence of entitlement to any interest in the aircraft; and

(b) be deemed to permit the recording on the certificate of registration of any mortgage, charge, assignment, caveat or lien against the interest in the aircraft or any parts thereof.

(10) The Authority may grant to any person qualified under paragraph (3), (4) or (5), an aircraft dealer's certificate if the Authority is satisfied that such person has a place of business in Jamaica for buying and selling aircraft.

(11) Subject to paragraphs (4) and (5), if at any time after an aircraft has been registered in Jamaica an unqualified person becomes entitled to a legal or beneficial interest by way of ownership in the aircraft or a share therein, the registration of the aircraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the Authority.

(12) Any person who is the registered owner of an aircraft registered in Jamaica shall inform the Authority forthwith in writing of -

(a) any change in the particulars which were furnished to the Authority upon application being made for the registration of the aircraft;

- (b) the destruction of the aircraft, or its permanent withdrawal from use; or
- (c) in the case of an aircraft registered in pursuance of paragraph (5), the termination of the hire purchase, the lease or the demise charter.

(13) Any person who becomes the owner of an aircraft registered in Jamaica or of a share therein shall within ten days thereof inform the Authority in writing to that effect.

(14) Subject to paragraph (17), the Authority may, whenever it appears to be necessary or appropriate to do so for giving effect to this Part or for updating or otherwise correcting the particulars entered on the register in relation to an aircraft -

- (a) amend the register or;
- (b) cancel the registration of the aircraft, and in any case it shall cancel the registration immediately upon being satisfied that there has been a change in the ownership of the aircraft.

(15) The Authority may issue directions to adapt or modify the foregoing provisions of this regulation as it deems necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from the register of aircrafts, either generally or in relation to a particular case or class of cases.

(16) In this regulation -

- (a) references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of his membership of a flying club; and

(b) the reference in paragraph (11) to the registered owner of an aircraft includes in the case of a deceased person, his legal personal representative, and in the case of a body corporate which has been dissolved, its successor.

(17) Nothing in this regulation shall require the Authority to cancel the registration of an aircraft unless in its opinion it would be expedient in the public interest to do so.

(18) The application mentioned in paragraph (6) shall be made on a form provided by the Authority.

(19) Where joint ownership of the aircraft is accepted by the Authority then the group of owners shall be identified in accordance with the Third Schedule.

Third

Schedule.

Nationality and  
registration  
marks.

26. - (1) An aircraft, other than aircraft permitted by or under these Regulations to fly without being registered, shall not fly in or over Jamaica unless it bears painted thereon or affixed thereto, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) The marks to be borne by aircraft registered in Jamaica shall comply with the Third Schedule.

(3) An aircraft shall not bear any marks which purport to indicate -

- (a) that the aircraft is registered in a country in which it is not registered; or
- (b) that the aircraft is a State aircraft (within the meaning of Article 3 of the Chocago Convention) of a particular country if it is not such an aircraft, unless the

appropriate authority of that country has sanctioned the bearing of such marks.

**PART V. Airworthiness of aircraft**

Type certificate and airworthiness codes. 27. - (1) Any person who intends to operate an aircraft to be registered in Jamaica for commercial air transport or aerial work purposes shall apply to the Authority for the issue, acceptance or validation of a Type Certificate for that aircraft as provided in the Fourth Schedule and in accordance with this regulation and the requirements of the Authority from time to time.

Fourth Schedule.

(2) An applicant for a Type Certificate for an aircraft, or for the acceptance or validation thereof, shall submit with the application detailed data identifying the airworthiness standards to which the aircraft was designed and data which describes the design, construction and performance of that aircraft.

(3) The Authority shall accept or validate a Type Certificate, in respect of any aircraft, engine or propeller that is imported into Jamaica, subject to such conditions or limitations as it shall consider appropriate and in accordance with the Fourth Schedule:

Provided that -

- (a) the airworthiness authority of the State of manufacture has issued a Type Certificate on the basis of the United States Federal Aviation Regulations, the Canadian Aviation Regulations, or Aviation Safety Agency Requirements; and
- (b) the Type Certificate approval basis meets the airworthiness requirements laid down by the Authority,

and in any other case, the Authority may in its discretion accept or validate a Type Certificate that is issued by the airworthiness authority of the State of Manufacture and where the Type Certificate approval basis meets the airworthiness requirements laid down by the Authority.

(4) No person shall operate an aircraft pursuant to Part X, unless that aircraft is Type Certificated and maintained under the Airworthiness Codes of -

- (a) the United States;
- (b) Canada; or
- (c) the European Union.

Fifth  
Schedule.

(5) Any person who intends to operate an aircraft registered in Jamaica for commercial air transport or aerial work purposes, shall apply to the Authority for the issue of a Certificate of Airworthiness as provided for in the Fifth Schedule in accordance with this regulation and the requirements of the Authority from time to time.

(6) It shall be an offence for a person to maintain or operate an aircraft contrary to the Type Certificate that was used in the issuance of the Certificate of Airworthiness.

(7) In this regulation "Type Certificate", with respect to an aircraft, engine or propeller, means a document issued by the manufacturer, and approved by the appropriate authority of the State of Manufacture, or State of Design, or a competent authority pursuant to paragraph (4), certifying that the type design of the aircraft, engine or propeller and of the variants specified on the Type Certificate Data Sheet, comply with the certification basis to which the certificate refers.

(8) The Type Certificate includes -

- (a) the type certificate data sheet;
- (b) the type design;
- (c) the operating limitations; and
- (d) any other conditions or limitations prescribed for the aircraft, engine or propeller.

Certificate of  
Airworthiness.

28. - (1) An aircraft shall not fly in or over Jamaica unless there is in force in respect thereof a Certificate of Airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered, and any conditions subject to which the certificate was issued or rendered valid are complied with:

provided that the foregoing prohibition shall not apply to flights, beginning and ending in Jamaica without passing over any other country, of -

Fifth Schedule.

- (a) an aircraft flying in accordance with a restricted Airworthiness Certificate issued pursuant to Fifth Schedule; or
- (b) an aircraft flying in accordance with the conditions of a Flight Permit issued pursuant to the Fifth Schedule.

(2) In the case of an aircraft registered in Jamaica the Certificate of Airworthiness referred to in paragraph (1) shall be a certificate issued in accordance with the Fifth Schedule.

(3) The Authority shall issue in respect of any Jamaican aircraft a Certificate of Airworthiness if it meets the specifications of its Type Certificate and the Authority is satisfied that the aircraft is fit to fly having regard to -

- (a) the design, construction, workmanship and materials of the aircraft (including in particular any engines fitted therein), and

of any equipment carried in the aircraft which it considers necessary for the airworthiness of the aircraft; and

(b) the results of any flight test, and such other tests of the aircraft as it may require.

Fifth  
Schedule.

(4) Every Certificate of Airworthiness shall specify such conditions as are, in the opinion of the Authority, appropriate to the aircraft in accordance with the Fifth Schedule and the certificate shall be issued subject to the condition that the aircraft shall be flown only for the purposes indicated on that certificate.

(5) The Authority may issue the Certificate of Airworthiness subject to such other conditions relating to the airworthiness of the aircraft as it thinks fit.

(6) The Certificate of Airworthiness may designate the performance group of the aircraft.

(7) Subject to the provisions of these Regulations, a Certificate of Airworthiness or validation issued under this Regulation shall remain in force for such period as may be specified on the certificate, but may be reviewed by the Authority from time to time to determine that the aircraft conforms to the applicable airworthiness requirements.

(8) A Certificate of Airworthiness or a certificate of validation issued in respect of an aircraft shall cease to be in force -

(a) if the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft, is overhauled, repaired or modified, or if any part of the aircraft or of such equipment is removed or is replaced,

- otherwise than in a manner and with material of a type approved by the Authority either generally or in relation to a class of aircraft or to the particular aircraft;
- (b) until the completion of any inspection of the aircraft or of any such equipment as aforesaid, being an inspection made for the purpose of ascertaining whether the aircraft remains airworthy and -
- (i) classified as mandatory by the Authority; or
- (ii) required by a maintenance programme approved by the Authority in relation to that aircraft; or
- (c) until the completion to the satisfaction of the Authority of any modification of the aircraft or of any such equipment as aforesaid, being a modification required by the Authority for the purpose of ensuring that the aircraft remains airworthy.
- (d) until the completion of any inspection, rectification, or repair made necessary as a result of any accident or incident involving the aircraft.

(9) Nothing in these Regulations shall oblige the Authority to accept an application for the issue of a Certificate of Airworthiness or validation or for the variation or renewal of any such certificate when the application is not supported by information, material and fees in accordance with the Fifth Schedule and such reports, from such approved persons as the Authority may specify (either generally or in a particular case or class of cases).

Airworthiness  
directives,

29. - (1) Every owner or operator of a Jamaican aircraft and every holder of an AOC issued

modifications  
and repairs.

under these Regulations shall ensure that he receives all airworthiness directives and mandatory service bulletins that affect his aircraft and that are issued by the Authority, the applicable Type Certificate Holder or the manufacturer.

(2) The owner or operator of a Jamaican registered aircraft and each holder of an AOC issued under these Regulations shall take such actions as shall be prescribed by the applicable airworthiness directives or mandatory service bulletins and shall record the details of all actions taken in the logbook and other technical records of the aircraft.

(3) All mandatory or optional repairs or modifications shall be carried out on aircraft only in accordance with approved data specified in accordance with -

- (a) an applicable airworthiness directive; or
- (b) a mandatory service bulletin.

(4) All modifications or repairs carried out on aircraft shall be subject to approval by the Authority in accordance with detailed drawings and other technical data adequate to define completely the proposed modification or repair and using approved materials, parts and processes conforming to the aircraft manufacturer's specifications and in accordance with a technical assessment showing compliance with an approved design standard.

(5) In this regulation -

- (a) "airworthiness directive" means a directive issued by the Authority, or by the regulatory authority having jurisdiction over the applicable Type Certificate holder pursuant to Regulation 27(7), that the engine, propeller or component parts of an aircraft, registered in Jamaica or operated by the

holder of an AOC issued under these Regulations, shall be modified or undergo special inspections;

- (b) "mandatory service bulletin" means an order issued by the aircraft manufacturer.

Continued  
airworthiness.

30. - (1) An aircraft registered in Jamaica in respect of which a Certificate of Airworthiness is in force shall not fly unless -

- (a) the aircraft is maintained in accordance with a maintenance programme developed in accordance with the Regulations applicable to the type of operation;
- (b) the required inspections of the aircraft have been completed in accordance with the Regulations applicable to the type of operation; and
- (c) there is a flight manual (or other approved document) carried on and available in the aircraft, in such form as shall be approved by the Authority, for the use of the flight crew containing the limitations within which the aircraft is considered airworthy, together with such additional instructions and information as may be necessary to show compliance with the Regulations relating to performance and for the safe operation of the aircraft.

(2) The holder of an AOC issued under these Regulations, or other operator of an aircraft, shall ensure that -

- (a) an aircraft registered in Jamaica shall be maintained and periodically inspected in accordance with the requirements of the approved data and manuals issued by the manufacturer and the maintenance programme

issued by the manufacturer and approved by the Authority;

(b) all Airworthiness Directives and Mandatory Service Bulletins are complied with; and

(c) its aircraft is maintained by an organization approved by the Authority, in an airworthy condition and in accordance with the approved maintenance programme.

(3) The approved maintenance programme referred to in paragraph (1) shall specify the occasions on which an inspection must be carried out for the purpose of issuing a Certificate of Release to Service in accordance with these Regulations.

(4) A Certificate of Release to Service may be issued for the purpose of this regulation only by -

(a) the holder of an Aircraft Maintenance Engineer Licence -

(i) granted under these Regulations and the Eighth Schedule, and entitling the holder to issue that Certificate of Release to Service; or

(ii) granted under the law of a country other than Jamaica and rendered valid under these Regulations in accordance with the ratings, privileges and limitations of the licence;

(b) a person whom the Authority has authorized to issue a Certificate of Release to Service in a particular case, and in accordance with that authority;

(c) a maintenance organization approved by the Authority ; or

- (d) a person approved by the Authority as being competent to issue such a Certificate of Release to Service, and in accordance with that approval:

Provided that, in approving a maintenance programme, the Authority may direct that a Certificate of Release to Service relating to that programme, or to any part thereof specified in its direction, may be issued only by the holder of such a licence as is so specified.

(5) A person referred to in paragraph (4) shall not issue a Certificate of Release to Service unless he has first verified that -

- (a) maintenance has been carried out on the aircraft in accordance with the maintenance programme approved for that aircraft;
- (b) inspections and modifications required by the Authority and the applicable requirements have been completed as certified in the relevant Certificate of Release to Service;
- (c) defects entered in the technical logbook of the aircraft in accordance with the Regulations have been rectified or the rectification thereof has been deferred in accordance with procedures approved by the Authority; and
- (c) all work done has been documented and certified in accordance with the Regulations,

and for this purpose the operator of the aircraft shall make available to that person such information as is necessary.

(6) A Certificate of Release to Service shall be issued in duplicate and one copy of the most

recently issued Certificate of Release to Service shall be carried in the aircraft when the Regulations so require, and the other shall be kept by the operator elsewhere than in the aircraft.

(7) Subject to the provisions regarding retention of documents in this Regulation and its applicable Schedules, each Certificate of Release to Service shall be preserved by the operator of the aircraft for a period of not less than two years after the aircraft has been permanently removed from service or destroyed.

Aircraft  
records.

31. - (1) An aircraft technical log shall be kept in respect of an aircraft registered in Jamaica or an aircraft operated by the holder of an AOC issued under these Regulations.

(2) At the end of every flight by an aircraft operated by the holder of an AOC issued under these Regulations, the pilot in command shall enter in the technical log the information required under these Regulations applicable to the type of operation, and sign and date such entries.

(3) Upon the rectification of any defect which has been entered in a technical log in accordance with paragraph (2), a person issuing a Certificate of Release to Service required by these Regulations in respect of that defect shall enter that information in the technical log in such a position as to be readily identifiable with the defect to which it relates.

(4) The technical log referred to in this Regulation shall be carried in the aircraft as required by these Regulations and Schedules, and copies of the entries referred to in this Regulation shall be kept on the ground:

Provided that, in the case of a private aeroplane or helicopter of which the maximum total weight authorized does not exceed 2,730 kg, if it is not reasonably practicable for the copy of the technical log to be kept on the ground, the copy may be carried in the aeroplane or helicopter, as the case may be, in a container approved by the Minister for that purpose.

Inspection,  
overhaul,  
repair,  
replacement  
and  
modification.

32. - (1) Subject to paragraph (2), an aircraft registered in Jamaica, in respect of which -

- (a) a Certificate of Airworthiness issued or rendered valid under these Regulations is in force; and
- (b) the aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained, or has been inspected as the case may be as required by these Regulations,

shall not fly unless there is in force a Certificate of Release to Service issued in accordance with this Regulation.

