



THE
JAMAICA GAZETTE
SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

647

Vol. CXXXV

MONDAY, DECEMBER 24, 2012

No. 142

No. 238

THE CIVIL AVIATION ACT

THE CIVIL AVIATION REGULATIONS, 2012

In exercise of the powers conferred upon the Minister by sections 3, 8 and 9 of the Civil Aviation Act, and of every other power hereto enabling, the following Regulations are hereby made:—

Citation. 1. These Regulations may be cited as the Civil Aviation Regulations, 2012.

Applicable international convention requirements. 2. For the purposes of this Civil Aviation Act and of these Regulations, the provisions of the Chicago Convention and the annexes thereto together with the standards and recommend 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.

Interpreta-
tion.

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

“accident” shall have the meaning assigned to it by section 5 of the Act;

“aerial work” means an aircraft operation in which an aircraft is used for specialized services, including services for agriculture, construction, photographing, surveying, observation and patrol, search and rescue and aerial advertisement.

“aerial work operator certificate” or “AWOC” means a certificate issued by the Authority or the competent authority of another State authorizing the holder to conduct flight operations for the purpose of aerial work;

“aerodrome” means any area of land or water designed, equipped, set apart, commonly used or used on any particular occasion for affording facilities for the landing, maneuvering 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, maneuvering 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 maneuvering 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 Aeronautical Information Circular issued by—

“AIPs” means Aeronautical Information Publications issued;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface and includes a rocket;

“aircraft engine” means any engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof other than propellers;

“aircraft piracy” means any actual or attempted seizure or exercise of control, by force or violence or by any other form of

intimidation, with wrongful intention, of an aircraft within the jurisdiction of Jamaica or registered in Jamaica;

“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 but is not limited to a pilot, flight engineer, a flight attendant, an aircraft maintenance engineer, air traffic controller and a flight dispatcher;

“airman licence” means any licence issued to an airman under these Regulations;

“air navigation” means the practice of controlling, guiding and operating aircraft from airport of departure to pre-determined airport of destination, including alternate airports, to ensure safety, regular and efficiency civil aviation operations, in accordance with the procedures, rules and regulations contained in the appropriate ICAO Annexes;

“air navigation facility” means any facility used in, available for use in, or designed for use in aid of air navigation, including an airport or landing area, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio directional finding, or for radio or other electromagnetic communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or landing and take-off of aircraft;

“air operator” means any organization which undertakes to engage in domestic commercial air transport or international commercial air transport, whether directly or indirectly or by a lease or any other arrangement;

“air operator certificate or “(AOC)” means a certificate issued by the Authority or the competent authority of State other than Jamaica authorizing the holder to conduct flight operations for remuneration, hire or valuable consideration;

“air transport operations” means all operations directly relating to the carriage by air of passengers, mail, or other freight;

“air transport service” means a service for the carriage by air of passengers, mails or other freight;

“AOC holder” means the person or entity to which an AOC has been issued;

“Annexes to the Chicago Convention” means the documents issued by the International Civil Aviation Organization also called “(ICAO)” containing the Standards and Recommended Practices applicable to civil aviation;

“appliances” means instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intend to be used, in the navigation, operation, or control of aircraft in flight (including parachutes, communication equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight), and which are not part or parts of aircraft, aircraft engines, propeller or rotors;

“approach to landing” means that final stage of a flight, in descent, before touchdown, whether on land or water;

“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;

“aviation document” means any licence, permit, certificate or other document issued under or pursuant to these Regulations in respect of any person, undertaking or thing;

“AWOC holder” means the person or entity to which the AWOC has been issued;

“baggage” means personal property of passengers or crew carried on an aircraft by agreement with the operator;

“cargo” means any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage;

“CARICOM” means the Caribbean Community established by Article 2 of the Revised Treaty of Chaguaramas signed in the Bahamas on July 5, 2001;

“category of aircraft” is as is stated on the aircraft Type Certificate Data Sheet also called “TCDS” for that model;

“category of operations” means aerial work operations, commercial air transport operations or private operations;

Fifth
Schedule.

“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;

“certificate” means an instrument issued by the Authority of another State that authorizes the holder thereof to perform the aviation activities identified in the certificate;

“certificate holder” means a person or entity holding a formal instrument issued by a Civil Aviation Authority authorizing the holder to perform the aviation activities identified in the document;

“Certificate of Airworthiness “C of A” 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 or approved modification 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 relating to the certificate of airworthiness; or an Airworthiness Certificate issued by the competent authority of another ICAO Contracting State;

“Certificate of Release to Service “CRS” means the entry in an aircraft’s technical logbook, duly signed by an aircraft maintenance engineer, that certifies that the work performed on an aircraft has been performed in accordance with these Regulations that the aircraft is therefore serviceable and fit for flight;

“certification” means a formal evaluation and confirmation by or on behalf of the Authority for aviation safety and security that a person, organization or enterprise possesses the necessary competencies to perform assigned functions to an acceptable level as defined by the Authority;

“Citizen of Jamaica” includes a company registered under the laws of Jamaica;

“civil aircraft” means any aircraft other than a state, public or military aircraft;

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- “civil aviation” means general aviation operations, aerial work or commercial air transport operations;
- “Class A airspace”, “Class B airspace”, “Class C airspace”, “Class D airspace”, “Class E airspace”, “Class F” means airspace respectively notified as such, pursuant to these regulations and in accordance with Annex 11 of the Chicago Convention;
- “commercial air transport operation” means an aircraft operation involving the transportation of passengers, cargo and or mail 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 and security 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 (also called “AIP”) Jamaica;
- “control authority” means any person, department, agency or any entity other than an authorized person who is a member of an agency in support of the Authority including legal affairs, the justice department, foreign or external affairs, law enforcement, postal services, border control, customs and immigration, national armed forces, intelligence agencies and mutual aid organizations;
- “Convention” means the Chicago Convention;
- “corporate aircraft operations” means the non-public passenger operation or use of, without charge, aircraft by a company for the carriage of passengers or cargo in furtherance of the conduct of the company’s business;
- “crew member” 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 technical instructions for the safe transport of dangerous

goods by air issued by the International Civil Aviation Organization;

“dangerous goods accident” means an occurrence associated with and related to the transport of dangerous goods by air which results in fatal or serious injury to a person, major property or environmental damage;

“dangerous goods incident” means an occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods by air, not necessarily occurring on board an aircraft which results in injury to a person, property or environmental damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging of the goods has not been maintained and includes any occurrence relating to the transport of dangerous goods which seriously jeopardizes the aircraft or its occupants;

“deviation” means a deviation issued under regulation 85;

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

“disruptive passenger” means a passenger who fails to respect the rules of conduct at an airport or on board an aircraft or to follow the instructions of the airport staff or crew members and thereby disturbs the good order at an airport or on board an aircraft;

“domestic operator” means any AOC holder operating under the authority of the Jamaica Civil Aviation Authority within borders or airspace of Jamaica, whether on a scheduled, non-scheduled or charter basis;

“exemption” means the grant of relief or immunity from meeting any obligation, standard, procedure or regulation;

“flight” and “to fly” in relation to an aircraft shall be construed in accordance with paragraph (4);

“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;

“foreign aircraft” means an aircraft other than a Jamaican aircraft;

“foreign air operator” means any operator, not being a Jamaican air operator, who undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in commercial air transport operations within the borders or airspace of Jamaica, whether on a scheduled, non-scheduled or charter basis;

“foreign air operator certificate or “FAOC” means a certificate issued by the Authority authorizing the holder of an AOC issued in another State to conduct flight operations within borders or airspace of Jamaica for remuneration, hire or valuable consideration;

“general aviation operation” means any aircraft operation other than commercial air transport or aerial work;

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

“incident” shall have the meaning assigned to it by section 5 of the Act;

“international airport” means any airport designated as an airport of entry and departure for international air traffic, where the formalities incidental to customs, immigration, public health, animal and plant quarantine and any other border control procedures are carried out;

“international commercial air transport” means the carriage of persons or property for remuneration or hire or the carriage of mail between any two or more States;

“investigator” means a duly qualified person appointed by the Authority to assist in the investigation of an aviation occurrence;

“Jamaican air operator” means an AOC holder operating under the authority of the Jamaica Civil Aviation Authority domestically or internationally;

“licence” means an instrument issued by the Authority or the civil aviation authority of a Contracting State that authorizes the holder to perform the aviation activities specified in that document and may include any certificate of competence or certificate of validity issued with or required to be held in connection with that licence by the law of the State in which the licence is granted;

“logbook” or “technical logbook” in respect of an aircraft includes the airframe logbook, engine logbook, auxiliary power unit logbook, variable pitch propeller logbook and journey logbook;

“maintenance release” means a document certifying the proper completion of a maintenance task and inspection in accordance with these Regulations;

“maximum total weight authorized or “MCTOW” or a maximum certificated” 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 favourable circumstances in accordance with the Certificate of Airworthiness in force in respect of that aircraft;

“narcotics control” means measures to control the illicit movement of narcotics and psychotropic substances by air;

“navigable airspace” means the airspace above the minimum altitudes of flights prescribed by these regulations and includes airspace needed to ensure safety in take-off and landing of aircraft;

“navigation of aircraft” means a function which includes the piloting of 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;

“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, NOTAM, AIP, or such other official publications so issued for the purpose of enabling any of the provisions of these Regulations to be complied with;

“operator” means a person, in relation to an aircraft, the person who at the relevant time has the management of that aircraft;

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

“passenger” means a person, not being a citizen of, Jamaica who is lawfully landed in Jamaica and ordinarily resident in Jamaica for a period of at least three years;

“permanent resident” means a person who is ordinarily resident of Jamaica and has authorize to work;

“personal logbook” means a personal record kept either in a book, or by any other means approved by the Authority in the particular case;

“pilot-in-command” or “PIC” means the pilot assigned by an aircraft’s owner or operator, as responsible for the operation, safety and security of the aircraft during flight time;

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

“private use of aircraft” means any use other than for commercial air transport operations, corporate aircraft operations or aerial work;

“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 installation of another part, whether of the same part number or of a different part number; but does not include the removal and reinstallation of the same 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;

“screening” or “security screening” means the application of security procedures and use of devices to detect prohibited items or any other thing which may jeopardize aviation safety;

“second in command” “SIC” or “Co-pilot” in relation to an aircraft, means a pilot who, in performing his duties, is subject to the direction of another pilot and who is not on board the aircraft for the sole purpose of receiving flight instruction;

“serious incident” means an incident involving circumstances indicating that an accident nearly occurred;

“spare part” means any part, appurtenance, and accessory of aircraft (other than complete aircraft engines and propeller assemblies), of propellers, and of appliances, maintained for installation or use in an aircraft, aircraft engine, propeller, or appliance, but which is not installed therein or attached thereto;

“special aircraft jurisdiction of Jamaica” includes—

- (a) civil aircraft of Jamaica; and
- (b) any other aircraft within the jurisdiction of Jamaica, while the aircraft is in flight, which is from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disembarkation or, in case of a forced landing, until the competent authorities take over the responsibility of the aircraft and the persons and property onboard;

“special flight operations” means any aircraft operations which is not aerial work, commercial, military, public or state;

“state aircraft” means any aircraft when used exclusively for customs, the police services or the Authority; that is not a military aircraft;

“technical records” means engineering, evaluation, research and development information associated with design, production, operation, use or maintenance of equipment, machine, process or system;

“to land” in relation to aircraft includes alighting on the water;

“travel document” means a passport or other official document of identity issued by a State or organization which may be used by the rightful holder for international travel;

“validation” means the acceptance of a certificate, licence, approval, designation or authorization issued by a Contracting State other than Jamaica;

“valuable consideration” means the exchange of services, goods, equipment, or money;

(4) 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.

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

(6) 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.

(7) 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.

(8) 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.

(9) Terms and expressions used and not defined in the Act or these Regulations, shall unless the context otherwise requires, have the same meaning as in the Chicago Convention or any Annex thereto.

PART I. *Enforcement of these Regulations*

Application. 4.—(1) Subject to Paragraphs (3), and (4) and to Regulation 89, these Regulations apply 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;
- (c) Jamaican aircraft, as well as crew members and passengers thereon even when outside Jamaica; and
- (d) aircraft, aircraft owners and operators, air operator certificate holders, aerodrome operators, aviation services providers, air navigation services providers, contract employees of operators and service providers, and aircraft handling agents, in Jamaica.

(2) Where a Jamaican citizen commits an act or omission outside of Jamaica on board either a Jamaican aircraft or a foreign aircraft, or a foreign citizen commits an act or omission on a Jamaican aircraft outside of Jamaican airspace, 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, then 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, these Regulations apply to all foreign registered aircraft leased and operated by a Jamaican operator.

(4) Except for the applicable airspace and air traffic control provisions of Part XVI and the Twenty-Fourth 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 emergen-
cy decision
of the
Authority.

5.—(1) In accordance with its powers under the Act or under these Regulations or any order made by decision of the Minister, the Authority may, if it deems fit, provisionally issue an instruction 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 of an aviation document;
- (d) revocation, suspension or variation of a licence, certificate, 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 made by the Minister under section 20A of the Act and may pay a pecuniary penalty as assessed by the Minister.

(4) An investigation and all further civil proceedings regarding an alleged contravention of the relevant regulations shall be closed without prejudice where a person has:—

- (a) elected pursuant to paragraph (2) to accept a provisional decision; or
- (b) paid a penalty pursuant to paragraph (3).

(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 licence, certificates, 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.

(6) The Authority shall, where required issue by means of Standards, Directives, Aeronautical Information Circulars (AIC), Aeronautical Information Publications (AIP) Notices to Airmen (NOTAMs), Advisory Circulars (ADs), Notices of Non-compliance and other documents, develop issue and revise instructions, directions, rules and procedures, or prescribe requirements to give effect to any of these Regulations.

Revocation,
suspension
and variation
of aviation
documents.

6.—(1) The Authority may, if it deems fit, or in the interests of safety or security, provisionally suspend or vary any aviation documents issued, granted, or having effect under these Regulations (other than those to which regulation 7 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 where—

- (a) a relevant provision of the Act or these Regulations, or a condition in an aviation document, has not been, or is not being, complied with;

(b) false or materially incorrect information was given to the the application for the aviation document; or

(c) it is in the public interest to do so.

(3) For the purposes of paragraphs (1) and (2), the Authority or any authorized person may enter upon and inspect any aircraft and any documents of the holder of the aviation document.

(4) 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 as soon as practicable, after being required to do so by the Authority.

(5) 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.

(6) 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
economic
licence or
permit.

7.—(1) The Authority may revoke, suspend or vary any economic licence or permit for air transport granted to any operator where that operator is found to be in breach of any of these Regulations.

(2) Subject to paragraph (5), the Authority 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) For the purposes of paragraphs (1) and (2), the Authority or any authorized person may enter upon and inspect any aircraft and any documents of the permit holder.

(4) If, by reason of the urgency of the matter, it is deemed to be necessary, the Authority may provisionally suspend or vary a licence or 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.

(5) Where the Authority has provisionally suspended or varied a licence or permit under paragraph (4) the Authority may, after examining the particular matter, either—

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

(b) substitute for such provisional suspension—

- (i) 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).

(6) The powers vested in the Authority by paragraphs (1) or (4) 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, as the case may be, may determine and without prejudice to the generality of the foregoing, the Authority may exercise those powers if it appears to the Authority that—

- (a) the person to whom the economic licence or 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 the other Government has committed a breach thereof;
- (c) the person to whom the economic licence or permit was granted, or the Government or regulatory authorities of the country concerned—
 - (i) has 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) has engaged in unfair, discriminatory or restrictive practices to the prejudice of the holder of a licence granted under the Act or 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 for him to disregard or qualify the consequences of him being designated.

(7) 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 as soon as practicable of being required to do so.

(8) The breach of any condition, subject to which an economic licence or permit has been granted under these Regulations, shall render the economic licence or permit invalid during the continuance of the breach.

(9) The economic licence or permit to which this regulation applies are economic licence or permit issued by the Authority under the Civil Aviation (Air Transport Licensing Board) (Delegation of Functions) Order, 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 economic licence or permit which he has so granted.

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

Contraven-
tions,
defences and
penalties.

8.—(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 breached that provision.

(2) Liability under paragraph (1) shall not apply to an operator or Pilot-in-Command 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; or
- (b) was due to a cause not avoidable with the exercise of reasonable care by that person.

(3) Where a person is charged with contravening any provision of these Regulations 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.

Second
Schedule.

(4) Any person who contravenes a provision specified in the first column of the Second Schedule commits an offence and is liable on summary conviction before a Resident Magistrate to the penalty specified in the third column in relation thereto in the Second Schedule.

(5) 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 the applicable penalties prescribed in the Second Schedule;
- (b) on conviction on indictment in a Circuit Court to the applicable penalties prescribed in the Second Schedule.

Appeals
procedure.

9.—(1) A person aggrieved by a decision of the Authority made in respect of any aviation document, or any penalty, may appeal against that decision to the Appeals Tribunal pursuant to section 79 of the Act.

(2) An appeal shall be made in writing, shall be addressed to the Chairman of the Appeals Tribunal, in care of the Ministry, shall include details of the specific issues involved, and shall be accompanied by certified copies of all documents relevant to the appeal.

PART II. *Flight Safety Division*

Flight Safety
Division.

10.—(1) Pursuant to section 6C of the Act, the Director-General shall establish a Flight Safety Division within the Authority and shall assign thereto the requisite number of technically qualified personnel to conduct the necessary surveillance, technical evaluations, inspections and investigations required to meet Jamaica's responsibilities under the Convention to provide safety and security oversight of the aviation industry ensuring conformance to all the Annexes to the Convention, to include but not limited to—

- (a) registration of aircraft;
- (b) airworthiness of aircraft;
- (c) personnel licensing;
- (d) operations of aircraft;

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- (e) commercial air transport;
 - (f) aerial work;
 - (g) carriage of dangerous goods;
 - (h) accident investigation;
 - (i) aviation security and facilitation;
 - (j) aerodromes;
 - (k) air traffic services;
 - (l) units of measurement in aviation;
 - (m) meteorological services for aviation;
 - (n) aeronautical charts;
 - (o) aeronautical information services; and
 - (p) aeronautical telecommunications;
 - (q) aircraft search and rescue;
 - (r) aviation environmental protection;
 - (s) aviation training programmes and facilities;
 - (t) safety management in aviation;
 - (u) general and corporate aviation.

(2) The Director-General shall appoint a person, technically qualified in one or more areas of Air Transport Operations, as Director of Flight Safety, to head the Flight Safety Division and this person shall report to the Director General.

(3) The Director-General shall appoint persons trained and qualified in the fields referred to in paragraph (1), as Inspectors who shall carry out the functions of surveillance, inspection, evaluation and investigation, referred to in paragraph (1), and these Inspectors shall report to the Director of Flight Safety.

(4) The structure, staffing, training, equipment, practices and procedures, established for the Flight Safety Division shall be such that the Division is capable of responding rapidly and effectively to meet any increased safety or security threat.

(5) In these Regulations, all references to an "Inspector" shall be interpreted to include the Director of Flight Safety and any Managers or Supervisors in the Flight Safety Division who have been trained and qualified as Inspectors.

Delegation of
functions.

11.—(1) Pursuant to section 24 of the Act, 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 by the minister under paragraph (1) shall be revocable by the Minister by order and no delegation shall prevent the performance of any function by the Minister.

(3) The Flight Safety Division may, by means of Standards, Documents, Directives, Airworthiness Notices, Advisory Circulars, 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 Chicago Convention and the Annexes thereto;
- (b) the Standards and Recommended Practices of ICAO; and
- (c) the provisions of the Act and of these Regulations, relating to the operation, use, possession, maintenance, operation, safety and security of aircraft—
 - (i) registered in Jamaica;
 - (ii) flying in Jamaican airspace;
 - (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 Eighth and Thirteenth Schedules.

(5) The Authority may cause such evaluations, inspections, observations, tests, investigations, 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 evaluations, 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.

Inspector's
credentials.

12.—(1) For the purposes of inspection, certification, surveillance and enforcement, the Authority shall issue each Inspector with personal

credentials consisting of a unique badge, accompanied by a primarily red identification card with the Inspector's picture inset upon the card.

(2) No person shall willfully obstruct, impede or cause an Inspector to be obstructed or impeded or refused access to any aircraft or aviation facility, or any aviation document, or from observing or inspecting, any activity, while in the performance of his functions when that Inspector displays his credentials.

Possession of
credentials.

13.—(1) No person shall possess or use an Inspector's credentials unless that person—

- (a) has been appointed by the Director-General as an Inspector; and
- (b) is using the credentials in the performance of a specific function for the Authority.

(2) For the purposes of exercising his responsibilities under these Regulations, an Inspector shall carry his personal credentials on his person at all times while on duty.

Inspector's
right of
access.

14.—(1) An Inspector shall, pursuant to regulation 12, have the right of access at all reasonable times—

- (a) to any aerodrome for the purpose of inspecting the aerodrome or air operator, 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 crew members in performance of their duties:

(2) No person shall obstruct, hinder, or impede, an Inspector attempting to enter and inspect any aerodrome, hangar or other place (at which an aircraft may be located or stored), aircraft or the premises of any organization performing tasks and services related to aviation safety and security 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.

(3) No person shall cause or allow the safety or commercial operations of the aircraft to be unduly prejudiced by the exercise of the right of access under this regulation.

(4) Where it appears to any Inspector 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 Inspector 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) No person shall allow an aircraft to be flown where a detention order has been issued by the Authority pursuant to paragraph (4) 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.

Power to
inspect and
copy docu-
ments.

15.—(1) An Inspector shall have the power to inspect and copy any certificate, licence, logbook, document or record, raised or issued pursuant to these Regulations and any directions issued thereunder, and to require such certificate, licence, logbook, document, or record, 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 Inspector.

Production of
documents
and records.

16.—(1) Each person involved or participating in an aviation activity shall, within a reasonable time after being requested to do so by an Inspector, 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 Inspector, 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.

(4) A person commits a breach of this regulation pursuant to paragraphs (1) and (2) who refuses to, or fails to, produce a licence, certificate or other document, when requested to by an Inspector or other authorized person.

Power to
prevent
aircraft
flying.

17.—(1) The Director-General or an Inspector 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 Directive issued thereunder.

(2) The Director-General or an Inspector 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 Directive has been revoked by the Authority, the Director-General or an Inspector; and
- (b) take such steps as are necessary to detain the aircraft.

(3) If it appears to the Director-General or an Inspector 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 Inspector 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 directive until the direction has been revoked by the Authority, Director-General or any Inspector; and
- (b) take such steps as are necessary to detain the aircraft.

(4) For the purposes of paragraphs (1), (2) and (3) the Director-General or an Inspector may enter upon any aerodrome, or any other place, where the aircraft may be located and may enter and inspect such aircraft and/or any relevant documents related to the operation or maintenance of the aircraft.

Authorised
persons'
rights and
responsibi-
lities.

18.—(1) An Authorized Person, so designated by the Minister or Director-General with the approval of the Minister, shall have the right to exercise specific powers and functions of an Inspector as designated in a letter of appointment.

(2) An Authorized Person shall be appointed for a specific period of time and for a specific function or functions, and his letter of Authorization shall specify the functions and the date of termination.