(2) Neither -

- (a) equipment provided in compliance with Schedule 7; nor
- (b) radio apparatus provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not such apparatus is provided in compliance with these Regulations,

shall be installed or placed on board for use in an aircraft registered in Jamaica or operated by a holder of an AOC issued under these Regulations

after being overhauled, repaired, modified or inspected, unless there is in force in respect thereof at the time when it is installed or placed on board for use, a Certificate of Release to Service issued in accordance with this Regulation.

(3) A Certificate of Release to Service shall -

- (a) certify that the aircraft or any part thereof or its equipment has been overhauled, repaired, replaced, modified or maintained, as the case may be, in a manner and with material of a type approved by the Authority either generally or in relation to a class of aircraft or the particular aircraft and shall identify the overhaul, repair, replacement, modification or maintenance to which the certificate relates and shall include particulars of the work done; or
- (b) certify in relation to any inspection required by the Authority that the aircraft or the part thereof or its equipment, as the case may be, has been inspected in accordance with the requirements of the Authority and that any consequential repair, replacement or modification has been carried out.

(4) Subject to the provisions of these regulations regarding retention of such documents, a Certificate of Release to Service shall be preserved by the operator of the aircraft to which it relates for the period of time for which he is required to preserve the logbook relating to the same part of the aircraft or to the same equipment or apparatus as the case may be.

(5) In this Regulation, "repair" includes, in relation to a compass, the adjustment and compensation thereof.

Approval of  
maintenance  
organizations.

33. - (1) An organization engaged, or intending to engage in Jamaica, in any stage of the design, manufacture, distribution or maintenance of aircraft, aircraft components or aircraft materials, or in training activities associated therewith -

(a) may apply to the Authority for authorization in respect of those activities; and

(b) shall obtain the approval of the Authority before commencing operation.

(2) A maintenance organization situated outside Jamaica shall not carry out maintenance work or modify or repair an aircraft registered in Jamaica unless approval for such work has been given by the Authority and in granting such approval the Authority may accept, in relation to the organization, the possession of a certificate of approval issued by -

(a) the manufacturer of the aircraft, aircraft components or materials; and

(b) the competent authority of the State in which the organization is located.

Sixth  
Schedule.

(3) The Authority shall issue an AMO certificate to an organization that makes an application in accordance with, and complies with, the requirements of the Sixth Schedule regarding facilities, resources, tools and equipment, data and documentation, and systems of quality control, adequate for the activities applied for.

(4) The organization shall have in place a maintenance manual approved by the Authority that details the processes, procedures and quality systems applicable to its activities.

(5) An AMO certificate shall be in such form, be subject to such conditions and limitations including the issuance of satisfactory audit reports and contain such particulars as may be determined from time to time by the Authority.

(6) An AMO certificate shall remain in force for such period as may be specified on the certificate, but its status may be reviewed by the Authority from time to time to determine that the holder continues to meet the requirements of the Sixth Schedule.

Sixth

Schedule.

(7) In this Regulation "AMO" means Approved Maintenance Organization.

Logbooks.

34. - (1) The following logbooks containing the prescribed information shall be kept in respect of aircraft registered in Jamaica -

- (a) an aircraft logbook (or airframe logbook);
- (b) a separate logbook in respect of each engine fitted to the aircraft;
- (c) a separate logbook in respect of each variable pitch propeller fitted to the aircraft; and
- (d) a technical logbook (or journey log)

Fifth

Schedule.

(2) The logbooks shall include the particulars respectively specified in the Fifth Schedule and in the case of an aircraft having a maximum total weight authorized not exceeding 2,730 kg shall be of a type approved by the Authority.

(3) Each entry in a logbook, other than a technical log entry referred to in the Fifth Schedule, shall be made as soon as practicable after the occurrence to which it relates, but in no event more than seven days after the occurrence.

(4) An entry in a technical logbook, being an entry referred to in the Fifth Schedule, shall be

made forthwith upon each occasion that any maintenance, overhaul, repair, replacement, modification or inspection is undertaken on the aircraft and prior to its release to service.

(5) Entries in a logbook may refer to other documents, which shall be clearly identified, and any other document so referred to shall be deemed, for the purposes of these Regulations, to be part of the logbook.

(6) It is the duty of the operator of an aircraft to keep or cause to be kept, the logbooks required to be kept in accordance with this Regulation.

(7) Subject to the provisions of these Regulations regarding retention of such documents, every logbook shall be preserved by the operator of the aircraft until a date two years after the aircraft, the engine or the variable pitch propeller, as the case may be, has been destroyed or has been permanently withdrawn from use.

Aircraft  
weight  
standard.

35. - (1) Every aircraft in respect of which there is in force a Certificate of Airworthiness issued or rendered valid under these Regulations shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Authority may require or as provided for in the Seventeenth Schedule.

Seventeenth  
Schedule.

(2) Upon the aircraft being weighed, the operator of the aircraft shall prepare a weight standard showing -

- (a) either the basic weight of the aircraft, that is to say, the weight of the aircraft empty together with the weight of unusable fuel and unusable oil in the aircraft and of such items of equipment as are indicated

in the weight Standard, or such other weight as may be approved by the Authority in the case of that aircraft; and

- (b) either the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic weight or such other position of the centre of gravity as may be approved by the Authority in the case of that aircraft.

(3) Subject to the provisions of these Regulations for retention of such documents, the weight standard shall be preserved by the operator of the aircraft until the expiration of a period of six months following the next occasion on which the aircraft is weighed for the purposes of this Regulation.

**PART VI.** *Aircraft instruments and equipment*

Instruments  
and equipment.

36. - (1) An aircraft shall not fly in or over Jamaica unless it is so equipped as to comply with the law of the country in which it is registered.

(2) In the case of any aircraft registered in Jamaica or operated by the holder of an AOC issued under these Regulations -

Seventh  
Schedule.

- (a) the instruments and equipment required to be provided (in addition to any other equipment required by or under these Regulations) shall be that specified in the Seventh Schedule as are applicable in the circumstances and shall comply with the provisions of the Seventh Schedule; and
- (b) the equipment shall be of a type approved by the Authority either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(3) In any particular case the Authority may direct that an aircraft registered in Jamaica or operated by the holder of an AOC issued under these Regulations shall carry such additional or special equipment or supplies as it may specify for the purpose of -

- (a) facilitating the navigation of the aircraft;
- (b) the carrying out of search and rescue operations; or
- (c) the survival of the persons carried in the aircraft.

(4) The equipment carried in compliance with this Regulation shall be so installed or stowed and kept stowed, and so maintained and adjusted, as to be readily accessible and capable of being used by the person for whose use it is intended.

(5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft and in particular in every aircraft operated by the holder of an AOC issued under these Regulations.

(6) There shall be provided individually for each passenger, or if the Authority so permits in writing, exhibited in a prominent position in every passenger compartment, a notice relevant to the aircraft in question containing the pictorial required by these Regulations.

(7) All instruments and equipment installed or carried in an aircraft, whether or not in compliance with this Regulation, shall be so installed or stowed and so maintained and adjusted as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

(8) Without prejudice to paragraph (2), all navigational equipment when carried in an aircraft registered in Jamaica (and whether or not otherwise in compliance with these Regulations) shall be of a type approved by the Authority either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

Seventh  
Schedule.

(9) An aircraft registered in Jamaica, or operated by the holder of an AOC issued under these Regulations, engaged on a flight for the purpose of commercial air transport shall carry navigational equipment required by the Seventh Schedule, approved by the Authority under the requirements of the applicable Schedules and used in accordance with any conditions subject to which that approval may have been given, if on the route or any diversion therefrom, being a route or diversion planned before take-off, the aircraft is intended to be more than 500 nautical miles from the point of take-off measured along the route to be flown, and to pass any area more than one hour from a reliable navigation fix using ground aids.

Radio  
equipment of  
aircraft.

37. - (1) An aircraft shall not fly in or over Jamaica unless it is so equipped with radio and radio navigation equipment as to comply with the law of the country in which the aircraft is registered and to enable communications to be made and the aircraft to be navigated, in accordance with the provisions of these Regulations and the Schedules.

(2) Without prejudice to paragraph (1), an aircraft registered in Jamaica, or operated by the holder of a Jamaican AOC, shall be equipped with

radio and radio navigation equipment in accordance with the Seventh Schedule.

(3) In any particular case the Authority may direct that an aircraft registered in Jamaica or operated by the holder of an AOC issued under these Regulations shall carry such additional or special radio or radio navigation equipment as it may specify for the purpose of -

- (a) facilitating the navigation of the aircraft;
- (b) the carrying out of search and rescue operations; or
- (c) the survival of the persons carried in the aircraft.

(4) Subject to such exceptions as may be prescribed, the radio and radio navigation equipment provided in compliance with this Regulation in an aircraft registered in Jamaica or operated by the holder of an AOC issued under these Regulations shall always be maintained in serviceable condition.

(5) All radio and radio navigation equipment installed in an aircraft registered in Jamaica or operated by the holder of an AOC issued under these Regulations or carried on such an aircraft for use in connection with the aircraft shall -

- (a) be of a type approved by the Authority in relation to the purpose for which it is to be used; and
- (b) be installed in a manner approved by the Authority,

and neither the equipment nor the manner in which it is installed shall be modified except with the approval of the Authority.

Minimum  
equipment  
requirements.

38. - (1) The Authority may, subject to such conditions as it thinks fit, grant in respect of any aircraft or class of aircraft registered in

Jamaica an authorization to allow such aircraft to commence a flight in specified circumstances notwithstanding that any specified item of equipment (including radio apparatus) required by or under these Regulations to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.

(2) Subject to paragraph (1), an aircraft registered in Jamaica or operated by the holder of an AOC issued under these Regulations shall not commence a flight if any of the equipment (including radio apparatus) required by or under these Regulations to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use -

- (a) otherwise than under and in accordance with the terms of a special authorization which has been granted to the operator;
- (b) unless, in the case of an aircraft to which the flight and operations manuals required thereby contain the particulars specified for such operations; and
- (c) the operations are in accordance with a Minimum Equipment List (namely, "MEL") approved by the Authority identifying the minimum equipment and condition for an aircraft to maintain the Certificate of Airworthiness in force and defining operational procedures necessary to deal with inoperative equipment and prescribing maintenance procedures necessary to maintain the required level of safety and secure any inoperative equipment.

Required  
instruments

39. No person shall operate an aircraft under these Regulations except in accordance with the minimum

and equipment. instruments and equipment required by the Seventh  
 Seventh Schedule and in the case of an AOC holder, an  
 Schedule. approved MEL, for the route, altitude, and type of  
 operations being conducted.

**PART VII. Personnel Licensing**

Personnel 40. - (1) Without prejudice to any other provision  
 licensing of these Regulations the Authority may, for the  
 approvals. purpose of personnel licensing as provided in the  
 Eighth and Eighth and Ninth Schedules, either absolutely or  
 Ninth Schedule. subject to such conditions as it deems fit -

- (a) approve any course of training or instruction;
- (b) authorize a person to conduct such  
 examinations or tests as it may specify;
- (c) approve a person to provide or conduct any  
 course of training or instruction;
- (d) approve a person as qualified to furnish  
 reports to it and to accept such reports;  
 and
- (e) approve a training organization.

(2) Where any provision of these Regulations  
 permits a test to be conducted in a flight simulator  
 approved by the Authority, that approval may be  
 granted subject to such conditions as the Authority  
 deems fit.

Validity of 41. - (1) A licence shall remain in force for the  
 licences. period specified thereon, but its status may be  
 reviewed by the Authority from time to time to  
 determine that the holder is fit and qualified in  
 accordance with applicable requirements.

(2) Prior to receiving a licence granted  
 under this Regulation, the holder thereof shall  
 provide his signature for electronic insertion into  
 the licence.

(3) A licence granted under this regulation shall not be valid unless it bears thereon the ordinary signature of the holder, electronically imprinted.

Instructing  
in flying.

42. Unless otherwise permitted under these Regulations, a person shall not give any instruction in flying to which this Regulation applies unless -

Eighth  
Schedule.

(a) he holds a rating endorsed on his licence, granted or rendered valid under the Eighth Schedule, entitling him to act as pilot in command of the aircraft for the purpose and in the circumstances under which the instruction is to be given; and

(b) he holds a flight instructor rating issued pursuant to the Eighth Schedule, entitling the holder to give the level of instruction required.

Aircraft  
Maintenance  
Engineer Licences

Eighth Schedule

43. - (1) The Authority shall grant Aircraft Maintenance Engineer (namely "AME") Licences and such ratings relating to maintenance tasks as provided in the Eighth Schedule, subject to such conditions as it deems fit, upon it being satisfied that the applicant -

(a) is a fit person to hold the licence; and

(b) has furnished such evidence and passed such examinations and tests as the Authority may require of him for the purpose of establishing that he has sufficient knowledge, experience, competence and skill in aircraft and power plant maintenance.

(2) An AME licence shall authorize the holder, subject to such conditions as may be specified in these Regulations, to issue a Certificate of Release to Service.

(3) The Authority may issue a dispensation rendering valid for the purposes of these Regulations any certificate or licence as an AME granted under the law of any country other than Jamaica, and such dispensation may be issued subject to such conditions, and for such periods, as the Authority deems fit.

Grant,  
renewal and  
effect of  
flight crew  
licences.  
Eighth  
Schedule.

44. - (1) The Authority shall grant licences, subject to such conditions as it deems fit, specified in the Eighth Schedule, authorizing the holder to act as a member of the flight crew of an aircraft registered in Jamaica, upon its being satisfied that the applicant -

- (a) is a fit person to hold the licence; and
- (b) is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness to act in the capacity to which the licence relates; and
- (c) has furnished such evidence and undergone such examinations and tests (including in particular medical examinations) and undertaken such courses of training as the Authority may require of him.

(2) The Authority may include in a licence, a rating, subject to such conditions as it deems fit, upon being satisfied that the applicant is qualified as aforesaid to act in the capacity to which the rating relates, and such rating shall be deemed to form part of the licence.

(3) Subject to any conditions of the licence and to the provisions of these Regulations, a licence of any class shall entitle the holder to perform the functions specified in respect of that licence in the Regulations.

45. - (1) The holder of a Pilot or a Flight

Pilot or Flight  
Engineer Licence

Engineer licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight, unless he is qualified and current for the functions the holder is to perform on that flight in accordance with these Regulations.

(2) The holder of a Pilot licence shall not be entitled to exercise the privileges or functions of an aircraft rating contained in that licence unless he maintains the currency requirements required by these Regulations and evidence of this currency is included in the personal flying logbook required to be kept by him.