PART III. *Reports, Documents and Records*

Mandatory
and voluntary
reporting.

19.—(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;
- (c) signs a maintenance release, or certificate of release to service in respect of such an aircraft, part or equipment;
- (d) performs a function which requires him to be authorized by the JCAA as an air traffic controller or a flight information service officer;
- (e) is a manager of a licenced aerodrome or a manager of an airport; or of a service provider; or
- (f) is a person who performs a function concerning the ground-handling of aircraft, including fuelling, servicing, loading or any other similar function.

(2) The persons 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 twenty-four (24) hours of discovery; in addition, items that warrant immediate notification to the Authority by telephone/telex/fax/e-mail or any such means, with a written follow-on report as soon as possible but no later than within seventy-two (72) hours of discovery, 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 serious incident as a result of—
 - (i) being in or upon the aircraft; or
 - (ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or
 - (iii) direct exposure to jet blast;
- (c) 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;
- (d) the aircraft sustains damage or structural failure except for engine failure or damage, when damage is limited to the engine, its cowlings or accessories; or for damage limited to propellers, wing tips, antennas, tyres, brakes, fairings, small dents or punctures in the aircraft skin, which—
 - (i) adversely affects the structural strength, performance or flight characteristics of the aircraft; and
 - (ii) would normally require major repair or replacement of the affected component;

(e) the aircraft is missing or is completely inaccessible.

(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 shall 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.

(7) The Authority shall take steps to encourage voluntary reporting within the Civil Aviation Operations in Jamaica and a voluntary report may be made by a person not required to report under this regulation. Every voluntary report shall be processed in a similar manner to these mandatory reports required under regulation 20.

Documents
to be carried.

20.—(1) An aircraft shall not fly in or over Jamaica unless it carries all the documents which it is required to carry under the law of the country in which it is registered together with the documents required under the JCAR, Tenth Schedule, if different.

(2) An aircraft registered in Jamaica shall, when in flight, carry all the documents in accordance with the Tenth Schedule, provided that, if the flight is 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 docu-
ments.

21.—(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 for the period specified in these Regulations and the applicable Schedules, 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 Directors of the 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 -
documents
and records.

22.—(1) No person shall, with intent to deceive, or to obtain any benefit, financial or otherwise—

(a) use any licence, certificate, permit, 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

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- (b) lend any licence, certificate, permit, 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 licence, certificate, permit or exemption or other document, and in this paragraph a reference to a licence, certificate, permit, exemption or other document includes a copy or purported copy thereof.

(2) No person shall intentionally damage, alter or render illegible any logbook or other record, or any entry made in any logbook or other record, required by or under these Regulations to be maintained, 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) No person shall make an entry in any aircraft logbook or record referred to in paragraph (2) unless that entry is made in black or blue permanent ink.

(4) No person shall 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) No person shall issue any such certificate as aforesaid unless he is satisfied that all statements in the certificate are correct.

(6) No person shall—

- (a) operate an aircraft without being the holder of any aviation document required to be held under these Regulations; or
- (b) wilfully destroy any aviation document required to be kept under these Regulations.

(7) No person shall—

- (a) with intent to deceive, or to benefit, whether financially or otherwise—
 - (i) lend 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

- (ii) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any aviation document.
 - (iii) use any aviation document which has been forged, altered, revoked, or suspended, or to which he is not entitled;
- (b) 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;
 - (c) knowingly make, procure, or assist in the making of, any false entry in, or material omission from any such logbook or record;
 - (d) wilfully destroy any such logbook or record during the period for which it is required to be preserved;
 - (e) knowingly make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet; or
 - (f) purport to issue any certificate for the purposes of these Regulations when he is not authorized to do so.

(8) A person who contravenes any provision of this regulation commits an offence and is liable on conviction before a Circuit Court to a maximum fine of one million dollars.

(9) In this Regulation a reference to an aviation document includes a copy or purported copy thereof.

PART IV. *Registration and Markings*

Aircraft
registration.

23.—(1) No person shall operate an aircraft, or cause an aircraft to be operated, in or over Jamaica unless it is registered in—

- (a) Jamaica, pursuant to the Third Schedule;
- (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:

(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.

(3) The Authority shall not register an aircraft unless the owner or operator applying for the registration of the aircraft presents to the Authority a valid noise certificate, applicable to that type of aircraft and issued to that aircraft.

(4) The Authority shall validate a noise certificate issued by another contracting state, pursuant to the Third Schedule.

Aircraft
register.

24.—(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 not be 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) No person shall hold a legal or beneficial interest by way of ownership in an aircraft registered in Jamaica or a share therein, other than—

- (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 and having its principal place of business in Jamaica;

- (d) a citizen of another CARICOM member state or a company incorporated in another CARICOM member state and having its principal place of business in that state.

(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 person chartering the aircraft, 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 manufacturer 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 person or entity chartering the aircraft;

- (e) where applicable, an indication that the aircraft is registered pursuant to either paragraph (4) or (5); 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; or
- (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.

(20) Whenever a new aircraft is added to the Register, the Authority shall notify the State of Design and Manufacture and shall provide that State with the information regarding the Nationality and Registration Markings, Serial Number of the aircraft, Model and Serial Number of each installed Engine, and the name and address of the operator.

(21) Where an air operator wishes to de-register an aircraft, he shall—

- (a) apply to the Authority in the prescribed form; and
- (b) pay the prescribed fee.

(22) Where the purpose of the application is for de-registration of a Jamaican-registered aircraft in order to facilitate its re-registration in another state, the Authority may, where it is satisfied that the other State has agreed to re-register the aircraft;

- (a) issue a De-registration Certificate to the owner with a copy to the State of re-registration, pursuant to the Third Schedule;
- (b) require the owner to remove from the aircraft all Jamaican nationality and registration markings, both external and internal; and
- (c) require the owner to remove the following from the aircraft and return them to the Authority—
 - (i) the aircraft owner's data plate;
 - (ii) the Certificate of Registration.

Nationality
and registra-
tion marks.

25.—(1) No person shall operate an aircraft or cause an aircraft to be operated, in or in Jamaican airspace, other than aircraft permitted by or under these Regulations to fly without being registered, 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 requirements of the Third Schedule.

(3) No person shall place on an aircraft, or operate an aircraft in Jamaican airspace, bearing affixed to it 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 Chicago 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.

(4) No person shall operate an aircraft in Jamaica where the nationality and registration markings affixed to that aircraft pursuant to the

Third Schedule, do not correspond to the equivalent markings on a valid Certificate of Registration carried on board that aircraft.

(5) No person shall place, on an aircraft registered in Jamaica, or on a foreign-registered aircraft operating in Jamaica, a design, mark, picture, or symbol, that modifies, masks, or confuses, the nationality or registration marks of that aircraft.

PART V. *Airworthiness of Aircraft*

Type certificate and airworthiness code.

26.—(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.

(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 Civil Aviation Regulations, or European Aviation Safety Agency requirements; and
- (b) the Type Certificate approval basis meets the airworthiness requirements laid down by the Authority.

(4) Without prejudice to paragraph (3), the Authority may at 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.

(5) 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 of America;
- (b) Canada; or

(c) the European Union.

(6) 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.

(7) No person shall maintain or operate an aircraft contrary to the Type Certificate that was used in the issuance of the Certificate of Airworthiness.

(8) In this regulation "Type Certificate", with respect to an airframe, engine, propeller or appliance, means a document issued by the manufacturer, and approved by the regulatory 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 airframe, engine, propeller or appliance and of the variants specified on the Type Certificate Data Sheet, comply with the certification basis to which the certificate refers.

(9) The Type Certificate includes but is not limited to—

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

(10) Any person who intends to operate an aircraft registered in Jamaica for other than commercial air transport, or aerial work, shall apply to the Authority for the issue of a Certificate of Airworthiness as provided for in regulation 28 and the Fifth Schedule.

(11) A Supplemental Type Certificate issued by the State of Design and Manufacturer in lieu of a revision to the Type Certificate, shall be accepted by the Authority.

Certificate of
airworthiness.

27.—(1) No person shall operate an aircraft, or cause an aircraft to be operated in Jamaican airspace, 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—

- (a) an aircraft flying in accordance with a Restricted Airworthiness Certificate issued pursuant to the 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;
- (b) the results of any flight test, and such other tests of the aircraft as it may require; and
- (c) documentary evidence being provided to confirm that the aircraft has been maintained in accordance with an approved maintenance programme.

(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 shall 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 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 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 its 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 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;
- (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; and
- (e) if an unapproved, or unserviceable part, component, or appliance, is installed on 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).

(10) When an owner or operator wishes to export an aircraft from Jamaica, that operator may apply to the Authority for an Airworthiness Export Letter, which the Authority shall issue to the State to which the aircraft is being exported, provided that—

- (a) the aircraft is registered in Jamaica;
- (b) the aircraft entered Jamaica with a valid and current Certification of Airworthiness prior to being added to the Jamaica Aircraft Register; and

- (c) the aircraft, during the period that it remained registered in Jamaica, was maintained in accordance with a maintenance programme approved by the Authority.

Airworthiness
directives and
service bulletins.

28.—(1) Every owner or operator of a Jamaican registered aircraft and every holder of an Air Operator Certificate issued under these Regulations shall ensure that he receives all Airworthiness Directives issued by the Authority, or by the regulatory authority having jurisdiction over the applicable Type Certificate Holder in accordance with regulation 27(7); and all Mandatory Service Bulletins that affect his aircraft and that are issued by the manufacturer, or any other approved documents which may affect the TBO or finite life of a part or component installed on the aircraft.

(2) Every owner or operator of a Jamaican registered aircraft and every holder of an Air Operator Certificate issued under these Regulations shall ensure that he receives all Airworthiness Directives issued by the Authority, or by the regulatory authority having jurisdiction over the applicable Type Certificate Holder in accordance with regulation 27(7); and all Mandatory Service Bulletins that affect his aircraft and that are issued by the manufacturer or other approved documents which may affect the TBO or finite life of a part or component.

(3) No person shall operate an aircraft, which is the subject of an Airworthiness Directive, or Mandatory Service Bulletin, unless the action, or actions, prescribed by the applicable Airworthiness Directive or Mandatory Service Bulletin, have been carried out within the time period specified by the Airworthiness Directive or Mandatory Service Bulletin.

(4) All modifications or repairs carried out on an 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.

Continuing
airworthiness.

29.—(1) No person shall operate, or cause to be operated, an aircraft registered in Jamaica, or a foreign-registered aircraft operating in Jamaican airspace, in respect of which a Certificate of Airworthiness is in force unless—

- (a) the aircraft is maintained in accordance with a maintenance programme approved by the State of Registry, or approved by the Authority pursuant to the Fifth and Tenth Schedules, and applicable to the type of operation;

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- (b) the required inspections of the aircraft have been completed in accordance with the Regulations applicable to the type of operation;
 - (c) all required Airworthiness Directives and Mandatory Service Bulletins have been complied with; and
 - (d) there is an Aircraft 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, shall ensure that with respect to each aircraft operated by that AOC holder—
- (a) the aircraft is 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 applicable to that aircraft are complied with; and (c) the aircraft is maintained, by an organization approved by the Authority, in an airworthy condition and in accordance with the approved maintenance programme.
- (3) The maintenance programme referred to in paragraphs (1) and (2) 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) The Authority shall notify the State of Design of all mandatory continuing airworthiness information which it has originated in respect of an aircraft on its Register.
- (5) The Authority shall ensure that, in respect of every aeroplane on its Register with a maximum take-off mass of 5700 kg or more, and every rotary winged aircraft, a system exists for information on faults, defects, malfunctions, and other occurrences, that cause or might cause adverse effects on the continuing airworthiness of the aircraft, pursuant to the Fifth Schedule, to be transmitted to the organization responsible for the type design of the aircraft.