(3) A person shall not be entitled to exercise the privileges of an instrument rating (aeroplanes), an instrument rating (helicopters), multi-engine rating, night rating or a flight instructor rating, unless -

Eighth, Tenth,  
Eleventh and  
Fourteenth Schedules

- (a) his licence is appropriate to the functions to which the rating relates in accordance with the Tenth and Eleventh Schedules; and
- (b) he otherwise complies with the currency requirements of the Eighth, Tenth, Eleventh and Fourteenth Schedules as are applicable.

(4) Where a person fails a test taken by him for the purposes of qualification, competency or currency, he shall not be entitled to fly in the capacity for which that test would have qualified him had he passed.

Airman medical  
certificate

46. - (1) The holder of an airman licence granted under these Regulations for which a valid medical certificate is also a prerequisite to perform any of the functions authorized, shall have such a certificate when engaged in those functions.

(2) Every applicant for or holder of such an airman licence shall upon such occasions as the Authority may require submit himself to a medical examination by a person approved by the Authority who shall make a report to the Authority in such form as the Authority may require.

First and  
Eighth  
Schedules.

(3) On the basis of the medical examination, the Authority or any person approved by it as competent to do so may issue a medical certificate, subject to the requirements of the First and Eighth Schedules and such conditions as it deems fit, to certify the holder of the licence as medically fit to perform the functions to which the licence relates and the certificate shall be valid for such period as is therein specified and shall be deemed to form part of the licence.

(4) A person shall not be entitled to act as a member of the flight crew of an aircraft registered in Jamaica if he knows or suspects that his physical or mental condition renders him temporarily or permanently unfit to perform such functions or to act in such capacity.

(5) Every holder of a medical certificate issued under these Regulations and the applicable Schedules who -

(a) suffers any personal injury involving incapacity to undertake his functions as a member of the flight crew; or

(b) suffers any illness involving incapacity to undertake those functions throughout a period of twenty days or more,

shall inform the Authority in writing of such injury or illness, as soon as possible in the case of injury and as soon as the period of twenty days has elapsed in the case of illness and the medical

certificate shall be deemed to be suspended upon the occurrence of such injury or the elapse of such period of illness.

(6) The suspension shall cease -

(a) upon the holder being medically examined under arrangements made by the Authority and pronounced fit to resume his functions as a member of the flight crew; or

(b) upon the Authority exempting, subject to such conditions as it deems fit, the holder from the requirement of a medical examination.

Validation  
of licence

47. The Authority may issue a certificate rendering valid, for the purposes of these Regulations, any licence as an airman granted under the law of any country other than Jamaica; and such certificate shall be subject to such conditions and for such periods as the Authority deems fit.

Personal flying  
log book

48. Every member of the flight crew of an aircraft registered in Jamaica and every person who engages in flying for the purpose of qualifying for a licence or establishing currency under these Regulations shall keep a personal flying logbook in which the information specified in the Eighth Schedule will be entered.

Approval of  
Training  
Organizations

49. - (1) An organization engaged, or taking steps to engage, in any programme of training or checking activities, may apply in accordance with the Ninth Schedule to the Authority for An Approved Training Organization (ATO) certificate in respect of those activities and such a training organization within Jamaica shall obtain the approval of the Authority before commencing operation.

(2) A training organization situated in another ICAO Contracting State shall not carry out training on behalf of the holder of an AOC issued under these Regulations unless approval for such activities has been given by the Authority.

Ninth  
Schedule.

(3) The Authority -

(a) shall issue an ATO certificate to an organization which complies with the requirements of the Ninth Schedule as to facilities, resources, simulators, training instructors and examiners, adequate for the activities applied for; and

(b) in granting such approval, the Authority may accept, in relation to such organization, the possession of a certificate of approval of equivalent requirements issued by the authority of the State in which the organization is located.

(4) The organization shall use a training and checking manual written in accordance with the Eighth and Ninth Schedules and approved by the Authority, detailing the processes, procedures and quality systems applicable to its activities.

(5) An ATO certificate shall be in such form, be subject to such conditions and limitations and contain the particulars specified in the Ninth Schedule and such other particulars, as may be determined from time to time by the Authority.

Ninth  
Schedule.

(6) In this regulation "ATO" means an approved training organization.

**PART VIII.** *Operation of aircraft*

50. No person shall-

(a) operate, or cause an aircraft to be operated in such a manner that causes, or makes it

Careless or  
negligent  
operation of  
aircraft

likely to cause, injury or death to a person,  
or damage to property; or

(b) operate an aircraft in such a negligent or  
reckless manner as to endanger or to be likely  
to endanger persons or property, or cause an  
aircraft to be so operated; or

(c) operate as a crewmember of an aircraft when  
under the influence of drink or drugs to such  
an extent as to impair his ability to carry  
out his duties.

Authority of  
pilot in  
command.

51. Every person in an aircraft registered in  
Jamaica or operating in Jamaica,  
shall -

(a) obey all lawful commands which the pilot  
in command or any person acting in his  
stead gives for the purpose of securing -

(i) the safety or security of the  
aircraft and of persons or property  
carried therein;

(ii) the safety or security of air  
navigation installations and  
aviation facilities; or

(iii) the safety, security, efficiency or  
regularity of air navigation; and

Tenth  
Schedule.

(b) act in accordance with the relevant  
provisions of the Tenth Schedule.

52. No person shall -

(a) while in an aircraft -

(i) use any threatening, abusive or  
insulting words towards a  
crewmember;

(ii) behave in a threatening, abusive,  
insulting or disorderly manner  
towards a crewmember;

Interference with  
crew and aircraft  
operation

- (iii) intentionally interfere with a crewmember in the performance his duties.
- (b) endanger the safety of an aircraft by interfering with, or causing interference to, its navigation or safety equipment;
- (c) direct or throw any object, missile, light, signal, or electronic impulse towards an aircraft, unless for the purpose of attracting the attention of air traffic control or search and rescue personnel;
- (d) interfere with an aircraft, its systems, engines or equipment, or with any facility or support equipment required for the safe operation and navigation of that aircraft.

Applicable  
aircraft  
requirements.

53. - (1) A person shall not operate an aircraft nor cause an aircraft to be operated over Jamaica unless the aircraft and its operation conform with the liability insurance requirements specified in these Regulations.

(2) A person shall not operate an aircraft registered in Jamaica and a holder of an AOC issued under these Regulations shall not operate an aircraft in Jamaica or outside of Jamaica unless the aircraft and its operation conform with the aircraft requirements and the liability insurance requirements in the Tenth Schedule.

Applicable  
flight crew  
requirements.

54. - (1) A person shall not operate an aircraft nor cause an aircraft to be operated over Jamaica unless the flight crew conforms with the crew requirements in these Regulations.

(2) A person shall not operate an aircraft registered in Jamaica and a holder of an AOC issued under these Regulations shall not operate an

aircraft outside of Jamaica unless the flight crew conforms with the flight crew requirements in these Regulations.

Crew duties  
and reponsi-  
bilities.

55. - (1) A person shall not operate an aircraft nor cause an aircraft to be operated over Jamaica unless the crew conforms with the crew duties and responsibilities in these Regulations.

(2) A person shall not operate an aircraft registered in Jamaica and a holder of an AOC issued under these Regulations shall not operate an aircraft outside of Jamaica unless the crew conforms with the crew duties and responsibilities in these Regulations.

All passenger  
carrying  
operations.

56. - (1) A person shall not operate an aircraft nor cause an aircraft to be operated over Jamaica with passengers unless such a flight conforms with the requirements for all passenger carrying operations specified in these Regulations.

(2) A person shall not operate an aircraft registered in Jamaica with passengers in flight and no holder of an AOC issued under these Regulations shall operate an aircraft outside of Jamaica with passengers in flight unless such a flight conforms with the requirements for all passenger carrying operations specified in these Regulations.

Flight  
planning  
preparation.

57. - (1) A person shall not operate an aircraft nor cause an aircraft to be operated over Jamaica unless the flight plans, flight planning and other preflight preparation conforms with the requirements specified in these Regulations.

(2) A person shall not operate an aircraft registered in Jamaica and no holder of an AOC issued under these Regulations shall operate an aircraft outside of Jamaica unless the flight plans, flight planning and preflight preparation conforms with the requirements in these Regulations.

Applicable  
flight rules.

58. - (1) A person shall not operate an aircraft nor cause an aircraft to be operated over Jamaica unless the flight is conducted in accordance with the flight rules in these Regulations.

(2) A person shall not operate an aircraft registered in Jamaica and no holder of an AOC issued under these Regulations shall operate an aircraft outside of Jamaica unless the flight is conducted in accordance with the flight rules requirements specified in these Regulations unless such compliance would contravene the law of the State being overflown.

(3) No person shall operate an ultra-light aircraft in Jamaican airspace unless that operation is conducted in accordance with the specific requirement detailed for such aircraft in the Tenth Schedule.

Operations in  
controlled  
flight.

59. - (1) A person shall not operate an aircraft nor cause an aircraft to be operated over Jamaica unless the flight is conducted in accordance with the requirements for operations in controlled flight specified in these Regulations.

(2) A person shall not operate an aircraft registered in Jamaica and no holder of an AOC issued under these Regulations may operate an aircraft outside of Jamaica unless the flight is conducted in accordance with the requirements for operations in controlled flight in these Regulations unless such

compliance would contravene the law of the State being overflown.

**PART IX. Aerial Work**

Aerial work activity.

60. No person shall operate an aircraft for the purpose of carrying out aerial work, except with the written authorization of the Authority and in accordance with the requirements of these Regulations.

Issue of Aerial Work certificates.

61. - (1) An aircraft shall not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes, otherwise than under and in accordance with an Aerial Work Certificate granted to the operator of the aircraft under paragraph (2) and the requirements of the Eleventh Schedule.

Eleventh Schedule.

(2) The Authority shall grant an Aerial Work Certificate if it is satisfied that the applicant is a fit and proper person to hold the certificate and has complied with paragraph (5) and is competent, having regard in particular to his previous conduct and experience, his equipment, organization, staffing and other arrangements, to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in paragraph (1).

(3) An Aerial Work Certificate may be granted subject to such conditions as the Authority deems fit, including, without prejudice to the generality of the foregoing, conditions for ensuring that the aircraft and any article dropped from it do not endanger persons or property in the aircraft or elsewhere.

(4) An Aerial Work Certificate shall remain in force for the period specified in the issued authorization, but may be reviewed by the Authority

from time to time to determine that the holder continues to be fit and qualified in accordance with the requirements of the Eleventh Schedule.

(5) Every holder of an Aerial Work Certificate shall -

(a) make available for use by every member of his operating staff, an aerial work manual which shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such; and

(b) make such amendments to the manual as the Authority may require.

Towing, picking up and raising of persons and articles. Eleventh Schedule.

62. - (1) Subject to the provisions of this Regulation and the requirements of the Eleventh Schedule, an aircraft in flight over Jamaica shall not, by means external to the aircraft, tow any article, or pick up or raise any person, animal or article, unless the Certificate of Airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered expressly provides that it may be used for that purpose.

(2) Nothing in this Regulation prohibits -

(a) the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or required or permitted by or under these Regulations to be towed or displayed by an aircraft in flight;

(b) the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life.

Dropping of

63. - (1) Articles or animals (whether or not

animals and articles.

attached to a parachute) shall not be dropped, or allowed to drop from an aircraft in flight so as to endanger persons or property.

(2) Subject to paragraph (3), except under and in accordance with the terms of an Aerial Work Certificate and the requirements of the Eleventh Schedule, articles or animals (whether or not attached to a parachute) shall not be dropped, or allowed to drop, to the ground or other surface from an aircraft flying over Jamaica.

(3) Paragraph (2) shall not apply to the dropping of articles by, or with the authority of the pilot in command of the aircraft in any of the following circumstances -

- (a) for the purpose of saving life;
- (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
- (c) for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of these Regulations;
- (d) the dropping at an aerodrome of tow ropes, banners, or similar articles towed by aircraft;
- (e) for the purposes of public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, with the permission of the Authority and in accordance with any conditions subject to which that permission may have been given;
- (f) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made, with the permission of the Authority

and in accordance with any conditions subject to which that permission may have been given.

(3) For the purposes of this Regulation dropping includes projecting and lowering.

(4) Nothing in this Regulation shall prohibit the lowering of any article or animal from a helicopter to the surface, if the Certificate of Airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered expressly provide that it may be used for that purpose.

Dropping  
of  
persons.

64. - (1) A person shall not drop himself, be dropped or be permitted to drop to the ground or jump from an aircraft flying over Jamaica except under and in accordance with the terms of an authorization in writing granted by the Authority.

(2) Notwithstanding the grant of an authorization under paragraph (1), a person shall not drop himself, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property on the ground or other surface.

(3) An aircraft shall not be used for the purpose of dropping persons unless -

- (a) the Certificate of Airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered provides expressly that it may be used for that purpose; and
- (b) the aircraft is operated in accordance with the authorization granted by the Authority under this Regulation.

(4) Every applicant for and every holder of an authorization shall, upon request, make available to the Authority, a parachuting manual and shall

make such amendments to the manual as the Authority may require.

(5) The holder of an authorization shall make available to every employee or person who is or may become engaged in parachuting activities conducted by him, the manual which shall contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(6) Without affecting any other provision of these Regulations the Authority may, for the purpose of this regulation, accept reports furnished to it by a person whom it may approve, either absolutely or subject to such conditions as it deems fit, as qualified to furnish such reports.

(7) Nothing in this Regulation shall apply to the descent of persons by parachute from an aircraft in an emergency.

(8) Nothing in this Regulation shall prohibit the lowering of any person in an emergency or for the purpose of saving life.

(9) Nothing in this Regulation prohibits the lowering of any person to the surface below from a helicopter flying over Jamaica, if the Certificate of Airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered expressly provide that it may be used for that purpose.

(10) For the purposes of this Regulation "drop" includes project and lower.

Aerial photo-  
graphy or  
survey from  
aircraft.

65. No person shall operate an aircraft over Jamaica for the purpose of aerial photography or aerial survey (whether or not valuable consideration is given or promised in respect of the flight or the purpose of the flight) or for the purpose of any

other form of aerial work except with an authorization of the Authority granted under this Regulation to the operator or the charterer of the aircraft and in accordance with any conditions to which such authorization may be subject.

Exhibitions  
of flying,  
races or  
contests.

66. - (1) An exhibition organizer shall not put on an organized event unless at the time at which such an organized event commences the exhibition organizer has obtained the permission in writing from the Authority for that organized event and complies with any conditions therein specified and the requirements of the Tenth Schedule.

Tenth  
Schedule.

(2) The pilot in command of an aircraft intending to participate in an organized event shall take all reasonable steps to satisfy himself before he participates that -

- (a) the exhibition organizer has been granted permission under paragraph (6);
- (b) the flight can comply with any relevant conditions specified in that permission; and
- (c) the pilot in command has been granted an authorization appropriate to the intended flight.