Journey log.

30.—(1) No person shall operate, or cause to be operated, an aircraft in Jamaica unless, in respect of that aircraft, a Journey Log is maintained and the required entries are made as specified in 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 journey 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 journey 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 journey log in such a position as to be readily identifiable with the defect to which it relates.

(4) The journey log referred to in this regulation shall be carried in the aircraft as required by these Regulations and Schedules, and—

- (a) copies of the entries referred to in this regulation shall be kept on the ground;
- (b) in the case of any private aeroplane or helicopter making multiple landings for the day the copy of the Journey Log page may be retained on the aircraft until the end of the last flight each day but must be removed and stored securely at that time.

Certificate of release to service and maintenance release.

31.—(1) No person shall operate, or cause to be operated, an aircraft registered in Jamaica, in respect of which a Certificate of Airworthiness, issued or rendered valid under these Regulations is in force, if that aircraft, or any part thereof, or such of its equipment as is necessary for the airworthiness of the aircraft, has been overhauled, repaired, replaced, modified, maintained, or inspected, as required by these Regulations, unless there is in force a Certificate of Release to Service issued in accordance with this regulation with respect to the work done.

(2) No person shall operate an aircraft registered in Jamaica, in respect of which a Certificate of Airworthiness is in force, if any equipment, provided in compliance with the Seventh Schedule, or radio apparatus provided for use in that aircraft, or in any survival craft installed or placed on board for use in that aircraft, such equipment or radio apparatus having been inspected, overhauled, repaired, or modified, unless there is in force in respect thereof at the time when it is installed or placed on board for use, a Maintenance Release issued in accordance with paragraph (9) of this regulation in respect of that equipment or radio apparatus.

(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) 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;
 - (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.

(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 journey log 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

- (d) 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) Pursuant to paragraph (4), when 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.

(7) A Certificate of Release to Service shall be issued in at least 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.

(8) Subject to the provisions regarding retention of documents in this regulation and its applicable Schedules, each Certificate of Release to Service and the details of the maintenance work to which it applies 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.

(9) A Maintenance Release shall certify that the appliance, component, or replacement part to which it applies, has been inspected, overhauled, repaired, or modified, in a manner approved by the applicable regulatory authority and has been tested and found to be in compliance with the manufacturer's specifications.

Approval of
maintenance
organizations

32.—(1) No person or organization, shall engage in any stage of the manufacture, distribution, or maintenance of aircraft, aircraft components, or aircraft materials, or training activities associated therewith, in Jamaica, without the written approval of the Authority.

(2) A person or organization intending to engage in any of the aviation activities referred to in paragraph (1)—

- (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.

(3) The owner/operator of an aircraft registered in Jamaica or the holder of an AOC issued by the Authority shall not permit a maintenance organization situated outside Jamaica, or a maintenance organization in Jamaica, that has not received prior approval from the Authority, to carry out any inspection, repair, replacement, overhaul, modification or any other maintenance work on that aircraft.

(4) An AOC holder may apply to the Authority for prior permission to have an aircraft, or any appliance or component of that aircraft, maintained at a maintenance organization situated outside of Jamaica, and in granting such approval the Authority may inspect the organization and issue an approval certificate if the organization meets the standards specified in the Sixth Schedule, or 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.

(5) The Authority shall issue an Approved Maintenance Organization (AMO) certificate to any organization in Jamaica that makes an application in accordance with, and complies with, the requirements of the Sixth Schedule regarding administration, operating procedures, facilities, resources, tools, equipment, data, documentation, and systems of quality control, adequate for the activities applied for, as well as an acceptable safety policy and safety management system, with a Manager accountable for promoting safety in the Organization.

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

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

(8) 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.

Technical
logbooks.

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

- (a) an airframe logbook;
- (b) a separate logbook in respect of each engine fitted to the aircraft, including auxiliary power units (APU);
- (c) a separate logbook in respect of each variable pitch propeller fitted to the aircraft;
- (d) a journey log, as specified in these Regulations;
- (e) a technical logbook as specified in these Regulations.

(2) The journey log and technical log as specified in Sub-paragraphs (d) and (e) above may be combined as one document.

(3) The logbooks shall include the particulars respectively specified in the Fifth and Tenth Schedules.

(4) All entries in a logbook shall be made in the English language, in block capitals of a size that can be clearly read and in dark blue or black permanent ink.

(5) Each entry in a logbook, other than a journey log or technical log entry referred to in the Fifth and Tenth Schedule, shall be made as soon as practicable after the occurrence to which it relates, but in no event more than seven (7) days after the occurrence.

(6) An entry in a technical log 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.

(7) 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.

(8) 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.

(9) 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.

34.—(1) No person shall operate an aircraft, or cause an aircraft to be operated, in respect of which there is in force a Certificate of Airworthiness issued or rendered valid under these Regulations, unless that aircraft has been weighed, and the position of its centre of gravity determined, at such times and in such manner as provided for in the 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 all unusable fluids 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*

Required
instruments
and
equipment.

35.—(1) No person shall operate an aircraft in or over Jamaica unless it is so equipped with instruments and such other equipment as to comply with the law of the country in which it is registered.

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

- (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 specific 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;
- (c) the survival of the persons carried in the aircraft; or
- (d) the security of the flight crew compartment.

(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) 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.

Required
communications
and navigation
equipment.

36.—(1) No person shall operate an aircraft in or over Jamaica unless it is so equipped with radio communication 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 applicable Schedules.

(2) No person shall operate an aircraft registered in Jamaica, or operated by the holder of a Jamaican AOC, unless that aircraft is equipped with radio communication 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.

37.—(1) No person shall operate, or cause to be operated, an aircraft registered in Jamaica or operated by the holder of an AOC issued under these Regulations, 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 unless—

- (a) the operation is in accordance with the terms of a special authorization which has been granted to the operator pursuant to Regulation 39;
- (b) in the case of an aircraft for which the flight and operations manuals required thereby contain the particulars specified for such operations with respect to the route, altitude, and type of operations being conducted; or
- (c) the operations are in accordance with a Minimum Equipment List or Configuration Deviation List as specified in paragraph (2).

(2) An AOC holder may operate an aircraft under the terms and conditions specified in a Minimum Equipment List or Configuration Deviation List, approved by the Authority for that specific aircraft, which identifies the minimum equipment, configuration and condition required for an aircraft to maintain the Certificate of Airworthiness in force and defines the operational procedures necessary to deal with inoperative equipment as well as prescribing the maintenance procedures necessary to maintain the required level of safety and to secure any inoperative equipment.

Minimum
equipment and
configuration
authorization.

38. The Authority may, subject to such conditions as it deems fit, grant in respect of any aircraft or class of aircraft registered in Jamaica a written authorization to allow such aircraft to commence a flight in specified circumstances notwithstanding that any specified item of equipment (including radio apparatus) or any configuration 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.

PART VII. *Personnel Licensing*

Personnel
licensing.

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

- (a) approve any course of training or instructions;
- (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.

(3) Where the holder of a Personnel Licence, granted under these Regulations, is required to meet specific medical standards as per the Eighth Schedule in order to exercise the privileges of the licence, that person shall not exercise those privileges unless he is in possession of a current and valid medical certificate issued by the Authority.

(4) Where the holder of a licence, rating, or authorization is required by these Regulations and Schedules to satisfy specific conditions of currency, proficiency checks, or otherwise, that person shall not exercise the privileges associated with the licence, rating or authorization unless those specific conditions have been met.

(5) Licences, ratings and authorizations shall be issued without a specific expiration date except as specified in the Eighth “A” Schedule.

(6) The status of each licence rating or authorization may be reviewed by the Authority from time to time to determine that the holder is fit and qualified in accordance with applicable requirements.

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

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

Flight
operations
officer (flight
dispatcher)
licence.

40.—(1) The Authority shall, upon application by a candidate, grant a Flight Operations Officer (also referred to as a Flight Dispatcher) Licence 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 the flight planning, flight preparation, flight release, flight following and other such areas of aircraft operations as are specified in the Eighth Schedule.

(2) A Flight Operations Officer licence authorizes the holder, subject to such conditions as may be specified in these Regulations, to issue a Flight Release for a flight operated by an AOC holder.

Instructor
rating.

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

- (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
licence.

42.—(1) The Authority shall, upon application by a candidate, grant an Aircraft Maintenance Engineer Licence and such ratings relating to aircraft types 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 required by the Eighth Schedule for the purpose of establishing that he has sufficient knowledge, experience, competence and skill in the maintenance of aircraft, as are applicable to the type of licence applied for.

(2) An Aircraft Maintenance Engineer licence authorizes 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 Aircraft Maintenance Engineer granted under the law of another contracting State and

such dispensation may be issued subject to such conditions, and for such periods, as the Authority deems fit.

Flight crew
licences.

43.—(1) The Authority shall, upon application by a candidate, grant a licence subject to such conditions as it deems fit, and as 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 required by these Regulations.

(2) The Authority may include in a licence, 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.

Currency of
licence and
ratings.

44.—(1) The holder of a Pilot or a Flight Engineer licence shall not exercise the privileges of an aircraft rating contained in the licence on a flight, unless the holder is qualified and current for the functions that the holder is to perform on that flight in accordance with these Regulations.

(2) The holder of a Pilot or Flight Engineer licence shall not 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 or a flight instructor rating, unless—

- (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.

(5) The holder of an Aircraft Maintenance Engineer Licence shall not exercise the privileges of the Licence, or of any ratings granted on the Licence, unless he has met the currency requirements specified in the Eighth Schedule.

(6) The holder of an airman Licence shall not exercise the privileges of that Licence unless the Licence is in the possession of the holder and available for inspection, at the duty station where the privileges are being performed.

Possession of
medical
certificate.

45.—(1) Every holder of an airman licence granted under these Regulations shall be required to have a valid medical certificate as required by the Eighth Schedule, as a prerequisite to performing any of the functions authorized, and shall have such a certificate in his possession 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.

(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
foreign
licences.

46. The Authority may issue a certificate rendering valid, for the purposes of these Regulations, any licence as an airman granted under the law of another contracting State and such certificate shall be subject to such conditions and for such periods as the Authority deems fit.

Flight crew
personal
logbooks.

47.—(1) 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 logbook in which every hour or part thereof where the person operates as Pilot in command or Second in command shall be entered.

(2) Entries made in the personal logbook pursuant to paragraph (1) shall be made in accordance with the Eighth Schedule.

Approval of
training
organizations.

48.—(1) No person shall engage in any program of aviation training in Jamaica without first receiving approval in writing from the Authority.

(2) No AOC holder shall engage the services of a training organization situated outside of Jamaica without first obtaining approval from the Authority.

(3) 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

(4) 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 a Contracting State.

(5) The organization shall use training and checking manuals 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.

(6) The organization shall use training and checking manuals 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.

PART VIII. *Operation of Aircraft*

Careless or
negligent
operation of
aircraft.

49.—(1) No person shall operate, or cause an aircraft to be operated in such a manner that causes, or makes it likely to cause, injury or death to a person, or damage to property.

(2) No person shall operate an aircraft or cause an aircraft to be operated in such a negligent or reckless manner as to endanger or to be likely to endanger persons or property.

(3) No person shall operate as a crewmember of an aircraft when under the influence of alcohol, any prohibited drug, or any form of medication.

Authority of
pilot-in-
command.

50. No person in an aircraft registered in Jamaica or operating in Jamaican airspace, shall disobey any lawful commands which the pilot in command or any person acting in his stead gives for the purpose of

Interference
with crew or
aircraft
operations.

51. 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;

(iii) intentionally interfere with a crew member in the performance of 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.

Operating and
liability
insurance
requirements.

52.—(1) No person shall operate an aircraft registered in Jamaica, nor cause an aircraft to be operated in Jamaican Airspace unless the aircraft and its operation conform to the aircraft operating requirements specified in the Tenth Schedule.

(2) The holder of an AOC issued under these Regulations shall not operate an aircraft unless the aircraft and its operation are in conformance with the Liability Insurance requirements of the Tenth Schedule.

Flight crew
requirements.

53.—(1) No person shall operate an aircraft, or cause an aircraft to be operated in Jamaican Airspace unless the flight crew is in conformance with the flight crew requirements in these Regulations.

(2) No person shall operate or cause to be operated an aircraft registered in Jamaica and no holder of an AOC issued under these Regulations shall operate or cause to be operated an aircraft unless the flight crew conforms to the flight crew requirements as specified in these Regulations.

Crew duties
and
responsibilities.

54.—(1) No person shall operate an aircraft or cause an aircraft to be operated in Jamaican Airspace unless the crew conforms to the crew duties and responsibilities as specified in the Tenth Schedule.

(2) No person shall operate or cause to be operated an aircraft registered in Jamaica and a holder of an AOC issued under these Regulations shall not operate an aircraft or cause to be operated an aircraft outside of Jamaican Airspace unless the crew conforms to the crew duties and responsibilities in the Tenth Schedule and Sixteenth Schedules.

Passenger
carrying
operations.

55.—(1) No person shall operate an aircraft or cause an aircraft to be operated in Jamaican Airspace with passengers unless such a flight conforms to the requirements for all passenger carrying operations specified in the Tenth Schedule.

(2) No person shall 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 to the requirements for all passenger carrying operations as specified in these Regulations.

Flight
planning and
pre-flight
preparations.

56.—(1) A person shall not operate an aircraft nor cause an aircraft to be operated in Jamaican Airspace unless the flight plans, flight planning and other pre-flight preparations conforms to the requirements specified in these Regulations and the Tenth Schedule.

(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 Jamaican Airspace unless the flight plans, flight planning and pre-

flight preparations conform to the requirements as specified in the Sixteenth and Seventeenth Schedules.

Aircraft
operating
requirements.

57.—(1) No person shall operate an aircraft or cause an aircraft to be operated in Jamaican Airspace unless the flight is conducted in accordance with the applicable flight rules in the Tenth Schedule.

(2) No person shall operate an aircraft registered in Jamaica and no holder of an AOC issued under these Regulations shall operate an aircraft outside of Jamaican Airspace unless the flight is conducted in accordance with the flight rule requirements specified in the Sixteenth Schedule.

(3) Where compliance with paragraph (2) would contravene the law of the State being over-flown then the applicable law of the state being over-flown shall be complied with.

(4) No person shall operate an ultra-light aircraft, Autogyro, unmanned aerial vehicle, and lighter than air balloon in Jamaican airspace unless that operation is conducted in accordance with the specific requirements detailed for such aircraft in the Tenth Schedule.

(5) This regulation shall not apply to—

- (a) hang gliders;
- (b) model aircraft;
- (c) kites;
- (d) non powered parachutes;
- (e) unmanned free balloons that are designed for launch in support of either scientific or weather research.

Operations in
controlled
flight.

58.—(1) No person shall operate an aircraft or cause an aircraft to be operated in Jamaican Airspace unless the flight is conducted in accordance with the requirements for operations in controlled flight specified in the Tenth Schedule.

(2) No person shall operate or cause to be operated an aircraft registered in Jamaica and no holder of an AOC issued under these Regulations may operate or cause to be operated an aircraft outside of Jamaican Airspace unless the flight is conducted in accordance with the requirements for operations in controlled flight in the Tenth and Sixteenth Schedules.

(3) Where compliance with paragraph (2) would contravene the law of the State being over-flown, then the applicable law of the state being over-flown shall be complied with.

PART IX. *Aerial Work*

Authorization
for aerial work.

59. 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 operator
certificate.

60.—(1) No person shall use an aircraft 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 Operator Certificate granted to the operator of the aircraft under paragraph (2) and in accordance with the requirements of the Eleventh, Eighteenth and Twentieth Schedules.

(2) A person desirous of obtaining an AWOC shall apply to the Authority for the Certificate in accordance with the requirements of this regulation.

(3) The Authority shall grant an Aerial Work Operator Certificate along with the appropriate operation specification if it is satisfied that the applicant is—

- (a) fit and proper person to hold the certificate;
- (b) he has complied with the requirements of paragraph (6); and
- (c) competent, having regard in particular to his previous conduct, experience, his equipment, organization, staffing, maintenance and other arrangements, to ensure the safe and secure operation of the aircraft when conducting the approved operations as specified in paragraph (1).

(4) Without limiting to the generality of paragraph (3), the applicant shall—

- (a) possess a management organization capable of exercising operational control and supervision over any flight operated under the terms of its Aerial Work Operator Certificate;
- (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 and Twelfth Schedules; and
- (c) be in compliance with the requirements contained in the Schedule specifically applicable to Aerial Work Operator Certificate holders prior to issuance of the Aerial Work Operator Certificate, including but not limited to the Seventh, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth and Twentieth Schedules.

(5) An Aerial Work Operator 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.

(6) An Aerial Work Operator 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.

(7) Every holder of an Aerial Work Operator 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, lifting
and carrying
externally.

61.—(1) Subject to the provisions of this regulation the operator of an aircraft in flight in Jamaican Airspace 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 and prior to such use, approval is granted by the Authority.

(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 or apparatus, 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 for the purpose of saving a life.

Dropping of
articles and
animals.

62.—(1) No person shall drop an article, or animal (whether or not attached to a parachute), or allow an article or animal to be dropped 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 Operator Certificate and the requirements of the Eleventh Schedule, no person shall drop, or cause or allow to be dropped, an article or animal (whether or not attached to a parachute), to the ground or other surface from an aircraft flying in Jamaican Airspace.

(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.

(4) For the purposes of this regulation dropping includes projecting and lowering.

(5) 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 or
parachuting.

63.—(1) No person shall jump, or be dropped, from an aircraft flying in Jamaican Airspace, 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 be dropped from an aircraft in flight so as to endanger persons or property on the ground or other surface.

(3) No person shall operate an aircraft 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 applicable to the intended operation 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 documentation furnished to it by the applicant or other sources and may authorize its use, either absolutely or subject to such conditions as it deems fit.

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

(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
photography
and survey.

64. No person shall operate or caused to be operated, an aircraft in Jamaican Airspace for the purpose of aerial photography or aerial survey, television, movie operations, sight-seeing flights and traffic reporting or any other type or class of aerial work, 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 the approval of the Authority granted under these Regulations to the operator of the aircraft and in accordance with any conditions to which such approval may be subject.

Aerial events.

65.—(1) No person shall organize an Exhibition of Flying, an Air Race, or Aerial Event unless that person has received prior approval from the Authority in writing and the specified activity is in compliance with any specifications therein and the appropriate requirements of the Tenth Schedule.

(2) The Authority shall grant the approval required under paragraph (1) to any applicant if it is so satisfied that the applicant 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 organize the proposed event.

(3) The approval 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.

(4) The exhibition organizer shall not permit any person to act as pilot in command 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.

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

(6) No person shall act as pilot in command of an aircraft intending to participate in an exhibition, race or other aviation event, unless that person has taken steps to ensure before he participates, that—

- (a) the exhibition organizer has been granted approval under paragraph (2);
- (b) the flying event is in compliance with the conditions specified in the approval; and
- (c) that the said pilot in command has applied for and been granted approval by the Authority to participate in the event.

(7) The pilot in command of an aircraft participating in an organized event for which approval has been granted under paragraph (2) shall comply with any conditions specified therein.

PART X. *Commercial Air Transport Operations*

Air operator
certificate.

66.—(1) No person shall operate an aircraft for the purpose of commercial air transport or engage in providing commercial air transport, otherwise than under and in accordance with, the terms of:—

- (a) an Air Operator Certificate (hereinafter referred to as an AOC) granted to the operator under paragraph (3); and
- (b) an approved Company Operations Manual approved by the state of the operator.

(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 his behalf—

- (a) has undertaken any form of advertising to carry passengers or property by aircraft for remuneration or valuable consideration;
- (b) verbally offers to carry passengers or property by aircraft for remuneration or valuable consideration; 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 compensation.

(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.

(4) An AOC may be granted subject to such conditions as the Authority deems appropriate and it shall remain in force pursuant to the Twelfth Schedule unless it is—

- (a) terminated or suspended by the Authority on the request in writing of the holder; or
- (b) suspended or revoked by the Authority based upon a determination made by the Authority, as a result of an audit, occurrence, or the findings identified during routine surveillance, that the operation no longer meets the requirements of these Regulations, or that the safety or security of the passengers, crew, or the general public, may be adversely affected by continued operation.

(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, acceptable and accountable to the Authority, who is a fit and proper person and who has corporate responsibility for ensuring that all of the organization's flight operations and maintenance activities can be financed and carried out to the highest degree;
- (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, Seventeenth, Eighteenth and Twentieth Schedules; and

(d) comply with any additional requirements defined by the Authority.

(6) In exercising the functions under paragraphs (3) and (4), the Authority shall have regard to such of the following as are applicable, and the applicant shall have the duty to provide such information as required by the Authority in relation to—

- (a) the nationality of the applicant;
- (b) whether the grant or refusal of the application is in the public interest;
- (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;
- (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 requirements of the applicable Schedules.

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

(9) No AOC holder, and no officer, representative, agent, or employee of an AOC holder, shall order, coerce, instruct, or direct, any person to—

- (a) take an action that shall either breach a regulation or cause a regulation to be breached; or

- (b) fail to take an action, thereby, either breaching a regulation, or causing a regulation to be breached.

(10) Where a foreign air operator wishes to apply for an AOC, then that operator shall provide the following information to the Authority and shall make an application pursuant to the Twelfth Schedule—

- (a) an AOC issued by the State of Registry for that operator;
- (b) a certified copy of the Operations Specifications issued by the State of Registry;
- (c) a copy of the operator's approved Operations and Maintenance Control Manuals;
- (d) compliance with the Jamaican security requirements.

Initial
certification
requirements.

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

(2) An Air Operator Certificate shall not be transferred from one person or operator to another.

(3) A person or operator who wishes to obtain an AOC shall apply to the Authority pursuant to regulation 67 (3).

Operations
specifications.

68. 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 the Operations Specifications issued pursuant to the Twelfth Schedule as a part of the AOC.

Aircraft
authorization.

69. 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 numbers for the AOC holder's operation in accordance with the Twelfth Schedule.

Security
requirements.

70. No person shall operate, or cause to be operated in commercial air transport operations, any aircraft subject to these Regulations, unless those operations comply with the applicable requirements of the security programme specified in the Twelfth and Twentieth Schedules.

Maintenance
requirements.

71. No person shall operate, or cause to be operated, an aircraft in commercial air transport operations unless the aircraft is maintained in accordance with the applicable maintenance requirements specified in the Fifth, Sixth and Twelfth Schedules.

Passenger-
carrying
requirements.

72. No person shall operate, or cause to be operated, an aircraft for the carrying of passengers in commercial air transport operations, except in accordance with the passenger-carrying requirements of the Thirteenth Schedule.