(3) The pilot in command of an aircraft participating in an organized event for which permission has been granted under paragraph (6) shall comply with any conditions specified in that permission.

(4) No person shall act as pilot of an aircraft participating in an organized event permitted by the Authority under paragraph (6) unless he holds an authorization appropriate to the intended flight granted to him by the Authority and he complies with any conditions thereof.

(5) The exhibition organizer shall not permit any person to act as pilot of an aircraft which participates in an organized event unless such person holds a display authorization appropriate to the intended flight granted by the Authority.

(6) The Authority shall grant the permission required under paragraph (1) to any applicant therefor if it is satisfied that that person is a fit and competent person, having regard in particular to his previous conduct and experience, his organization, staffing and other arrangements, and his ability to safely organize the proposed exhibition of flying.

(7) The permission may be granted subject to such conditions, as the Authority deems fit which may include conditions in respect of military aircraft, and shall, if there is continued compliance, remain in force for the period specified in the permission.

(8) The Authority shall, for the purposes of this Regulation, either unconditionally or subject to such conditions as it deems fit -

(a) grant a display authorization authorizing the holder to act as pilot of an aircraft taking part in an exhibition of flying upon his being satisfied that the applicant is a fit person to hold the authorization and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness to fly in accordance therewith and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests as the Authority may require of him; and

(b) authorize a person to conduct such examinations or tests as it may specify.

(9) A display authorization granted in accordance with this Regulation shall, if the Authority finds continued conformance, remain in force for the period indicated in the display authorization.

(10) The exhibition organizer shall not permit any military aircraft to participate in an exhibition of flying unless the person seeking permission complies with any conditions specified in respect of military aircraft subject to which such permission was granted.

(11) In this Regulation -

- (a) "exhibition organizer" means a person who organizes exhibition of flying, aircraft race or contest at an organized event which consists wholly or partly of an exhibition of flying, aircraft race or contest;
- (b) "organized event" means an organized exhibition of flying, aircraft race or contest.

**PART X. Commercial Air Transport Operations**

Issue of air operator's certificate.

67. - (1) An operator shall not operate an aircraft for the purpose of commercial air transport, otherwise than under and in accordance with the terms of -

- (a) an AOC granted to the operator under paragraph (3); and
- (b) if the operator is not based in Jamaica, an additional AOC issued by the competent authority of the State of the operator as well.

(2) A person (hereinafter called "the provider") shall be deemed to be engaged in providing commercial air transport, if the provider, or any person acting on the provider's behalf -

- (a) has undertaken any form of advertising to carry passengers or property by aircraft for remuneration or valuable consideration without using the services of an AOC holder;
- (b) verbally offers to carry passengers or property by aircraft for remuneration or valuable consideration, without using the services of an AOC holder; or
- (c) provides or advertises an arrangement for meals, lodging or travel for compensation, in which the travel by aircraft is included without payment or is compensated, but is not provided by an AOC holder.

(3) The Authority may, subject to the powers of this Regulation, grant to any prospective operator applying therefor (hereinafter called the applicant), an AOC if it is satisfied that the applicant is competent and capable, having regard in particular to the applicant's previous conduct and experience, equipment, organization, staffing, maintenance and other arrangements, to secure the safe operation of aircraft of the types specified in the AOC on flights of the description and for the purposes so specified.

Twelfth  
Schedule.

(4) An AOC may be granted subject to such conditions as the Authority deems appropriate and it shall remain in force for the period specified in the Twelfth Schedule, but its status may be reviewed by the Authority from time to time to determine that the holder is fit and qualified in accordance with requirements of the said Twelfth Schedule.

(5) Without limiting to the generality of paragraph (3), the applicant must -

- (a) possess a management organization capable of exercising operational control and supervision over any flight operated under the terms of its AOC;
- (b) have an accountable manager, approved by the Authority, who has responsibility for ensuring that all maintenance relating to the applicant's aircraft is carried out in accordance with the approved maintenance programme and the requirements of the Fifth Schedule; and
- (c) be in compliance with the Schedules specifically applicable to AOC holders prior to issuance of the AOC, including but not limited to the Seventh, Tenth, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth and Seventeenth Schedules;
- Seventh, Tenth,  
Twelfth,  
Thirteenth,  
Fourteenth,  
Fifteenth,  
Sixteenth and  
Seventeenth  
Schedules.
- (6) In exercising the functions under paragraphs (3) and (4), the Authority shall have regard to such of the following as are applicable: -
- (a) the nationality of the applicant, and whether the grant or refusal of the application is in the public interest;
- (b) any uneconomic duplication or uneconomic overlapping of air transport services that might result from the grant of the application;
- (c) the ability of the applicant to meet its financial obligations, actual or potential;
- (d) the likelihood of the applicant being able to provide air transport services which are satisfactory as regards -
- (i) safety, security, regularity and frequency of operation;
- (ii) level of charges and general standard and efficiency; and

- (iii) in the case of an application for renewal or variation of a certificate, whether the applicant's existing air transport services are satisfactory;
- (e) whether or not the aircraft proposed to be used and the air transport services proposed to be provided are suited to the airports and airport facilities to be used;
- (f) any obligations imposed upon Jamaica by international agreement or treaty (or other international obligation); and
- (g) any other matter which is, in the opinion of the Authority, relevant to the application.

(7) Each AOC holder shall conduct its commercial air transport operations in accordance with the standards of operations under these Regulations.

(8) The Authority shall establish a system of certification and continued surveillance to ensure that AOC holders maintain the required standards of operations established in these Regulations.

Initial  
certification  
required.  
Twelfth  
Schedule

68. No person shall operate, or cause to be operated in commercial air transport, an aircraft subject to these Regulations unless the AOC holder has completed the initial certification requirements for such operations under the Twelfth Schedule.

Continued  
compliance.

69. No person shall operate, or cause to be operated in commercial air transport, an aircraft subject to these Regulations except in accordance with the authorizations and limitations of their AOC issued pursuant to the Twelfth Schedule.

- Aircraft authorized.
70. No person shall operate, or cause to be operated in commercial air transport, an aircraft subject to these Regulations unless the aircraft is specifically authorized by serial and registration number for the AOC holder's operation in accordance with the Twelfth Schedule.
- Twelfth Schedule
- Security requirements
71. No person shall operate, or cause to be operated in commercial air transport, an aircraft subject to these Regulations unless those operations comply with the applicable requirements of the security programme specified in the Twelfth and Twentieth Schedules.
- Twelfth and Twentieth Schedules
- Maintenance requirements - Fifth, Sixth and Twelfth Schedules
72. No person shall operate, or cause to be operated an aircraft in commercial air transport, unless the aircraft is maintained in accordance with the applicable maintenance requirements of the Fifth, Sixth and Twelfth Schedules.
- Passenger requirements, thirteenth Schedule
73. No person shall operate, or cause to be operated an aircraft for the carrying of passengers in commercial air transport, except in accordance with the passenger-carrying requirements of the Thirteenth Schedule.
- Qualified personnel - Fourteenth Schedule
74. No person shall operate, or cause to be operated an aircraft in commercial air transport, unless the assigned aviation personnel are qualified and current in accordance with the minimum qualification, training and checking requirements of the Fourteenth Schedule.
- Crew fatigue - Fifteenth Schedule
75. No person shall operate, or cause to be operated an aircraft in commercial air transport,

unless the assigned aviation personnel operate in accordance with the duty and flight time and minimum rest periods specified in the Fifteenth Schedule.

Flight release requirements – Sixteenth Schedule

76. No person shall operate in flight, or cause to be so operated an aircraft in commercial air transport, unless the flight was released in accordance with the flight release requirements specified in the Sixteenth Schedule.

Mass and balance and performance – Seventeenth Schedule

77. No person shall operate, or cause to be operated an aircraft in commercial air transport, unless the operations comply with the mass and balance and performance requirements specified in the Seventeenth Schedule.

**PART XI. Carriage of Dangerous Goods**

Shipping and acceptance of dangerous goods. Eighteenth Schedule.

78. - (1) No person shall ship, caused to be shipped, accept for shipment or allow to be carried on an aircraft any article or substance that may be dangerous goods except in accordance with the Eighteenth Schedule and any approval granted by the Authority.

(2) Each person shipping articles or substances that may constitute dangerous goods shall declare such goods in the shipping papers and cause such articles to be so marked.

(3) No person shall operate or cause to be operated an aircraft carrying dangerous goods except as approved by the Authority in accordance with the Eighteenth Schedule.

Munitions of war.

79. - (1) Munitions of war shall not be carried on an aircraft unless the munitions of war are carried with the written permission of the

Authority and in accordance with the Eighteenth and Twentieth Schedules and any other conditions imposed by the Authority relating thereto.

(2) Notwithstanding paragraph (1) weapons or munitions of war shall not be carried on an aircraft in any compartment or apparatus to which passengers have access.

(3) No person shall -

(a) carry or have in his possession or take or cause to be taken on board;

(b) suspend or cause to be suspended beneath; or

(c) deliver or cause to be delivered for carriage thereon,

an aircraft, any weapon or munitions of war other than in accordance with paragraph (1).

(4) Nothing in this Regulation shall apply to any weapon or munitions of war taken or carried on board an aircraft in Jamaica registered in a country other than Jamaica, if the weapon or munitions of war, as the case may be, may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

(5) For the purposes of this Regulation "munitions of war" means any weapon, ammunition or article containing an explosive or any noxious liquid, gas or other thing which is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article.

**PART XII.** *General*

80. - (1) Every person who -

Accident  
reporting and  
investigation

(a) is the operator or pilot in command of an aircraft which is registered in Jamaica or of a commercial air transport aircraft not registered in Jamaica but operated by the holder of an air operator's certificate issued in Jamaica; and

(b) is involved in, observes or knows of an aircraft accident, shall make a report thereon to the Authority in accordance with the Nineteenth Schedule.

Nineteenth  
Schedule

(2) A person shall not make any report which he knows or has reason to believe is false in any particular.

(3) Each person shall comply with the necessary steps of accident investigation under the Nineteenth Schedule as requested by the Authority or by an authorized person assigned to investigate the accident.

Fees.  
Twenty-  
Second  
Schedule.

81. - (1) The provisions of the Twenty-Second Schedule shall have effect with respect to fees to be charged in connection with the provisions of these Regulations.

(2) The fees payable under these Regulations shall be paid directly to the Authority or to an agent duly appointed by the Authority for that purpose.

(3) The fees payable hereunder are denominated in the currency of the United States of America and are payable -

(a) in that currency; or

(b) in the equivalent of that amount in the lawful currency of Jamaica converted at the

weighted average selling rate of exchange of the business day previous to that of payment.

(4) A fee shall be paid in full-

- (a) with the submission of any application or request for service that involves the issue of any aviation document, [**including but not limited to, any licence, certificate, permit, waiver, validation, extension, deviation or exemption,**] or involves a manual review, flight test, check ride, flight check monitor, or examination.
- (b) when applicable, no later than fifteen days after the date indicated on the relevant invoice presented by the Authority.

(5) The Authority may, generally or in any particular case -

- (a) waive a fee;
- (b) where fees are outstanding in respect of one service already provided by the Authority, whether or not an aviation document has been applied for or is issued, refuse to provide to the person liable for the outstanding fees any further services under these Regulations until such time as the fees are paid in full;
- (c) keep any fee paid for the processing of any aviation document to be issued pursuant to these Regulations or any action preparatory thereto, whether or not the document is issued, renewed, amended or endorsed; and
- (d) require owners and operators of aircraft who have failed to pay on time any fees

payable hereunder, to deposit with the Authority security in the form of a bond or letter of credit and in an amount satisfactory to the Authority to ensure full payment of the fees to be imposed in the next following year in respect of the aircraft or flight operation.

(6) All fees payable under this Regulation constitute a debt due to the Crown in right of Jamaica and may be recovered as such in any court of competent jurisdiction.

(7) Where a fee is payable under these Regulations, in respect of an aircraft, both the registered owner and operator of the aircraft are jointly and severally liable for payment of the charge.

(8) Where any fee payable under these Regulations has not been paid, the Authority may -

(a) in addition to any other remedy available for the recovery of the fee; and

(b) whether or not a judgment for the recovery of the amount has been obtained,

obtain an order from the Supreme Court, issued on such conditions as the court deems fit, authorizing the Authority to seize and detain the relevant aircraft.

(9) Where any fee payable hereunder has not been paid and the Authority has reason to believe that the person liable therefore is about to leave Jamaica or take from Jamaica any aircraft owned or operated by the person, the Authority may take such steps as necessary to seize and detain such aircraft.

(10) The Authority may, in addition to any other remedy available for the recovery of the

amount and whether or not a judgment for the recovery of the amount has been obtained, make an *ex parte* application to the Supreme Court for an order, issued on such conditions as the court deems fit, authorizing the Authority to seize and detain the aircraft.

(11) Subject to paragraph (10), except where otherwise directed by an order of the court, the Authority is not required to release from detention an aircraft seized under this Regulation, unless the fee in respect of which the seizure was made together with any additional amounts ordered by a Court is paid.

(12) The Authority shall release from detention an aircraft seized hereunder if a bond or other security in a form satisfactory to the Authority for the amount in respect of which the aircraft was seized together with any additional amounts ordered by a Court are deposited with the Authority.

(13) Subject to paragraph (14), where any fees remain outstanding ninety days after the date of the detention of an aircraft, the Authority may sell the aircraft.

(14) The Authority shall not sell an aircraft under paragraph (13) unless acting under an order of the Supreme Court, has leave of the Court and has established to the satisfaction of the Court, that default in payment of the fee lies with the owner or operator of the aircraft.

(15) The fees payable in respect of the regulatory services set out in Column I of Tables 1 to 7 of the Twenty-Second Schedule are set out in Column II of the respective Tables.

(16) Unless there is a separate agreement between an applicant for the regulatory services under these Regulations and the Authority, that the applicant will provide transportation and lodging, when an authorized person is required to travel outside of Jamaica to process an application, the applicant shall pay, in addition to the relevant fee, the expenses for transportation, lodging, meal and incidental expenses, as calculated in accordance with the rates for public sector employees set by the Ministry responsible for finance.

(17) The Authority shall, upon the request of an applicant, provide an estimate of the expenses referred to in paragraph (16).

(18) In the case of a service that was commenced but not completed before the date of commencement of these regulations, the fee payable for such service shall be the lesser of -

- (a) the fee payable prior to the that date; or
- (b) the fee hereunder.

(19) Subject to paragraphs (22) and (24) the fees set out in column II of Table 8 of the Twenty-Second Schedule are payable in respect of the en route and terminal navigation services for aircraft operating within the Kingston flight information region set out in Column I.

(20) Without affecting any other provision of these Regulations, the payment for navigational charges set forth in the relevant Tables in respect of all flights (whether or not landing in Jamaica) may be paid on account of the Government of Jamaica in the lawful currency of the United States of America to the Clearing House of the International Air Transport Association.

Twenty-  
Second  
Schedule

(21) An aircraft engaged in local area pilot flight training in accordance with a pilot training programme approved by the Authority shall pay a fee of one-third of the fee for domestic operation set forth in the Twenty-Second Schedule.

(22) This Regulation shall not apply to the following flights -

- (a) military flights;
- (b) flights made by aircraft for diplomatic, customs, immigration, accident investigation, or police purposes of any state, being flights which exclude carriage for hire or reward;
- (c) flights made by aircraft operated or chartered by the United Nations or any of its specialized agencies;
- (d) flights made for the purpose of checking or testing navigation facilities, and positioning flights made in connection therewith;
- (e) flights made by aircraft operated by the Authority, or by any aircraft operated on behalf of the Authority;
- (f) flights providing aid following a natural disaster or major accident of any kind;
- (g) flights made for the purpose of search and rescue operations or weather reconnaissance;
- (h) flights by aircraft operated by aerial applicators where the aircraft does not use the air navigation services or land at an aerodrome in Jamaica.

(23) The fee payable in respect of the applications, hearings, issuance, renewal, or amendment of licenses and permits, set forth in

Twenty-  
Second  
Schedule

Column I of Table 9 of the Twenty-Second Schedule is set forth in Column II of the Table.

(24) The fees payable under this regulation are specified in the Table in respect of the MCTOW for the heaviest aircraft specified in the hearing, licence or permit.

Validation of Documents

82. The Authority may act in accordance the First Schedule for the validation of licences, certificates, approvals, designations, and authorizations issued by another contracting state.

83. Except where the context otherwise requires, the provisions of these Regulations -

Extraterritorial effect of these Regulations

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in Jamaica, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply as aforesaid to other aircraft shall apply to such other aircraft when they are within Jamaica;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by persons in, or by any of the crew of any aircraft registered in Jamaica, shall apply to such persons and crew, wherever they may be; and
- (d) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any aircraft registered in Jamaica by other persons shall, where such persons are citizens of Jamaica apply to them wherever they may be.

Application to aircraft

84. The Authority may direct that such of the provisions of these Regulations having effect thereunder

not regis-  
tered in  
Jamaica.

as may be specified in the direction shall have effect as if reference in those provisions to aircraft registered in Jamaica included references to the aircraft specified in the direction, being an aircraft not so registered but for the time being under the management of a person who, or of persons each of whom, is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in Jamaica.

Waivers.

85. The Authority may issue a waiver from any of the requirements of the Schedules to these Regulations where the provision for that waiver is contained in the applicable Schedule.

Deviations.  
First  
Schedule.

86. The Authority may, pursuant to the First Schedule, issue a deviation from any of the requirements of the Schedules to any grouping of persons, aircraft, or type of operation, subject to such conditions as it determines where the requirement is found not to be consistent with relevant aviation safety standards for that particular grouping and it would be in the public interest to issue such deviation.

Exemptions.

87. The Authority may, pursuant to the First Schedule, issue an exemption from any of the requirements under these Regulations or any Schedule made there under to any individual, aircraft, or company, subject to such conditions as it thinks fit, where the applicant can show that -

- (a) it is in the public interest;
- (b) an equivalent level of safety can be maintained; and

- (c) the exemption ought not be inconsistent with relevant aviation safety or security standards.

Power to prohibit or restrict flying.

88. - (1) Where the Authority deems it necessary in the public interest to prohibit flying by reason of -

- (a) the intended gathering or movement of a large number of persons;
- (b) the intended holding of an aircraft race or contest or of an exhibition in flying; or
- (c) national defence or any other reason affecting the public interest,

the Authority may make directions prohibiting, restricting or imposing conditions on flight -

- (i) by any aircraft, whether or not registered in Jamaica, in any airspace over Jamaica;
- (ii) by aircraft registered in Jamaica, in any other airspace, being airspace in respect of which the Government of Jamaica has in pursuance of international arrangements undertaken to provide navigation services for aircraft.

(2) Directions made under this Regulation may apply either generally or in relation to any class of aircraft.

Ultra-small aircraft.

89. The provisions of these Regulations shall not apply to or in relation to -

- (a) any balloon which at any stage of its flight is not more than 2 metres in any linear dimension including any basket or other equipment attached to the balloon;
- (b) any kite weighing not more than 2 kg;
- (c) any other aircraft weighing not more than 7 kg without its fuel; or

(d) any parascending parachute.

Transitional  
provisions.

90. - (1) Subject to the following paragraphs of this Regulation any person who, on the relevant date holds a licence, certificate or authorization validly issued under the laws, rules or regulations in force on that date for the registration, operation or maintenance of an aircraft shall be deemed to hold that licence, certificate or authorization in accordance with these Regulations for three months from the relevant date unless his original licence, certificate or authorization expires prior to the end of that three month period in which case his deemed licence under these Regulations shall expire on the same date.

(2) Within two months from the relevant date these Regulations come into operation, every person claiming to be the holder of a licence, certificate or authorizations under paragraph (1) shall supply to the Flight Safety Division full details of his licence, certificate or authorization and may notify his request for a new licence under these Regulations failing which his deemed licence shall expire forthwith.

(3) Where the Flight Safety Division, having reviewed any licence, certificate or authorization notified to it under paragraph (2), is satisfied that such licence, certificate or authorization had been validly issued under the Laws, Rules or Regulations in force at the relevant date, the Flight Safety Division shall, within six months of the date of such notification issue a licence, certificate or authorization to that person to register, operate or maintain an aircraft or aerodrome for at least the unexpired term of the original licence, certificate or authorization, but

otherwise subject to conditions duly determined by the Flight Safety Division.

(4) If the Flight Safety Division is not satisfied, for any reason, that a licence, certificate or authorization notified to it under paragraph (2) was validly issued or that a person is still qualified to hold the document, it shall so notify the person concerned and the document in question shall expire on the date of service of the notification.

(5) In this Regulation "the relevant date" means the date of commencement of these Regulations.

**PART XIII. Aerodromes**

- |  |  |
|--|--|
| <p>Applicability<br/>of this<br/>Part.</p>         | <p>91. - (1) These Regulations prescribe the requirements for -</p> <ul style="list-style-type: none"> <li>(a) the operation of aerodromes;</li> <li>(b) certification of aerodromes and the requirements that apply to operators of certified aerodromes;</li> <li>(c) safety inspections of aerodromes;</li> <li>(d) the management of obstacles and hazards at aerodromes; and</li> <li>(e) the obligations of an aerodrome operator.</li> </ul> <p>(2) The Twenty-First Schedule provides the minimum standards which an aerodrome operator is obliged to meet in operating an aerodrome in Jamaica.</p> |
| <p>Requirement<br/>to register<br/>aerodromes.</p> | <p>92. A person shall not operate any aerodrome in Jamaica, unless the aerodrome is registered in the Aerodrome register pursuant to regulation 107.</p>   |
| <p>Aerodrome<br/>Certificate.</p>                  | <p>93. No person shall operate -</p> <ul style="list-style-type: none"> <li>(a) an aerodrome used for international operations;</li> </ul>   |

- (b) a domestic aerodrome used for scheduled service for the transportation of passengers in any aircraft approved to carry ten or more passengers; or
- (c) any other aerodrome used for scheduled or non-scheduled service for commercial air transport, where the Authority determines that the frequency of usage of the aerodromes requires that it meets any or all of the certification requirements.

Unless the Authority has issued an aerodrome certificate in respect of that aerodrome, specifying the type of operations that have been approved for that aerodrome.

Landing and takeoff in Jamaica.

94. No person shall cause an aircraft to land at or take off from an aerodrome in Jamaica, without the approval of the Authority, unless the aerodrome is registered for either -

- (a) public use; or
- (b) private use, and the operation is carried out with the consent of the registered owner.

Commercial operations and private aerodromes.

95. No person shall cause an aircraft involved in commercial air transport operations to land at or takeoff from a private aerodrome without the written permission of the Authority.

Application for an aerodrome.

96. - (1) A person who wishes to obtain an Aerodrome Certificate to operate an aerodrome shall -

- (a) apply to the Authority in the prescribed form;
- (b) pay the prescribed fee; and
- (c) comply with the other applicable provisions of these Regulations.

(2) An application made under paragraph (1), shall be accompanied by an Aerodrome Operator's Manual as required under Regulation 108 that has been developed by the aerodrome operator for its operation of the aerodrome for which the application is made.

Issue of  
Aerodrome  
Certificate.

97. - (1) The Authority shall issue an Aerodrome Certificate to an applicant under Regulation 96 where it is satisfied that -

- (a) the facilities and equipment of the aerodrome are in accordance with the standards specified in the Manual of Aerodrome Standards;
- (b) the operating procedures of the aerodrome make satisfactory provision for safety and security against acts of violence and unlawful interference of aircraft, passengers, crew and property and of air navigation installations and other aviation facilities;
- (c) the aerodrome is properly and adequately equipped for safe operations in commercial air transport;
- (d) the aerodrome is properly and adequately equipped for its maintenance;
- (e) the applicant has sufficient financial resources to conduct safe operations;
- (f) an Aerodrome Operator's Manual, has been prepared for the aerodrome in accordance with Regulation 109 and approved by the Authority;
- (g) the applicant and staff and the applicant's contracted agents (as the case may be) have the necessary competence and experience, and would be able to properly operate and maintain the aerodrome; and
- (h) an acceptable safety management system that complies with the standards specified in

the Manual of Aerodrome Standards shall be implemented at the aerodrome by at a date to be specified in the Aerodrome Certificate.

(2) An Aerodrome Certificate issued under paragraph (1), shall contain -

- (a) the registration number assigned to the aerodrome by the Authority;
- (b) the name and geographical reference points of the aerodrome;
- (c) its date of issue; and
- (d) the terms of the approval of the certificate.

Conditions for issue of a Aerodrome Certificate.

98. - (1) The Authority shall not issue an Aerodrome Certificate under these Regulations where the applicant -

- (a) does not satisfy the requirements of these Regulations or any directions given thereunder; or
- (b) has provided incomplete, inaccurate, fraudulent or false information in applying for the Aerodrome Certificate.

Written notice of refusal.

99. Where the Authority refuses to issue an Aerodrome Certificate to an applicant, it shall give the applicant written notice of the refusal and the reasons for such refusal no later than fourteen days thereafter.

Conditions to which issue of Aerodrome Certificate may be subject.

100. - (1) The Authority may issue an Aerodrome Certificate subject to any condition that the Authority considers necessary in the interests of the safety and security against acts of violence and unlawful interference of aircraft, passengers, crew and property and of air navigation installations and other aviation facilities.

(2) Where the Authority grants an Aerodrome Certificate subject to a condition in paragraph (1), it shall give the applicant written notice of the reasons for the decision.

(3) A condition under paragraph (2) shall be set out on the Aerodrome Certificate or in the notice given to the applicant under that paragraph.

(4) An aerodrome operator shall not contravene a condition contained in his Aerodrome Certificate.

(5) It shall be a condition to the issue of an Aerodrome Certificate that -

- (a) an aerodrome operator shall comply with any directive given by the Authority in respect of aerodrome operations;
- (b) the Authority shall have access to any place at any time to conduct tests or inspections of aerodrome facilities, equipment or operating procedures at the aerodrome for the purpose of ensuring the safety of aircraft.

(6) The Authority shall, pursuant to paragraph (5) -

- (a) give reasonable notice to the aerodrome operator of any tests to be conducted; and
- (b) carry out the tests referred to in subparagraph (a) at a reasonable time.

Duration of the validity of an Aerodrome Certificate

101. An Aerodrome Certificate issued under these regulations shall be valid for twelve months from the date of issue unless it is surrendered, suspended, or revoked.

Suspended or Revoked

102. - (1) In addition to the provisions set out in Part I of these Regulations the Authority may give written notice to the holder of an aerodrome certificate (hereinafter referred to as an "aerodrome operator"), of the suspension or revocation of his

Aerodrome Certificate where the Authority has reasonable grounds for believing that –

- (a) a condition to which the certificate is subject has been breached;
- (b) the aerodrome facilities, equipment, operations or maintenance are not of the standard required in the interests of the safety of air navigation; or
- (c) the holder has failed to comply with any directive given under paragraph (5) of Regulation 100.

(2) Where an Aerodrome Certificate is suspended or revoked under paragraph (1), the Authority, the Director General or an authorized person shall set out the facts and circumstances which justify the suspension or revocation of such Aerodrome Certificate.

(3) Before suspending or revoking an Aerodrome Certificate under paragraph (1), the aerodrome operator shall be given a notice which –

- (a) sets out the facts and circumstances that justify the suspension or revocation of the Aerodrome Certificate; and
- (b) invites the aerodrome operator to show cause, in writing, within a period stated in the notice, not exceeding ten working days, as to why that certificate should not be suspended or revoked.

(4) The reasons given by the aerodrome operator under paragraph (3)(b) shall be taken into consideration when making a final decision to suspend or revoke the Aerodrome Certificate.

(5) Where the cause shown by the aerodrome operator under paragraph 3(b) is not satisfactory, the suspension or revocation, as the case may be, of an Aerodrome Certificate shall take effect from the

date specified in the notice of suspension or revocation.

Surrender of  
Aerodrome  
Certificate.

103. Where an aerodrome operator wishes to surrender his Aerodrome Certificate he shall give the Authority not less than thirty days written notice of the date on which he wishes to surrender his Aerodrome Certificate

Non-transferability of  
an aerodrome  
Certificate

104. An Aerodrome Certificate shall not be transferable, and any purported transfer of any Aerodrome Certificate shall be null and void.

Issue of a  
Temporary  
Aerodrome  
Certificate

105. - (1) The Authority may grant a temporary Aerodrome Certificate to an applicant under these regulations where -

- (a) the application relates to an aerodrome for which an existing Aerodrome Certificate is in force;
- (b) the holder of the existing Aerodrome Certificate has given the Authority notice under Regulation 103 for the surrender of the existing the Aerodrome Certificate;
- (c) the cessation of validity of the existing Aerodrome Certificate will have effect before the Authority can fully consider the application of the applicant; and
- (d) it is satisfied that the applicant will be able to properly operate and maintain the aerodrome in accordance with these Regulations for the duration of the temporary Aerodrome Certificate.

(2) A temporary Aerodrome Certificate issued in accordance with paragraph (1) shall not be granted for a duration greater than sixty days.