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| Qualified personnel. | 73. No person shall operate, or cause to be operated, an aircraft in commercial air transport operations, unless the assigned aviation personnel are qualified and current in accordance with at least the minimum qualification, training and check requirements specified in the Fourteenth Schedule. |
| Crew duty time limitations. | 74. No person shall operate, or cause to be operated, an aircraft in commercial air transport operations, unless the assigned aviation personnel operate in accordance with the flight and duty time limitations and have been allowed at least the minimum rest periods specified in the Eighth and Fifteenth Schedules. |
| Flight release requirements. | 75. No person shall operate in flight, or cause to be so operated an aircraft in commercial air transport operations in flight, unless the flight was released in accordance with the flight release requirements specified in the Sixteenth Schedule. |
| Mass and balance and aircraft performance requirements. | 76. No person shall operate, or cause to be operated an aircraft in commercial air transport operations, unless the operations comply with the mass and balance and performance requirements specified in the Seventeenth Schedule. |

PART XI - Carriage Of Dangerous Goods

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| Acceptance and carriage of dangerous goods. | <p>77.—(1) No person shall ship, cause to be shipped, accept for shipment, or allow to be carried on an aircraft, any article or substance classified as dangerous goods pursuant to Annex 18, except in accordance with the Eighteenth Schedule and an approval granted by the Authority.</p> <p>(2) 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.</p> <p>(3) A 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.</p> <p>(4) Every shipper, operator and other person engaged in the transport of dangerous goods by air shall implement security measures commensurate with security provisions specified in the Eighteenth Schedule.</p> <p>(5) Where a shipper or an operator is not engaged in the transport of dangerous goods as cargo, the shipper or operator shall ensure that all the persons involved in the air transportation operation receive awareness training in the requirements commensurate with their responsibilities as set out in the Fourteenth Schedule.</p> <p>(6) Personnel employed by or interacting with the aviation industry in areas such as passenger reservation centres, engineering and maintenance and air traffic services personnel shall be provided with dangerous goods training that is commensurate with their responsibilities as specified in the Eighteenth Schedule.</p> |
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Munitions of
war and
agents of the
state on duty

78.—(1) No person shall carry, or cause to be carried, a weapon or any munitions of war on an aircraft registered in Jamaica, or on any aircraft in Jamaica, unless the weapon or 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 in relation thereto.

(2) Notwithstanding paragraph (1) no person shall carry weapons or munitions of war 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 an aircraft;
- (b) suspend or cause to be suspended beneath an aircraft; or
- (c) deliver or cause to be delivered for carriage on an aircraft, any weapon or munitions of war other than in accordance with paragraph (1).

(4) Where a law enforcement officer from another State, in the course of official duties is required to carry a firearm on board in the cabin of a foreign-registered aircraft, a written request shall be submitted to the Authority by the requesting government agency and if approved, then such approval must be received by that agency prior to the date of travel of the officer.

(5) Nothing in this regulation shall apply to any weapon or munitions of war taken or carried on board an aircraft in Jamaica, when that aircraft is 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.

(6) 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 and Miscellaneous*

Accident
reporting and
investigation.

79.—(1) A person, being involved in an aircraft accident, or who has observed an aircraft accident, shall make a report thereon to the Authority in accordance with the Nineteenth Schedule, if that person is the operator, pilot-in-command, or other crew member, of an aircraft—

- (a) registered in Jamaica;
- (b) foreign registered but operated by the holder of a Jamaican air operator certificate; or

- (c) foreign-registered and operated by a foreign air operator in Jamaican airspace.

(2) A person who, with respect to an aircraft accident, observes, knows of, or has information of any sort whether in relation to the aircraft crew, the aircraft itself, work done on the aircraft or other factors, involving an aircraft operated in Jamaica, registered in Jamaica or not registered in Jamaica but operated by the holder of an AOC issued by Jamaica, or by a foreign Air Operator in Jamaican airspace, shall make a report thereon to the Authority, in accordance with the Nineteenth Schedule.

(3) A person who makes a report which he knows or has reason to believe is false in any particular shall be deemed to have committed an offence against regulation 22 and shall be liable on conviction to the appropriate penalties specified in paragraph (8) of that regulation.

(4) In the event of an aircraft accident occurring in Jamaica, or in Jamaican airspace, involving an aircraft certified for a maximum take-off mass of 2250 kg or any turbojet powered aircraft, the Authority shall immediately notify the—

- (a) State of Registry;
- (b) State of the operator;
- (c) State of design;
- (d) State of manufacture; and
- (e) International Civil Aviation Organization.

(5) At such time as the Authority becomes aware of an accident or serious incident, the Authority shall, pursuant to the Act and subject to the Minister's approval, appoint an Investigator-in-Charge (IIC) whose sole responsibility for the duration of the investigation shall be to head the investigation.

(6) Every person assigned to assist the Investigator-in-Charge shall comply with the appropriate 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.

80.—(1) The provisions of the Twenty-Second Schedule 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 in—

- (a) that currency; or

- (b) 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 no later than fifteen days after the date indicated on the relevant invoice presented by the Authority or its duly appointed agent.

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

- (a) waive a fee;
- (b) demand that a fee be paid prior to the commencement of any service;
- (c) refuse, whether or not an aviation document has been applied for or issued, to provide any further services under these Regulations to any person who is liable for outstanding fees in respect of services already provided by the Authority;
- (d) 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;
- (e) require any aircraft owner or aircraft operator, either of whom has failed to pay on time any fees payable hereunder, to deposit with the Authority security in the form of a bond or a letter of credit acceptable to the Authority and in an amount which in the opinion of the Authority is sufficient to ensure full payment of the fees in the following year; or
- (f) require carriers to deposit with the Authority security in the form of a bond or a letter of credit acceptable to the Authority and in an amount which in the opinion of the Authority is sufficient to ensure full payment of the passenger aviation service charge to be incurred under or imposed by paragraph (24).

(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.

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

(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 sees 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 therefor is about to leave Jamaica or take from Jamaica any aircraft owned or operated by the person, the Authority may take such steps as it deems 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 sees 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 the following are deposited with the Authority—

- (a) a bond or other security in a form satisfactory to the Authority for the amount in respect of which the aircraft was seized; and
- (b) any additional amounts ordered by a Court.

(13) Subject to paragraph (14), where any fees remain outstanding for ninety days or more 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 it is acting under an order of the Supreme Court to do so 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 1-7 of the Twenty-Second Schedule are set out in Column II of the respective Tables.

(16) Where an inspector or authorized person necessarily travels outside of the corporate area or outside of Jamaica in order to conduct technical evaluations, inspections, observations, tests, experiments audits, flight trials or other activities required in order to issue an aviation document, rating, authorization or approval to or for any requesting person or organization, such requesting person or organization shall pay the accommodation, transportation, meal expenses and incidentals incurred by the inspector or authorized person during his travel; and such payment of accommodation or meal expenses shall not exceed the rates set by the Ministry responsible for the public service employment and remuneration unless in either case a higher rate has been agreed between the Authority and the requesting person or organization;

Tables 1-7
Twenty-
Second
Schedule.

So, however, that the preceding provisions of this paragraph do not apply—

- (a) where there is a separate agreement between an applicant for the regulatory services under these Regulations and the Authority, pursuant to which agreement the applicant shall pay, in accordance with the rates set by the Ministry responsible for public service employment and remuneration, the costs of transportation, lodging, meals and incidental expenses for an authorized person who is required to travel outside of the corporate area or outside of Jamaica to process the application; or
- (b) where either the Authority or any of its authorized persons uses additional time in research or consultations or incurs additional cost in providing any service, in which case the person receiving the service shall pay the economic costs incurred.

(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 the—

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

Column II.
Table 8.
Twenty-
Second
Schedule.

(19) Subject to paragraph (23), the fees set out in Column II of Table 8 of the Twenty-Second Schedule are payable in respect of the *en route* air navigation services for aircraft of the weights set out in Column I, operating within the Kingston Flight Information Region.

Column I.

(20) Without affecting any other provision of these Regulations, the payment for air navigational services and the passenger aviation service charge set forth in the relevant Tables of the Twenty-Second Schedule in respect of all flights and passengers, may be paid on account of the Authority in the lawful currency of the United States of America to any agent duly appointed by the Authority and notified to persons making such payments, and the clearing house of the International Air Transport Association may be one such agent of the Authority.

(21) These Regulations shall not apply to the following—

- (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 for or on behalf of the Authority;
- (f) flight 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; and
- (h) flights by aircraft operated by aerial applicators, where the aircraft does not use the air navigation services.

Column I.
Table 9.
Twenty-
Second
Schedule.
Column II.
Table 10.

(22) The fees payable in respect of advertisements of applications and in respect of hearings, both specified in Column I of Table 9 of the Twenty-Second Schedule, are set out in Column II of the Table.

(23) Each passenger who travels on international air transportation that departs from or arrives in Jamaica shall pay, as set forth in Table 10 of the Twenty-Second Schedule, a passenger aviation service charge to which the following provisions shall apply—

(a) in this paragraph

“carrier” means—

- (i) any person (whether incorporated or not) transporting passengers by aircraft used in commercial international air transportation on any flight to or from Jamaica;
- (ii) the pilot or other person in command or control of the transporting aircraft;
- (iii) the agent in Jamaica of any person referred to in paragraph (a); or
- (iv) if the person referred to in sub-paragraph (a) or the agent referred to in sub-paragraph (c) is a corporation, every director and manager of that corporation;

“passenger” means a person who travels to or from Jamaica by commercial international air transportation;

- (b) for round trip commercial international air transportation, commencing or terminating in Jamaica, the passenger aviation service charge is applicable at both commencement and termination of any round trip;

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- (c) upon issuing a ticket or other document to, or being engaged in any other way by, a passenger in relation to commercial international air transportation, the carrier shall—
 - (i) collect from each passenger, the applicable passenger aviation service charge;
 - (ii) provide such information and in such format as is prescribed by the Authority, within seven days of travel by each passenger; and
 - (iii) pay over the amount collected from each passenger to the Authority, within fifteen days of invoicing by the Authority or its duly authorized agent;
 - (d) any carrier who fails to collect any passenger aviation service charge which he is required by this paragraph to collect shall, notwithstanding such failure, pay the amount of such fee to the Authority or its duly authorized agent;
 - (e) every carrier shall, in relation to the passenger aviation service charge, keep such records and furnish such returns in such form and to such persons as may be prescribed by the Authority;
 - (f) the relevant records or accounts of the carrier may be audited by an auditor appointed by the Authority and approved by the Minister and the costs thereof shall be borne by the carrier;
 - (g) any person who, for the purpose of evading by himself or with any other person, the payment of a passenger aviation service charge or knowingly makes any false statement or false representation commits an offence and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months;
 - (h) if any carrier or passenger fails to pay the passenger aviation service charge in accordance with these Regulations, the amount of all fees of any kind relating thereto and any interest thereon shall be recoverable by the Authority as a civil debt in a Resident Magistrate's Court, notwithstanding any limitations as to the amount recoverable under the *Judicature (Resident Magistrates) Act*;
 - (i) the passenger aviation service charge shall not be payable by passengers who—
 - (i) are under the age of 2 years;
 - (ii) are destined for some other place outside Jamaica and who are in transit in Jamaica for 24 hours or less;

- (iii) are crew members of a commercial carrier and who are on duty; or
- (iv) fall within any other category of passengers, prescribed by the Minister."

Validation of documents.

81. The Authority may act in accordance with the First Schedule for the validation of licences, certificates, approvals, designations, and authorizations issued by another Contracting State.

Extra-territorial effect.

82. Except where the context otherwise requires, the provisions 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.

Foreign registered aircraft.

83. The Authority may direct in writing that such of the provisions of these Regulations having effect thereunder 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

84. 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.

85. 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.

86. The Authority may, pursuant to the First Schedule, issue an exemption from any of the requirements under these Regulations or any Schedule made thereunder to any individual, organization, or aircraft, subject to such conditions as it deems 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 is not inconsistent with relevant aviation safety or security standards.

Power to prohibit flying.