Amendment of  
an Aerodrome

106. The Authority may amend an Aerodrome Certificate where the requirements of these

- Certificate. Regulations have been met and -
- (a) the holder of the Aerodrome Certificate requests an amendment;
  - (b) there is a change in the ownership or management of the aerodrome;
  - (c) there is a change in the use or operation of the aerodrome; or
  - (d) there is a change in the boundaries of the aerodrome.
- Aerodrome Register. 107. The Authority shall cause to be kept a register to be known as the "Aerodrome Register", which shall contain -
- (a) the names of all registered aerodromes;
  - (b) their aerodrome reference points;
  - (c) the dates of registration;
  - (d) the aerodrome reference code; and
  - (e) the name and principal place of business of the aerodrome operator.
- Requirement to have an aerodrome operator's manual. 108. - (1) An aerodrome operator shall have an Aerodrome Operator's Manual, approved by the Authority, prepared in accordance with Regulation 110, and as set out in the Twenty-First Schedule.
- Twenty-First Schedule. (2) The aerodrome operator shall give the Authority a printed copy of his aerodrome operator's Manual and keep a printed copy of same at his principal place of business and at the aerodrome.
- (3) The aerodrome operator shall make the copy of the Aerodrome Operator's Manual kept at his principal place of business and at the aerodrome available to any authorized person.
- Contents of an Aerodrome Operator's Manual. 109. - (1) An Aerodrome Operator's Manual under Regulation 108 shall contain but not be limited to the following information applicable to the aerodrome -

- (a) a general section including -
  - (i) purpose and scope of the manual;
  - (ii) conditions for use of the aerodrome; and
  - (iii) obligations of the aerodrome operator;
- (b) the particulars of the aerodrome site including -
  - (i) a plan thereof; and
  - (ii) particulars of the aerodrome operator's title to or interest in the land.
- (c) the particulars of the aerodrome required to be reported to the Aeronautical Information Service of the Authority, including aerodrome dimensions and related information;
- (d) particulars of the aerodrome operating procedures and safety measures including -
  - (i) reporting requirements;
  - (ii) access to the aerodrome movement area;
  - (iii) aerodrome emergency, rescue and fire-fighting plan;
  - (iv) inspections to be carried out by the aerodrome operator;
  - (v) apron management including safety management thereof;
  - (vi) vehicle control;
  - (vii) obstacle control;
  - (viii) low-visibility operations; and
  - (ix) protection of sites for radar and navigational aids;
- (e) aerodrome administration and safety management system as prescribed in the

Twenty-First  
Schedule.

Twenty-First Schedule;

- (f) the aerodrome security programme; and
- (g) any other matter which the Authority deems necessary in the interest of safety and security.

(2) Where particular information referred to in paragraph (1) is not included in the manual because it is not applicable to the aerodrome, an Aerodrome Operator's Manual shall contain –

- (a) a statement to the effect that the information is not applicable; and
- (b) the reasons why it is not applicable.

(3) Where an exemption has been granted by the Authority, under Regulation 154, in relation to the aerodrome, an Aerodrome Operator's Manual shall contain –

- (a) any identifying number given to the exemption by the Authority;
- (b) the date on which the exemption came into effect; and
- (c) any condition subject to which the exemption is granted.

Required  
form for  
an Aerodrome  
Operator's  
Manual.

110. - (1) An Aerodrome Operator's Manual under this Part shall –

- (a) include instructions and information necessary to allow the personnel concerned to perform their duties and responsibilities with a high degree of safety;
- (b) be in a form that facilitates its revision and shall contain a system which allows personnel to determine the current revision status of each manual;
- (c) have a date of the last revision on each page concerned;
- (d) not be contrary to these Regulations; and

(e) include a reference, where applicable, to the appropriate Regulation.

(2) The Aerodrome Operator's Manual referred to in paragraph (1), may be produced either -

- (a) in a series of parts;
- (b) as a series of volumes; or
- (c) as a single document.

Amendment of  
Aerodrome  
Operator's Manual.

111. - (1) To maintain the accuracy of the Aerodrome Operator's Manual, an aerodrome operator shall amend it -

- (a) whenever it is necessary to do so; and
- (b) upon the written directions of the Authority.

(2) Where an aerodrome operator wishes to make an amendment to his Aerodrome Operator's Manual under paragraph (1) he shall submit the proposed amendment, in writing, to the Authority for its approval.

(3) The Authority may approve an amendment to an Aerodrome Operator's Manual submitted under paragraph (2), where it is satisfied that such amendment will not establish procedures or equipment which will endanger aircraft, persons or the aerodrome.

Assignment  
of person  
responsible  
for Aerodrome  
Operator's Manual.

112. - (1) An aerodrome operator shall assign a person in the applicant's employ to be responsible for the Aerodrome Operator's Manual.

(2) A person assigned responsibility for an aerodrome operator's manual under paragraph (1), shall ensure that -

- (a) a record is kept of the persons who hold copies of the whole or a part of the Aerodrome Operator's Manual; and
- (b) amendments or information for the manual are distributed to those persons who require such information.

Duty of aerodrome operator to ensure that the aerodrome is maintained

113. An aerodrome operator shall ensure that his aerodrome is operated and maintained with a reasonable degree of care and diligence and compliance with the standards and practices specified in Regulation 91(2).

Access to aerodrome

114. - (1) An authorized person may inspect and carry out any test on the aerodrome facilities, services and equipment, inspect the aerodrome operator's documents and records and verify the aerodrome operator's safety management system before the Aerodrome Certificate is granted or renewed and, subsequently, at any other times, for the purpose of ensuring safety and security at the aerodrome.

(2) An aerodrome operator shall, at the request of the person referred to in paragraph (1), allow access to any part of the aerodrome or any aerodrome facility, including equipment, records, documents and operator's personnel, for the purpose referred to in paragraph (1)

(3) The aerodrome operator shall cooperate with the person conducting the activity referred to in paragraph (1).

Special inspections.

115. The aerodrome operator shall inspect his aerodrome as circumstances require to ensure, restore, or to maintain aviation safety and security -

- (a) as soon as practicable after any aircraft accident or incident pursuant to the Nineteenth Schedule;
- (b) during any period of construction or repair of the aerodrome facilities or equipment

that is critical to the safety of aircraft operation; and

- (c) at any time when there are conditions at the aerodrome that could affect aviation safety.

Warning notices.

116. When low flying aircraft, at or near an aerodrome, or taxiing aircraft are likely to be hazardous to people or vehicular traffic, the aerodrome operator shall -

- (a) post hazard warning notices on any public way that is adjacent to the manoeuvring area; or
- (b) if such a public way is not controlled by the aerodrome operator, inform the authority responsible for posting the notices on the public way that there is a hazard.

Required training for aerodrome personnel.

117. - (1) An aerodrome operator shall ensure that all persons performing duties or providing services at his aerodrome are trained in accordance with the standards for training aerodrome personnel set out in his Aerodrome Operator's Manual.

(2) An aerodrome operator shall implement a programme to maintain the competency of its personnel.

Operation and maintenance of aerodrome.

118. - (1) Subject to any directions issued under paragraph (2), an aerodrome operator shall operate and maintain an aerodrome in accordance with the procedures set out in the approved Aerodrome Operator's Manual.

(2) The Authority may direct an aerodrome operator to change any procedure set out in the Aerodrome Operator's Manual, where the Authority considers it necessary in the interests of the safety and security of persons at the aerodrome, aircraft, passengers, crew, and property, air navigation installations and aviation facilities.

(3) An aerodrome operator shall comply with a direction given to him under paragraph (2).

Deviations  
from the  
Aerodrome  
Operator's  
Manual.

119. - (1) Where an aerodrome operator wishes to deviate from the procedures contained in his Aerodrome Operator's Manual he shall apply to the Authority for approval before the implementation of the new procedures.

(2) Where the Authority is satisfied, after taking into consideration such aeronautical studies as the Authority believes necessary, that the deviation applied for under paragraph (1) would attain the level of safety required by or equivalent to the standards prescribed by these Regulations, the Authority shall approve the deviation.

Requirement for  
aerodrome data

120. An aerodrome operator shall ensure that aerodrome data appropriate to his Aerodrome Certificate is in accordance with the Manual of Aerodrome Standards.

Functions of an  
aerodrome  
operator

121. - (1) An aerodrome operator shall -

- (a) monitor the serviceability of the aerodrome;
- (b) report to the Authority any changes in conditions, or any other occurrences at the aerodrome required to be reported under paragraph (e);
- (c) review all Aeronautical Information Publications (AIP), AIP Supplements, AIP Amendments, Notices to Airmen (NOTAM), Pre-flight Information Bulletins and Aeronautical Information Circulars issued by the Authority on receipt thereof and immediately after such reviews shall notify Aeronautical Information Services (hereinafter also referred to as "AIS") of

any inaccurate information contained therein that pertains to the aerodrome;

(d) notify the Authority, in writing, at least 60 days before effecting any changes to the aerodrome facility or equipment or level of service at the aerodrome that has been planned in advance and which is likely to affect the accuracy of the information contained in the AIS publication referred to in paragraph (1)(c);

(e) notify the Authority immediately of any of the following circumstances of which the operator has knowledge, namely -

- (i) any obstacle, obstruction or hazards;
- (ii) any reduction in the level of service at the aerodrome
- (iii) any closure of any part of the movement area of the aerodrome; and
- (iv) any other condition that could affect aviation safety at the aerodrome and what precautions are warranted.

(2) Where the aerodrome is a controlled aerodrome, the notice shall also be given to Air Traffic Control and if the aerodrome is not controlled, notice shall be given to the Authority.

Movement  
area to  
comply with  
standards.

122. An aerodrome operator shall ensure that the physical characteristics of the movement area appropriate to his Aerodrome Certificate comply with the standards set out in the Manual of Aerodrome Standards.

Aerodrome  
operator

123. - (1) An aerodrome operator shall mark the following areas of the aerodrome in accordance with

required to  
have  
aerodrome  
markings.

the standards set out in the Manual of Aerodrome  
Standards -

- (a) the movement area;
- (b) any unserviceable area; and
- (c) any work area on or near the movement  
area.

(2) An aerodrome operator shall ensure that  
all aerodrome markings are maintained in accordance  
with the standards set out in the Manual of  
Aerodrome Standards.

Requirement to  
have signal area

124. - (1) An aerodrome operator who does not have  
a continuous air traffic control service during the  
day shall provide a signal area in accordance with  
the standards set out in the Twenty-First Schedule.

Twenty-First  
Schedule.

(2) An aerodrome operator shall display the  
appropriate signal in the signal area in any  
circumstances set out in the Manual of Aerodrome  
Standards that requires such a signal to be displayed.

(3) An aerodrome operator shall ensure that the  
signal area and any signal displayed in it are  
clearly visible to any aircraft intending to use  
the aerodrome.

Aerodrome  
operator to  
to have  
a wind  
direction  
indicator at  
aerodrome.

125. - (1) An aerodrome operator shall, in accor-  
dance with the standards for wind direction indicators  
set out in the Manual of Aerodrome Standards,  
install and maintain at least one wind direction  
indicator at the aerodrome.

(2) An aerodrome operator acting under  
paragraph (1) shall ensure that there is a wind  
direction indicator installed near the end of the  
runway.

(3) The Authority may exempt an aerodrome  
operator under these Regulations from compliance

with paragraph (1), only if it is satisfied that surface wind information is passed to the pilots of aircraft approaching the runway by -

- (a) an automatic weather observing system that -
  - (i) is compatible with the weather observing system of the Meteorology Office; and
  - (ii) provides surface wind information through an aerodrome weather information broadcast; or
- (b) an approved observer having a communication link with pilots through which timely information about surface wind can be clearly passed to pilots; or
- (c) any other approved means of providing surface wind information.

Requirement for visual aids for navigation.

126. - (1) An aerodrome operator shall ensure that visual aids for navigation, appropriate to the Aerodrome Certificate he holds, are in compliance with the manual of aerodrome standards.

(2) An aerodrome operator shall ensure that visual aids for denoting restricted areas appropriate to the aerodrome licence he holds comply with the Manual of Aerodrome Standards.

Aerodrome operator to have Visual Approach Slope Indicator system installed at aerodrome

127. - (1) An aerodrome operator shall, in accordance with the aerodrome standards for Visual Approach Slope Indicator Systems (hereinafter also referred to as VASIS) set out in the Manual of Aerodrome Standards, provide an approved VASIS for the end of a runway that is regularly used as the approach end for jet-propelled aircraft conducting regular public transport operations or charter operations.

(2) The Authority may direct the aerodrome operator to provide an approved VASIS for the approach end or ends of a runway to which paragraph (1) does not apply, where it considers it necessary in the interests of the safety of aircraft and air navigation.

(3) The aerodrome operator shall comply with a direction given to him under paragraph (2).

Aerodrome operator to have signs installed.

128. - (1) An aerodrome operator shall ensure that signs are provided to convey either -

- (a) a mandatory instruction on a specific location or destination on a movement area ; or
- (b) other information to meet the requirements of the Manual of Aerodrome Standards.

(2) Signs under paragraph (1) may be either fixed or variable message signs and shall meet the requirements set out in the Manual of Aerodrome Standards.

Requirement for markers.

129. - (1) An aerodrome operator shall ensure that markers are frangible and those located near a runway or taxi way shall be sufficiently low to preserve clearance for propellers and the engine pods of jet aircraft.

(2) Markers under paragraph (1) shall meet the requirements set out in the Manual of Aerodrome Standards.

Aerodrome operator to have movement area of aerodrome lit

130. - (1) Where an aerodrome is available for an aircraft to land or take-off at night, or in less than visual meteorological conditions (VMC) during the day, an aerodrome operator shall provide and maintain a lighting system for the movement area of the aerodrome that is in accordance with paragraphs (2) and (3).

(2) A lighting system under paragraph (1) shall include -

- (a) lighting of runways, taxiways and aprons intended for use at night or in less than Visual Meteorological Conditions during the day;
- (b) lighting of at least one wind direction indicator;
- (c) lighting of obstacles within the movement area; and
- (d) where the aerodrome has a runway intended to serve Category I, Category II or Category III precision approach operations, approach, runway and taxiway lighting for the runway and taxiway.

(3) A lighting system under this Regulation shall -

- (a) where the lighting system is of a kind for which standards are specified in the Manual of Aerodrome Standards, meet those standards; or
- (b) in any other case be of a kind approved by the Authority.

Requirement  
to check  
lighting  
system.

131. - (1) An aerodrome operator shall not put a new lighting system of a kind mentioned in paragraph (3) into service at an aerodrome unless the following requirements are met -

- (a) a pilot approved by the Authority has conducted a flight check of the system; and
- (b) an electrical engineer or a licensed electrician has checked the system for compliance with any applicable electrical

specifications and technical standards set out in the Manual of Aerodrome Standards.

(2) Where checking compliance with a specification requires the use of survey instruments, the aerodrome operator shall ensure that the checking is done by a person qualified pursuant the Manual of Aerodrome Standards.

(3) Pursuant to paragraph (1), the kinds of lighting systems referred to are as follows -

- (a) an approach lighting system;
- (b) a runway lighting system for instrument and non-instrument approach runways;
- (c) a VASIS for jet-propelled aircraft, other than a system intended for use on a temporary basis for a period not longer than thirty days; and
- (d) a pilot-activated lighting system.

Required  
equipment and  
installation

132. An aerodrome operator shall ensure that all equipment and installations at his aerodrome, appropriate to the Aerodrome Certificate he holds, are in compliance with the Manual of Aerodrome Standards.

Aerodrome  
emergency  
committee.

133. - (1) An aerodrome operator shall establish an aerodrome emergency committee.

(2) The aerodrome emergency committee under paragraph (1) shall include a representative from the Fire, Police and other emergency services that, having regard to the location of the aerodrome, would be likely to be asked to assist in the event of an emergency at the aerodrome.

Requirement for  
emergency and  
other at an  
aerodrome

134. - (1) An aerodrome operator shall ensure that he complies with the requirements for emergency and other services provided for in the Manual of Aerodrome Standards.

(2) An aerodrome operator shall ensure that rescue and fire fighting services are provided at his aerodrome.

(3) Notwithstanding the generality of paragraph (2) an aerodrome operator shall ensure that -

(a) where an aerodrome is located close to water or swampy areas or difficult terrain; or

(b) where a significant portion of approach or departure operations take place over areas listed in sub-paragraph (a),

specialist rescue and fire fighting equipment appropriate to the hazards and risks are available.

(4) Where the aerodrome is used in international operations for scheduled service for the transportation of passengers, the aerodrome operator shall ensure that ambulance services are provided at his aerodrome.

Aerodrome  
to have an  
aerodrome  
emergency  
plan.

135. - (1) An aerodrome emergency committee established under Regulation 133 shall prepare an aerodrome emergency plan for that aerodrome that shall include -

(a) procedures for coordinating the responses of all emergency service organizations referred to in the plan; and

(b) any other matters that are required to be included in the emergency plan as prescribed in the Manual of Aerodrome Standards.

(2) The aerodrome emergency committee shall review an aerodrome emergency plan under paragraph (1), at least once every twelve months and make any changes to the plan that are necessary to ensure the plan's proper operation.

(3) A review under paragraph (2) shall be carried out in consultation with the emergency service agencies referred to in the emergency plan.

(4) As soon as practicable after an emergency exercise has been carried out at the aerodrome or, if an emergency has occurred at the aerodrome, as soon as practicable after such emergency, an aerodrome operator shall arrange for the aerodrome emergency committee to -

- (a) review the effectiveness of the responses to the exercise or the emergency;
- (b) assess the adequacy of the emergency plan to deal with emergencies at the aerodrome; and
- (c) take such corrective action as may be necessary to ensure that the plan operates effectively.

(5) An aerodrome operator shall ensure that -

- (a) records of each review of the emergency plan carried out under this Regulation are kept; and
- (b) each record is retained for at least three years after the review to which the record relates was carried out.

136. - (1) An aerodrome operator shall, subject to paragraphs (2), (3) and (4) conduct an emergency exercise at least once every twenty-four months in order to test -

Aerodrome operator to test the aerodrome emergency plan

- (a) the co-ordination of the emergency service agencies referred to in the aerodrome emergency plan; and
- (b) the adequacy of the procedures and facilities provided for in the aerodrome emergency plan.

(2) Where an emergency occurs at an aerodrome within six months before the expiration of the

twenty-four month interval between emergency exercises, the aerodrome operator may request the Authority to extend the period within which the next emergency exercise shall be conducted.

(3) The Authority may grant the request under paragraph (2), where it is satisfied that -

- (a) all emergency service agencies referred to in the plan responded to the emergency; and
- (b) the emergency adequately tested the plan.

(4) In granting a request under paragraph (3), the Authority may extend the period until the end of twenty-four months after the emergency occurred.

Requirement to  
conduct  
aerodrome  
serviceability  
inspection

137. - (1) An aerodrome operator shall conduct an aerodrome serviceability inspection to ensure that the aerodrome is safe for aircraft operations -

- (a) after a gale, storm or other severe weather;
- (b) as soon as practicable after any aircraft accident or incident;
- (c) during any period of construction or repair of the aerodrome facilities or equipment critical to safety of aircraft operations;
- (d) at any time that Air Traffic Control or the Authority requires the inspection; and
- (e) at any other time when there are conditions at the aerodrome which could affect safety.

(2) An aerodrome serviceability inspection under paragraph (1), shall include the following -

- (a) an inspection of the movement area to access its surface condition, including

- ascertaining the presence of foreign objects;
- (b) an inspection of aerodrome markings, lighting, signs, wind direction indicators and ground signals;
  - (c) an inspection for any obstacles infringing the take-off, approach and transitional surfaces;
  - (d) an inspection for any birds or animals on or near the movement area;
  - (e) an inspection of any measures, including aerodrome fencing, to control the inadvertent entry of persons or animals into the movement area;
  - (f) an empirical assessment of the bearing strength of runway pavements;
  - (g) an empirical assessment of the runway strip or each runway strip where the runway concerned is not marked and the whole runway strip may be used for aircraft operations; and
  - (h) a check of the accuracy and currency of notices to airmen for the aerodrome.

(3) The inspections under paragraph (2), shall comply with all applicable standards for aerodrome serviceability inspections set out in the Manual of Aerodrome Standards.

138. - (1) An aerodrome operator shall conduct an aerodrome technical inspection for his aerodrome to ensure that any deterioration that could make the aerodrome unsafe for aircraft operations is detected.

(2) An aerodrome technical inspection shall include the following -

- (a) an instrument survey of the approach, take-off and transitional surfaces;

Requirement to  
conduct a  
technical  
inspection of an  
aerodrome

- (b) an inspection and testing of the aerodrome lighting and electrical circuits, including the visual approach slope indicator;
- (c) an electrical testing of any grounding points at the aerodrome;
- (d) an inspection and assessment of the movement area, pavements and drainage;
- (e) an inspection of signs on the movement area;
- (f) an inspection of facilities at the aerodrome used for any of the following -
  - (i) aerodrome emergencies;
  - (ii) the handling of hazardous materials;
  - (iii) bird and animal hazard management; and
  - (iv) stand-by and emergency aerodrome lighting;
- (g) an inspection of airside vehicle control arrangements; and
- (h) a check of the currency and accuracy of -
  - (i) aerodrome information published in the AIP Jamaica; and
  - (ii) aerodrome operating procedures specified in the Aerodrome Operator's Manual for the aerodrome.

(3) The inspection under paragraph (2) shall comply with all applicable standards for aerodrome technical inspections set out in the Manual of Aerodrome Standards.

Timeframe for the conduct of a technical inspection

139. - (1) An aerodrome operator shall ensure that -
- (a) an aerodrome technical inspection is conducted at intervals of not more than twelve months; or

(b) where the operator has elected under paragraph (2) to have parts of the aerodrome technical inspection conducted at different times, each facility of the aerodrome to be inspected is inspected at intervals of not more than twelve months.

(2) An aerodrome operator may elect to have parts of an aerodrome technical inspection conducted at different times from other parts.

(3) Where it appears from an aerodrome serviceability inspection that a particular facility at the aerodrome requires an aerodrome technical inspection, the aerodrome operator shall ensure that the necessary technical inspection of the facility is conducted as soon as practicable.

(4) An aerodrome operator -

(a) shall, where the aerodrome operator has elected to have parts of an aerodrome technical inspection conducted at different times under paragraph (2) -

(i) keep records of each part of the inspection; and

(ii) retain each record for at least three years after the part of the inspection to which the record relates was conducted; or

(b) shall, in any other case -

(i) keep records of each inspection; and

(ii) retain each record for at least three years after the inspection to which the record relates was conducted.

for the  
conduct of  
technical  
inspections.

an aerodrome technical inspection is conducted by persons with appropriate technical qualifications and experience.

(2) Without limiting the generality of paragraph (1), an aerodrome operator shall ensure that -

(a) the movement area, other pavements and drainage of the aerodrome are inspected by a person who has the appropriate technical qualifications pursuant to the Manual of Aerodrome Standards;

(b) the lighting and electrical facilities are inspected by a person who has the appropriate technical qualifications pursuant to the Manual of Aerodrome Standards; and

(c) the obstacle limitation surfaces are inspected by a person who has the appropriate technical qualifications pursuant to the Manual of Aerodrome Standards;

Requirement  
for the  
planning and  
execution of  
aerodrome works.

141. - (1) An aerodrome operator shall ensure that any aerodrome works carried out at the aerodrome are carried out in a way that does not create a hazard to aircraft, or confusion to pilots.

(2) The aerodrome operator shall comply with the standards set out in the Manual of Aerodrome Standards in relation to planning and notice requirements that shall be satisfied before any aerodrome works may be carried out.

Aerodrome  
operator  
shall have  
a safety  
management

142. - (1) The aerodrome operator shall establish a safety management system for the aerodrome describing the structure of the organization and the duties, powers and responsibilities of the officials in the organizational structure, with

system.

the view to ensuring that operations are carried out in a demonstrable controlled way and are improved where necessary.

(2) The aerodrome operator shall require all users of the aerodrome, including fixed-based operators, ground-handling agencies and other organizations that perform activities independently at the aerodrome in relation to flight or aircraft handling, to comply with the requirements laid down by the aerodrome operator with regard to safety at the aerodrome and the aerodrome operator shall monitor such compliance.

(3) The aerodrome operator shall require all users of the aerodrome, including fixed-based operators, ground-handling agencies and other organizations referred to in paragraph (2), to cooperate in the programme of safety at, and the safe use of, the aerodrome by immediately informing the aerodrome operator of any accidents, incidents, defects and faults which have a bearing on safety.

(4) The aerodrome operator shall arrange for-

- (a) an internal audit of the safety management system, including an inspection of the aerodrome facilities and equipment and the aerodrome operator's own functions; and
- (b) an audit and inspection programme for evaluating all users, including fixed-based operators, ground handling agencies and other independent organizations operating at the aerodrome as referred to in paragraph (2).

(5) The audit referred to in paragraph (4) shall be carried out at least once every 24 months, or more frequently, as agreed between the aerodrome operator and the Authority.

(6) The aerodrome operator shall ensure that the audit reports, including the report on the aerodrome facilities, services and equipment, are prepared by suitably qualified safety experts.

(7) The aerodrome operator shall provide a copy of each report referred to in paragraph (6) to the Authority within thirty (30) days for its review and reference and shall retain a copy for a period of no less than three years.

(8) The report referred to in paragraph (6) shall be prepared and signed by the persons who carry out the audits and inspections.

Aerodrome  
operator to  
collect  
statistics.

143. Where the Authority considers it necessary in the interests of the safety of air navigation, the Authority may give directions in writing to an aerodrome operator to collect -

(a) statistics about -

(i) the types of aircraft using the aerodrome; and

(ii) the times of aircraft movements at the aerodrome; and

(b) other information specified by the Authority in the directions, that is relevant to deciding what radio communication services or air traffic services should be provided at the aerodrome.

Visual aids  
denoting  
obstacles.

144. An aerodrome operator shall ensure that visual aids for denoting obstacles, appropriate to the Aerodrome Certificate he holds, comply with the Manual of Aerodrome Standards.

145. - (1) An aerodrome operator shall monitor the airspace around the aerodrome for infringement of the obstacle limitation surfaces by -

Aerodrome operator  
to monitor airspace  
around aerodrome

(a) any object, building or structure; or

(b) any gaseous efflux having a velocity exceeding 4.3 meters per second.

(2) For the purpose of this Part "obstacle limitation surfaces" means the series of surfaces established by the Authority in the Obstacle Evaluation Manual to define the limit to which objects may project into the airspace with the intent that the airspace around aerodromes are maintained free from obstacles so as to permit the intended aircraft operations at each aerodrome to be conducted safely.

Establishment of an obstacle limitation surface for an aerodrome

146. An aerodrome operator shall ensure that obstacle limitation surfaces are established for the aerodrome in accordance with the standards set out in the Manual of Aerodrome Standards and the Obstacle Evaluation Manual.

Notice requirement for proposed construction of objects

147. Subject to Regulation 148, a person shall give prior notification to the Authority, of that person's intention to create or alter any structure or object, in any of the following circumstances -

(a) where the structure or object exceeds 30 meters in height above the ground level at its site outside the vicinity of the aerodrome or within the vicinity of the aerodrome;

(b) where the structure or object exceeds the height of an imaginary surface extending outward and upward at one of the following slopes -

(i) 1% slope for a horizontal distance of 3000 metres from the nearest point of the nearest runway of code 3 and 4 public-use aerodromes;

(ii) 2% slope for a horizontal distance of 1500 meters from the nearest point of the nearest runway at a Code 1 and 2 registered public-use aerodromes; or

(iii) 4% slope for a horizontal distance of 750 meters (2,460 feet) from the nearest point of the nearest landing and takeoff area of each registered heliport,

pursuant to the provisions of the Manual of Aerodrome Standards.

(c) where the structure or object would be in an instrument approach area, departure route, an enroute obstacle clearance area, an airway, or an approved off airway route that would increase the minimum obstacle clearance altitude or is a structure or object within 1 mile radius of a navigational aid; or

(d) any air navigation facility, airport visual approach or landing aid, meteorological device, or aeronautical telecommunication device, the location and height of which is fixed by its functional purpose.

**Exemption  
from  
Notification**

148. A person is not required to notify the Authority for any construction or alteration in the following circumstances -

(a) where the structure or object -

(i) would be shielded by existing structures of a permanent and

substantial character, natural terrain, topographic features of equal or greater height; and

(ii) is located in the congested area of city, town, or settlement, where it is evident beyond all reasonable doubt that the structure or object so shielded will not adversely affect safety in air navigation;

(b) where the structure is an antenna structure not exceeding 6 metres in height (other than an antenna that would increase the height of another structure).

Notification  
time

149. The notification under Regulation 147 shall be submitted to the Authority at least 60 days before the construction or event is to begin.

Form of  
notification

150. The notification under Regulation 147 shall be in the form provided by the Authority.

Acknowledgement  
of notification

151. - (1) The Authority shall forthwith acknowledge in writing receipt of each notification.

(2) The Authority shall conduct an aeronautical study of the relevant structure or object and respond to the notification stating its determination that the construction or alteration would -

(a) not exceed any standard and would not be a hazard to air navigation;

(b) exceed a standard but would not be a hazard to air navigation; or

(c) exceed a standard and require further aeronautical study to determine whether or not it would be a hazard to air navigation.

Aerodrome  
operator to ensure  
obstacles are  
detected quickly

152. - (1) An aerodrome operator shall take all reasonable measures to ensure that obstacles at, or within the vicinity of, the aerodrome are

detected as quickly as possible.

(2) Where the aerodrome operator becomes aware of the presence of an obstacle, he shall -

- (a) inform the Authority immediately; and
- (b) give the Authority details of -
  - (i) the height and location of the obstacle; and
  - (ii) if applicable, amendments to the declared distances and gradients which have been the subject of a Notice to Airman or published in the AIP Jamaica.