87.—(1) The Authority may issue Directives prohibiting, restricting, or imposing conditions on, flight where the Authority deems it necessary in the public interest to restrict flying by any aircraft, whether or not registered in Jamaica, and whether in Jamaican airspace or in airspace where Jamaica provides air navigation services under international treaty agreements, by reason of—

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

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

Light sport aircraft, kites, small balloons, and model aircraft.

88.—(1) An aircraft shall be classified as a Light Sport Aircraft if it conforms to the following specifications—

- (a) maximum Gross Take-off weight of 600Kg;
- (b) maximum Stall Speed of 80km/hr;
- (c) maximum speed in level flight with maximum continuous power of 220km/hr;
- (d) maximum seating for two (2) persons including the pilot;
- (e) powered by a single reciprocating engine, including diesel or rotary;
- (f) fixed or ground-adjustable propeller;
- (g) unpressurized Cabin;
- (h) fixed landing gear.

(2) The category and class of aircraft that shall be considered as Light Sport Aircraft includes, but is not limited to—

- (a) airplanes (Land and Sea);
- (b) gyroplanes;
- (c) airships;
- (d) balloons;
- (e) weight shift control ("Trike" Land /Sea) aircraft;
- (f) gliders;
- (g) powered Parachute.

(3) A Light Sport Aircraft may be flown by the holder of a Sport Pilot Permit or any Pilot Licence holder, provided that the Licence holder is qualified on the class of aircraft.

(4) An aircraft referenced in paragraph (2), conforming to the specifications in paragraph (1), and manufactured complete or in kit form, may be imported into Jamaica from any other Contracting State, provided that the applicable Customs requirements have been met.

(5) An aircraft, operating pursuant to this regulation shall not be flown unless it has been registered in Jamaica and marked with the applicable Registration markings assigned by the Authority pursuant to regulation 24.

(6) No person in possession of a light sport permit may fly any aircraft with a standard airworthiness certificate whether or not that aircraft meets the definition of a light sport aircraft, unless the holder of the said permit is enrolled in a training program or course leading to the issuance of a private pilot license.

(7) No person shall operate a light sport aircraft at night in Jamaican airspace.

(8) No person may use a light sport aircraft for training, recreation, or rental unless that aircraft meets industry standard and is issued with a flight permit by the Authority.

(9) No person shall operate a Light Sport Aircraft unless that aircraft has been maintained in accordance with a maintenance program approved by the Authority pursuant to paragraph 10.

(10) The Authority shall approve a maintenance program presented by the owner which includes the following—

- (a) the contents of the manufacturer's recommended maintenance instructions;

- (b) written confirmation from the owner that all maintenance shall be performed using the instructions for performing maintenance on similar aircraft approved by the regulatory body of the state of manufacture of the aircraft.

(11) The provisions of these Regulations shall not apply 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.

Units of
Measure-
ment—
General.

89. Any person involved in any aspect of international civil aviation air and ground operations in Jamaica shall comply with the applicable requirements for Units of Measurement specified in the AIP Jamaica.

Part XIII. *Aerodromes*

Aerodromes
applicability.

90.—(1) These Regulations prescribe the requirements for—

- (a) the operation of domestic aerodromes;
- (b) the operation of international aerodromes;
- (c) certification of aerodromes and the requirements that apply to operators of certified aerodromes;
- (d) safety inspections of aerodromes;
- (e) the management of obstacles and hazards at aerodromes;
- (f) the obligations of an aerodrome operator; and
- (g) the surrender, suspension, or revocation, of certificates and permits.

(2) The applicable standards contained in the Manual of Aerodrome Standards provide the minimum standards for the operation of aerodromes in Jamaica.

Aircraft
landing and
taking off.

91.—(1) No person shall cause an aircraft to land or take off from any place in Jamaica or within Jamaican airspace unless such landing or take off is conducted at an aerodrome, or at any other place approved for that purpose by the Authority.

(2) No person shall operate an aerodrome in Jamaica unless the Authority has approved the operation of that aerodrome through the issue of a Certificate or Permit as applicable.

(3) No area on any land, water or building shall be used for the landing or take-off of aircraft if the air traffic in such area shall in any way interferes with existing established procedures regarding controlled airspace in Jamaica.

Aerodrome
Operator
Certificate.

92.—(1) Unless the Authority has issued an Aerodrome Operator Certificate in respect of that aerodrome, specifying the type of operations that have been approved for that aerodrome, no person shall operate—

- (a) an aerodrome used for international operations;
- (b) a domestic aerodrome used for scheduled services 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 aerodrome requires that it meets any or all of the certification requirements.

Application
for an
Aerodrome
Operator
Certificate

93.—(1) Any person who wishes to obtain or renew an Aerodrome Operator Certificate shall—

- (a) apply to the Authority in the form and manner specified by the Authority;
- (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 prepared in accordance with these Regulations and the Twenty First Schedule that has been developed by the aerodrome operator for the operation of the aerodrome for which the application is made.

(3) An Aerodrome Operator shall have a master plan approved by the Authority as prescribed in the Twenty First Schedule.

(4) A runway end safety area shall be provided at each end of a runway strip in accordance with the requirements prescribed Manual of Aerodrome Standards.

(5) The holder of an Aerodrome Operator Certificate shall provide rescue and fire fighting services in accordance with the Twenty-First Schedule.

(6) A Quality Assurance System shall be established with as prescribed in the Twenty First Schedule.

(7) The holder of an Aerodrome Operator Certificate shall establish and maintain a Bird/Wildlife Hazard Management Programme in accordance with the Twenty First Schedule.

**Twenty-First
Schedule**

(8) The holder of an Aerodrome Operator Certificate shall establish an environmental management programme in accordance with the Twenty-First Schedule.

(9) The holder of an Aerodrome Operator Certificate shall provide protection to navigational aids in accordance with the requirements of the Twenty-First Schedule.

(10) The holder of an Aerodrome Operator Certificate shall regulate overload operations in accordance with the Twenty-First Schedule.

(11) The Authority shall not issue an Aerodrome Operator Certificate under these Regulations where the applicant either does not meet the requirements of paragraph (1), or has provided incomplete, inaccurate, fraudulent or false information in applying for the Aerodrome Operator Certificate.

**Issue of an
Aerodrome
Operator
Certificate.**

94. The Authority shall issue an Aerodrome Operator Certificate to an applicant under these Regulations where it is satisfied that—

- (a) the facilities, services and equipment of the aerodrome are in accordance with the standards specified in the Manual of Aerodrome Standards for the type(s) of aircraft to be operated and the conditions under which operations shall be carried out;
- (b) the operating procedures of the aerodrome make satisfactory provision in accordance with these Regulations, for safety, the safe and efficient facilitation of passengers 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) the aerodrome manual prepared by the applicant shall be submitted with the application certificate for aerodrome operation in accordance with these Regulations and shall contain accurate information that complies with the requirements specified in the Twenty-First Schedule;
- (g) the operator shall possess the necessary experience, organization, staffing, and maintenance arrangements;

- (h) the applicant and any contracted agent(s) shall be competent to operate and maintain the aerodrome to the prescribed standards;
- (i) the aerodrome operator has employed an adequate number of skilled and qualified persons to perform all critical activities for aerodrome operation and maintenance;
- (j) where the aerodrome operator finds it impractical to employ a person qualified in a specific discipline, then the operator may obtain the service on contract provided that the person carrying out the service is qualified and experienced in that discipline;
- (k) an acceptable safety management system that complies with the standards specified in ICAO Doc 9859 (Safety Management Manual) is documented in the Aerodrome Operator's Manual and is implemented at the aerodrome and in the organization;
- (l) safeguards are in place to prevent inadvertent entry to the movement areas by unauthorized persons or vehicles;
- (m) an aerodrome perimeter fence, perimeter road, barriers, and doors with controlled access to prevent incursion of animals or human beings likely to endanger aircraft operations, are all in place; and
- (n) reasonable protection has been provided to protect persons and property from aircraft jet blast or propeller efflux;
- (o) the aerodrome operator has ensured that fuel is available at the aerodrome, suitable for such types of aircraft as shall be using the aerodrome, and in such quantity as shall be required to avoid any disruption to normal operations;
- (p) the aerodrome operator has in place a system to provide Runway Condition Reports, to the aerodrome Air Traffic Control unit, the Aeronautical Information Services unit and to the operations offices of all air operators on the aerodrome, at least once each hour during inclement weather, including depth of water on the runway and the presence and location of standing water, if any.

Commercial
operation at a
private
aerodrome.

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

Rotorcraft
operations.

96.—(1) No person, without the prior written approval of the Authority, shall operate a rotorcraft in Jamaica into, or out of, any place other than a registered aerodrome.

(2) A person wishing to operate a rotorcraft from any place other than a registered aerodrome shall apply to the Authority for approval, providing the following information in writing, the—

- (a) location of each proposed landing site;
- (b) arrangements in place for emergency services in the event of an accident;
- (c) safety precautions in place to ensure that the site is clear of persons or animals;
- (d) proposed approach and emergency procedures for each site;
- (e) coordination with the air traffic services if applicable; and
- (f) written consent of the owner or lawful occupier of the place in question.

Retention of records.

97. The holder of an Aerodrome Operator Certificate shall establish and retain personnel training records and inspection records as prescribed in the Manual of Aerodrome Standards.

Refusal of an Aerodrome Operator Certificate.

98. The Authority shall not issue an Aerodrome Operator Certificate, and shall provide written notice of refusal within fourteen (14) days where an applicant—

- (a) employs or proposes to employ a person in a management or supervisory capacity who—
 - (i) previously held an aviation document issued by the Authority that was suspended or revoked by reason of criminal, fraudulent, improper action or insanity on the part of such a person; or
 - (ii) contributed materially to the suspension or revocation of an aviation document issued by the Authority; or
- (b) having substantial ownership or interest in the operations of the aerodrome—
 - (i) previously held an aviation document issued by the Authority that was suspended or revoked within the previous five years by reason of criminal, fraudulent, improper action or insanity on the part of such applicant; or
 - (ii) contributed materially to the suspension or revocation of an aviation document issued by the Authority.

Duration and
validity of an
Aerodrome
Operator
Certificate.

99. An Aerodrome Operator Certificate issued under these Regulations shall be valid for the period of time specified thereon and where no period is specified shall be valid for twelve months from the date of issue unless it is surrendered, suspended, or revoked.

Suspension or
revocation of
an Aerodrome
Operator
Certificate.

100.—(1) The Authority shall give written notice to the holder of an Aerodrome Operator Certificate (hereinafter referred to as an “aerodrome operator”), of the suspension or revocation of his Aerodrome Operator Certificate where the Authority has reasonable grounds for believing that—

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

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

(3) Before suspending or revoking an Aerodrome Operator 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 Operator 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 Operator 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 Operator Certificate shall take effect from the date specified in the notice of suspension or revocation.

Surrender of
an
Aerodrome
Operator
Certificate.

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

Non-transfer-
ability of an
Aerodrome
Operator
Certificate.

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

Laser Free
Zone.

103. No person shall project, or cause to be projected, a visible Laser Beam or other directed high intensity light within a radius of eighteen thousand, five hundred (18,500) metres, or ten (10) nautical miles of the geographical center of an aerodrome.

Amendment
of an
Aerodrome
Operator
Certificate.

104. The Authority may amend an Aerodrome Operator Certificate where—

- (a) there is a change in the regulatory requirements;
- (b) there is a change in the ownership, or key personnel;
- (c) there is a change in the use or operation of the aerodrome;
- (d) there is a change in the boundaries of the aerodrome;
- (e) the holder of the Aerodrome Operator Certificate requests an amendment; or
- (f) the Authority deems fit in the interest of safety in commercial air transport and the Public interest.

Aerodrome
Register.