(3) Where the aerodrome operator becomes aware of any development or proposed construction near the aerodrome that is likely to create an obstacle, he shall -

- (a) inform the Authority as soon as practicable; and
- (b) give to the Authority details of the likely obstacle.

Hazards  
and objects.

153. - (1) The Authority may determine, in writing, that an obstacle, or any proposed development or other proposed construction may create an obstacle, having regard to the criteria for determining hazards and obstacles set out in the Obstruction Evaluation Manual.

(2) The Authority may determine in writing that a gaseous efflux having a velocity exceeding 4.3 metres per second is, or will be, a hazard to aircraft operations because of the velocity or location of the efflux.

Exemptions.

154. - (1) The Authority may exempt in writing an aerodrome operator from complying with specific provisions of this Part.

(2) Before the Authority decides to exempt an aerodrome operator, the Authority shall take into account all relevant safety-related matters.

(3) An exemption granted by the Authority under paragraph (1) shall be subject to any conditions or procedures specified in the relevant Aerodrome Certificate as being necessary in the interest of safety.

Security.

155. An aerodrome operator shall ensure that all security provisions including security contingency plans required by the Authority under Part XV of these Regulations or instituted by the Authority from time to time, are implemented, maintained and enforced by its employees, contractors, agencies, regulated agents and its tenants.

#### **PART XIV. *Air Traffic Control***

Air traffic control.  
the Tenth Schedule.

156. - (1) Every person and every operator of an aircraft shall comply with such of the Rules of the the Air and Air Traffic Control (ATC) contained in Tenth Schedule as may be applicable to that person or aircraft in the circumstances of the case.

(2) Subject to the provisions of paragraph (3), it shall be an offence to contravene, or to permit the contravention of, or to fail to comply with, any of the Rules of the Air and Air Traffic Control contained in the Tenth Schedule.

(3) The rules of the air and Air Traffic Control shall not be enforceable in any particular case where departure therefrom is necessary -

- (a) to avoid immediate danger;
- (b) to comply with the law of any country other than Jamaica within which the aircraft then is; or
- (c) to comply with regulations in relation to

military aircraft of which the pilot-in-command is acting in the course of his duty as a member of such military force.

(4) If any departure from the Rules of the Air and Air Traffic Control is made for the purpose of avoiding immediate danger, the pilot-in-command of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within 10 days thereafter to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the Authority.

(5) Nothing in the Tenth Schedule shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

Flight  
information  
service

157. A person shall not provide an aerodrome flight information service at any aerodrome unless the service is provided in accordance with the standards and procedures specified in a Manual of Operations (MANOPS) in respect of that aerodrome.

Power to  
prohibit or  
restrict  
flying.

158. - (1) Where the Authority deems it necessary in the public interest to prohibit flying by reason of -

- (a) the intended gathering or movement of a large number of persons; or
- (b) the intended holding of an air race or contest or of an exhibition in flying; or
- (c) national defence or any other reason affecting public interest,

the Authority may issue directives prohibiting, restricting or imposing conditions on flight -

- (i) by any aircraft, whether registered in Jamaica or not, in the airspace over Jamaica; or
- (ii) by aircraft registered in Jamaica, in any other airspace, being an airspace in respect of which the Government of Jamaica has, in pursuance of international arrangements, undertaken to provide navigation services for aircraft.

(2) Directives made under this Regulation may apply either generally or in relation to any class of aircraft.

(3) If the PIC of an aircraft becomes aware that the aircraft is flying in contravention of any prohibition, restriction or conditions imposed under paragraph (1)(c), he shall, unless otherwise instructed pursuant to paragraph (4), cause the aircraft to leave the area to which the directives relate by flying the least possible extent over such an area and the aircraft shall not begin to descend while over such an area.

(4) The PIC of an aircraft flying within an area to which directives under paragraph (1)(c) apply or within airspace notified as a danger area shall forthwith comply with instructions given by -

- (a) radio;
- (b) one of the prescribed visual signals;
- (c) the appropriate air traffic control unit;
- or
- (d) the person responsible for safety within the relevant airspace.

Balloons,  
kites, airships,

159. - (1) Within Jamaica -  
(a) a captive balloon or kite shall not be

gliders and  
parascending  
parachutes.

flown at a height of more than 60 metres  
above the ground level or within 60  
metres of any vessel, vehicle or  
structure;

- (b) a captive balloon shall not be flown  
within 5 kilometres of an aerodrome;
- (c) a balloon exceeding 2 metres in any  
linear dimension at any stage of its  
flight, including any basket or other  
equipment attached to the balloon, shall  
not be flown in controlled airspace;
- (d) a kite shall not be flown within 5  
kilometres of an aerodrome;
- (e) an airship shall not be moored at a  
height of more than 60 metres above  
ground level; and
- (f) a glider or parascending parachute shall  
not be launched by winch and cable, or by  
ground tow, to a height of more than 60  
meters above ground level,

without the permission in writing of the Authority  
and in accordance with any conditions subject to  
which that permission may be granted.

(2) A captive balloon when in flight shall  
be securely moored, and shall not be left  
unattended unless it is fitted with a device which  
ensures its automatic deflation if it breaks free  
of its moorings.

Publication of  
obstacle  
data.

160. The Authority shall publish obstacle data to  
enable operators to develop procedures for take-off  
in the event of a critical power-unit failure.

Prohibition

161. - (1) No person may, whether by use of radio

of unlicensed  
air traffic  
controllers.

Eighth  
Schedule.

call sign or in any other way, present himself as an air traffic controller, or as a person who may provide any type of service as an air traffic controller, unless that person has been issued an Air Traffic Controller Licence by the Authority, pursuant to the requirements detailed in ICAO Annex 1, Chapter 4, and in the Eighth Schedule unless that person is -

- (a) a student air traffic controller being supervised by the holder of a valid air traffic controller's Licence who is authorized to provide that type of service at that place; or
- (b) the holder of a valid air traffic controller's licence granted or rendered valid under these Regulations authorizing the holder to provide that service at the place; or
- (c) the holder of a valid air traffic controller's licence so granted which does not authorize the holder to provide that type of service at that place, but who is supervised by a person who is present at the time and who is the holder of a valid air traffic controller's licence which authorizes him to provide at that place the type of air traffic control service which is being provided.

(2) Nothing in this Regulation shall prohibit the holder of a valid air traffic controller's licence from providing information to aircraft in flight in the interests of safety.

(3) A person shall not provide any type of air traffic control service or aerodrome flight

information service unless he identifies himself in such manner as may be notified.

Licensing  
of air traffic  
controllers.

162. - (1) The Authority may upon application therefor, grant a licence, subject to such conditions as it deems fit, to any person to act as an air traffic controller upon being satisfied that the applicant is -

- (a) a fit person to hold the licence; and
- (b) qualified by reason of his knowledge, experience, competence, skill and physical and mental fitness so to act,

and for that purpose, the applicant shall furnish evidence and undergo such examinations including a medical examination, as the Authority may require.

(2) Every licence to act as an air traffic controller shall include -

- (a) ratings of one or more of the classes set out in the Eighth Schedule specifying the type of air traffic control service which the holder of the licence is competent to provide;
- (b) a list of places at which the rating is valid; and
- (c) the type of radar equipment, if any, with the aid of which he may provide the service.

Eighth  
Schedule.

(3) If throughout a period of 90 days the holder of a licence to act as an air traffic controller, has not at any time provided at a particular place the type of air traffic control service specified in the rating, the rating shall cease to be valid for that place at the end of the period, and upon a rating ceasing to be valid for a place the holder of the licence shall forthwith inform the Authority to that effect.

(4) A licence issued under this Regulation shall remain in force for the period indicated in the licence and may be renewed from time to time upon the Authority being satisfied that the applicant is fit and qualified as aforesaid;

(5) Every applicant for the holder of an air traffic controller's licence shall, upon such occasions as the Authority may require -

(a) submit himself to such medical examinations, by an aviation medical examiner approved by the Authority, either generally or in a particular case, who shall make a report to the Authority in such form as the Authority may require;

(b) submit himself to such examinations and tests, and furnish such evidence as to his knowledge, experience, competence and skill, as specified in the Eighth Schedule and such examinations shall be conducted by a person approved by the Authority.

Eighth  
Schedule.

(6) On the basis of the medical examination and report referred to in paragraph (5) (a) the Authority may issue a medical certificate, pursuant to the Eighth Schedule and subject to such conditions as it deems fit, certifying that the holder of the licence has been assessed as fit to perform the functions to which the licence relates and the certificate shall be valid for such period as is therein specified not exceeding 24 months from the date of issue and shall be deemed to form a part of the licence.

(7) The holder of an air traffic controller's licence shall not provide any type of air traffic control service unless his licence includes a valid medical certificate issued under paragraph (6).

Temporary  
incapacity of  
air traffic  
controller.

163. - (1) Every holder of an air traffic controller's licence issued under Regulation 162 who -

- (a) suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates for a period of 20 consecutive days; or
- (b) in the case of a woman, has reason to believe that she is pregnant, shall inform the Authority in writing of such injury, illness or pregnancy as soon as possible.

(2) An air traffic controller's licence shall be suspended during the period of such injury or illness referred to in paragraph (1) (a) and the suspension of the licence shall cease -

- (a) upon the holder being medically examined under arrangements made by the Authority and pronounced fit to resume his functions under the licence; or
- (b) upon the Authority exempting the holder from the requirement of a medical examination subject to such conditions as the Authority may deem fit.

(3) Upon the confirmation of the pregnancy of the holder of an air traffic controller's licence, the licence shall be suspended and such suspension shall cease upon the holder being medically examined, under arrangements made by the Authority, and pronounced fit to continue or resume her functions under the licence.

#### **Part XV. Security**

Scope and  
application  
of this Part.

164. - (1) This Part prescribes the requirements for -

- (a) ensuring the safety and security of passengers and crew of aircraft operating into and out of Jamaican aerodromes by

preventing the boarding of weapons, potential weapons, explosives, components for explosives, and other materials that could be used to commit violence, or acts of unlawful interference, inflict harm, or threaten lives;

- (b) ensuring the safety and security of the facilities, equipment, navigation aids, personnel, and physical plant of and at all Jamaican aerodromes;
- (c) maintaining perimeter security and access control at all domestic and international aerodromes.

(2) This Part applies to -

- (a) all operators of international aerodromes, and domestic aerodromes which are approved for use by scheduled and unscheduled air operators;
- (b) Jamaican air operators;
- (c) foreign air operators;
- (d) aerodrome tenants;
- (e) a person who offers goods for transport by air;
- (f) a person who provides a service to an air operator;
- (g) a person on board an aircraft;
- (h) a person in, or within the vicinity of, an aerodrome;
- (i) regulated agents;
- (j) catering organization; and
- (k) an airline crew.

Powers and  
responsi-  
bilities of  
the Director

165. - (1) The Director General may, from time to time, issue prohibition orders, prescribe aviation security standards, and issue security directives, or information circulars wherever and whenever it

General.

appears to the Authority that security will be enhanced, or that such action is necessary to counter a potential threat to the safety or security of, or unlawful interference with, any person at or in the vicinity of an aerodrome, any air navigation installation or other aviation facility, or any aircraft or person thereon.

(2) The Director General shall develop, implement and maintain a National Civil Aviation Security Programme, and shall also be responsible to -

- (a) ensure effective security controls with minimum interference with civil aviation activities;
- (b) ensure appropriate protection of aviation security information;
- (c) support requests from other states for special security controls;
- (d) cooperate with other states in the development and exchange of information;
- (e) coordinate aviation-related activities between departments, agencies, and other organizations by using the National Civil Aviation Security Committee appointed by the Minister;
- (f) develop or implement, as applicable, approved national training and quality assurance programmes for aviation security personnel and organizations; and
- (g) provide ICAO with all pertinent information concerning the security aspects of any act of unlawful interference, occurring either at a Jamaican aerodrome, in Jamaican airspace or on a Jamaican aircraft.

(3) The Director General or an authorized person shall initiate, organize and conduct such inspections, audits, random checks and system tests as may be necessary to ensure that aerodrome operators, air operators, aerodrome tenants, regulated agents and catering organisations, are in and maintain compliance with and adherence to the requirements of these Regulations and Schedules.

Requirement  
to have a  
security  
programme.

166. - (1) No person shall operate an aerodrome, or an aircraft in commercial air transport service, unless that person has submitted a security programme to the Authority for approval and has received such approval for such security programme which shall meet the requirements of these Regulations.

Twentieth  
Schedule.

(2) Every national air operator, and every aerodrome operator, prior to being granted a certificate to operate, shall prepare a security programme pursuant to the Twentieth Schedule the details of which shall be set forth in a security manual that shall be presented to the Authority for approval.

(3) A foreign air operator shall not operate an enterprise, or an organization whose purpose is the movement of goods or passengers by air, within and through Jamaica, unless he has submitted a security programme, pursuant to the Twentieth Schedule, to the Authority for its approval.

(4) A Security Programme made under these Regulations which shall be signed by the applicant and in accordance with the Twentieth Schedule, shall provide for the safety and security for -

(a) passengers, crew and their property;

- (b) other persons and property on or in the vicinity of the operations of the aircraft or aerodrome;
- (c) the aircraft;
- (d) the aerodrome;
- (e) air navigation installation; or
- (f) related aviation support facilities, as the case might be.

(5) An air operator, aerodrome operator, regulated agent, or catering organization, shall adhere to the requirements, standards and procedures as set out in the Security Programme approved by the Authority for that operator, agent or organisation.

Contents of  
a security  
programme.  
Twentieth  
Schedule.

167. - (1) An aerodrome operator shall include, as a part of his security programme, the following procedures and measures in accordance with the Twentieth Schedule -

- (a) procedures to ensure that all persons, goods, and vehicles, entering airside areas, are screened to prevent the entry of weapons, munitions, explosives, or any other hazardous device or materials that could be used for criminal or terrorist purposes or to commit acts of violence or acts of unlawful interference with civil aviation;
- (b) procedures to ensure that all passengers, carry-on baggage, cargo hold baggage, cargo and mail are screened to prevent the carrying on board of any weapons, explosives, or other hazardous devices or material intended for unlawful interference with civil aviation.

No breach of  
regulations etc.

168. No person shall breach or contravene any Regulation in this Part or any relevant Schedules or

or rules, breach any of the rules, orders, directives,  
 directives etc. directions, instructions or access restrictions  
 made under contained in or made, issued or given by the Act,  
 Act. these Regulations or Schedules or in the Security  
 Programme referred to herein.

**PART XVI. Repeals**

Repeals. 169. The enactments specified in the first column of  
 Twenty-Third the Twenty-Third Schedule are hereby repealed to the  
 Schedule. extent specified in the second column thereof.

**SCHEDULES**

(here insert Schedules)

Dated this                      day of                      , 2005.

Minister of Transport and Works