105. The Authority shall establish and maintain a register to be known as the "Aerodrome Register", which shall contain—

- (a) the names of all aerodromes for which Certificates or Permits have been issued by the Authority;
- (b) their aerodrome reference points;
- (c) the dates of issue of the Certificate or Permit, as applicable;
- (d) the aerodrome reference code;
- (e) the name and principal place of business of the aerodrome operator;
- (f) the name and address of the owner of the aerodrome;
- (g) the registration number assigned (if any); and
- (h) the expiry date of the Aerodrome Operator Certificate or Permit.

Requirement
for an
Aerodrome
Operator
Manual

106.—(1) Every Aerodrome Operator shall have an Aerodrome Operator Manual, approved by the Authority, prepared in accordance with these Regulations, and containing the information required by the appropriate Schedules.

(2) An Aerodrome Operator Manual and any amendments thereto shall be submitted to the Authority for approval.

(3) The aerodrome operator shall give the Authority a printed copy of his Aerodrome Operator's Manual, (or a copy in any other medium incapable of alteration with the prior agreement in writing of the Authority) and shall keep a copy of same in the agreed medium and capable of being read, at both his principal place of business and at the aerodrome.

(4) The aerodrome operator shall retain a copy of the Aerodrome Operator Manual at his principal place of business, and at the aerodrome, available for inspection by the Authority during normal business hours.

(5) The aerodrome operator shall make copies of the applicable sections of the Aerodrome Operator Manual available at the aerodrome during normal business hours for—

- (a) a tenant of the aerodrome;
- (b) an accredited representative of an Air Operator or another State; or
- (c) an authorized person from Air Traffic Services.

(6) A tenant of the aerodrome, an air traffic service provider and an air operator using the aerodrome, shall have a copy of the applicable portions of the Aerodrome Operator Manual.

Aerodrome
operations.

107.—(1) An Aerodrome operator shall ensure that an operation conducted on his aerodrome conforms to these Regulations and the contents of his approved Aerodrome Operator Manual.

(2) The Authority may, in such manner as it thinks fit, publish a "Manual of Aerodrome Standards," containing such standards, recommended practices and guidance material relating to all aerodrome operations.

Amendment
to Aerodrome
Operator
Manual.

108.—(1) In order to maintain the accuracy of the Aerodrome Operator Manual, an aerodrome operator shall amend the Aerodrome Manual for the aerodrome which he operates—

- (a) with the approval of the Authority, whenever it is necessary to do so; or
- (b) upon the written directions of the Authority, requiring him to amend the Aerodrome Manual.

(2) An aerodrome operator shall comply with any directions given to him pursuant to paragraph (1)(b).

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

(4) The Authority shall approve an amendment to an Aerodrome Operator Manual submitted under paragraph (3), where the Authority is satisfied

that such amendment shall not establish procedures or allow for the use of equipment, which shall endanger aircraft, property, persons or affect safety and security of the aerodrome, air navigation installations and aviation facilities.

Aerodrome
Manual
Procedures.

109.—(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 Manual and these Regulations.

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

Responsibility
for the
Aerodrome
Operator
Manual.

110.—(1) Every aerodrome operator shall assign a person within his organization to be responsible for the Aerodrome Operator Manual.

(2) A person assigned responsibility for an Aerodrome Operator Manual under paragraph (1), shall ensure that—

- (a) a record is kept of the persons who hold copies of the whole manual, or a section of the Aerodrome Operator Manual; and
- (b) amendments or information for the manual are distributed to persons who require such information or persons who hold copies of the manual or the affected sections.

Deviation
from manual
procedures.

111.—(1) Where an aerodrome operator wishes to deviate from the procedures contained in his Aerodrome Operator Manual he shall apply to the Authority for permission to deviate and shall await 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 and security required by or equivalent to the standards prescribed by these Regulations, the Authority shall approve the deviation.

(3) The aeronautical studies mentioned in paragraph (2) shall be undertaken by or on behalf of and paid for by the aerodrome operator.

Aerodrome
maintenance.

112. Every aerodrome operator shall—

- (a) ensure that his aerodrome is maintained in accordance with the maintenance program contained in the operator's approved Aerodrome Operator Manual;

- (b) ensure proper and efficient maintenance of the aerodrome facilities;
- (c) have a written agreement with the Air Traffic Services provider covering the procedures for the management of aircraft operations where aerodrome maintenance may disturb or disrupt normal activities; and
- (d) the maintenance program, including preventative maintenance, shall be established to maintain the facilities which does not impair the safety, regularity or efficiency of ground operations or air navigation.

Reporting
changes in
aerodrome
condition.

113.—(1) An aerodrome operator shall assign one or more persons in his organization to—

- (a) monitor the serviceability of the aerodrome; and
- (b) report to the Authority and Air Traffic Services any changes in conditions, or any other occurrences at the aerodrome, required to be reported under these Regulations.

(2) An aerodrome operator shall not appoint a person under paragraph (1), to be responsible for reporting changes in aerodrome conditions unless such person has been trained to perform the functions in accordance with his Aerodrome Operator Manual.

Works safety
officer.

114.—(1) Where aerodrome works are being carried out at a certified aerodrome, an aerodrome operator shall appoint one or more persons as a Works Safety Officer for the aerodrome works.

(2) A Works Safety Officer referred to in paragraph (1) shall ensure aerodrome safety while aerodrome works are being carried out.

- (a) that the works carried out are in accordance with the approved works plan;
- (b) that the safety processes of the approved works plan are implemented and adhered to; and
- (c) all persons employed to carry out the work plan meet the security requirements of the aerodrome security plan.

(3) An aerodrome operator shall not appoint a person as a Works Safety Officer for the aerodrome works where such person has not been trained in accordance with his Aerodrome Operator Manual, to perform the functions of a Works Safety Officer.

Operator to
inspect
aerodrome.

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

Nineteenth
Schedule.

- (a) on a scheduled inspection program, approved by the Authority and documented in the Aerodrome Operator Manual;
- (b) as soon as practicable after any aircraft accident or incident pursuant to the Nineteenth Schedule;
- (c) during any period of construction or repair of the aerodrome facilities or equipment that is critical to the safety, security and facilitation of aircraft operation; and
- (d) at any time when there are conditions at the aerodrome that could affect aviation safety and security.

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 thoroughfare that is adjacent to the manoeuvring area; or
- (b) if such a public thoroughfare 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, either directly employed, or contracted to him, 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 Manual.

(2) An aerodrome operator shall implement a programme approved by the Authority to train and maintain the competency of his personnel.

Aerodrome
database.

118.—(1) An aerodrome operator shall establish an aerodrome database, the contents of which shall be collated and maintained as prescribed in the Manual of Aerodrome Standards, and which has been verified by a quality management process approved by the Authority.

(2) An aerodrome operator shall make all data and information that is maintained in aerodrome database(s) available to all stakeholders requiring such information or data to fulfill their responsibilities under these Regulations in accordance with local agreements signed between the accountable manager and all relevant parties.

Notice of
change and of
inaccuracies.

119.—(1) To maintain the accuracy of information published in the Aeronautical Information Publication, an aerodrome operator shall inform the Authority, in writing, as soon as practicable, of any change required to that information, other than a change that is published in the Notices to airmen.

(2) An aerodrome Operator shall 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.

(3) An aerodrome operator shall notify AIS and the Authority, in writing, at least 60 days before effecting any change to the aerodrome facility, equipment, or the 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 any AIS publication referred to in paragraph (2).

(4) Subject to the requirements of paragraph (3), an aerodrome operator shall ensure that AIS, Air Traffic Services and Air Operators, as applicable, receive immediate notice detailing any of the following circumstances of which the Aerodrome Operator has knowledge—

- (a) any projections by an object through an obstacle limitation surface relating to the aerodrome; and
- (b) the existence of any obstruction or hazardous condition affecting aviation safety at or near the aerodrome;
- (c) any reduction in the level of service at the aerodrome as set out in any of the AIS publications referred to in paragraph (2);
- (d) closure of any part of the movement area of the aerodrome;
- (e) any other condition that could affect aviation safety at the aerodrome and against which precautions are warranted.

(5) When it is not feasible for an aerodrome operator to arrange for the air traffic control and the flight operations unit to receive notice of a circumstance referred to in paragraph (4) in accordance with that regulation, the operator must give immediate notice direct to the pilots who may be affected by that circumstance.

Access to
aerodrome.

120.—(1) Pursuant to section 12, subsection (3)(a) of the Act, 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 and security management systems before the Aerodrome Operator Certificate is granted or renewed and, subsequently, at any other time, 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 that person 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), and shall cooperate fully with the person conducting the inspection or test.

Required
markings.

121.—(1) An aerodrome operator shall mark the following areas of the aerodrome in accordance with the standards set out in these Regulations—

- (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 other aerodrome markings are maintained in accordance with the standards set out in these Regulations.

Signal area.

122.—(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 these Regulations.

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

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

Wind
direction
indicators.

123.—(1) An aerodrome operator shall, in accordance with the standards set out in these Regulations and Schedules, install and maintain sufficient wind direction indicators at each aerodrome.

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

(3) The Authority may exempt an aerodrome operator under these Regulations from compliance with paragraph (1), if it is satisfied that surface wind information is passed to the pilots of aircraft approaching and departing the runway by—

- (a) an automatic weather observation system that—
 - (i) is compatible with the weather observation 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 means of providing surface wind information approved by the Authority.

Visual
Approach
Slope
Indicator
Systems.

124.—(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 these Regulations, provide an approved VASIS for the end of a runway that is regularly used as the approach end for air transport category aircraft.

(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) An aerodrome operator shall comply with an advisory circular issued to him under paragraph (2).

Signs and
markers.

125.—(1) An aerodrome operator shall ensure that signs and markers are installed and maintained to effectively convey either—

- (a) a mandatory instruction providing guidance a specific location or destination on a movement area; or
- (b) other information to meet the requirements of these Regulations.

(2) Signs under paragraph (1), may be either fixed or variable message signs and shall meet the requirements set out in these Regulations.

(3) Markers under paragraph (1) shall meet the requirements set out in these Regulations.

Frangibility.

126. An aerodrome operator shall ensure that signs and 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.

Lighting of
movement
area.

127.—(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 and any Required Navigation Performance or Required Navigation Performance Authorization Required 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.

(4) An Aerodrome Operator required to provide the lighting systems required under paragraph (2) above shall maintain an inventory of spare parts for his emergency lighting sufficient to ensure that a failure of the system shall not significantly disrupt aerodrome operations.

Lighting
system
checks.

128.—(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) the Authority has conducted a flight check of the system; and
- (b) an electrical engineer, or a licensed electrician, qualified to assess the system, 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 qualified surveyor approved by the Authority.

(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 (visual approach slope indicator system) for transport category 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
installations.

129. An aerodrome operator shall ensure that all equipment and installations at his aerodrome, appropriate to the Aerodrome Operator Certificate he holds, are in compliance with these Regulations and that no such equipment is located in such a location or position that it could interfere with the safe take-off or landing of an aircraft.

Aerodrome
emergency
committee.

130.—(1) An aerodrome operator shall establish an aerodrome emergency committee.

(2) The aerodrome emergency committee referenced in 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.

Emergency
and other
services.

131.—(1) An aerodrome operator shall ensure that the aerodrome is in compliance with the requirements for emergency and other services as specified in the Manual of Aerodrome Standards.

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

(3) Notwithstanding the generality of paragraph (2) an aerodrome operator shall ensure that specialist rescue and firefighting equipment, appropriate to the hazards and risks, are available—

- (a) where an aerodrome is located close to water, 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).

Aerodrome
emergency
plan.

132.—(1) An aerodrome emergency committee established under Regulation 131 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 referenced in 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 organizations 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;
- (b) each record is retained for at least three years after the review to which the record relates was carried out; and
- (c) a copy of each review shall be provided to the Authority within ten working days after completion of the review.

Operator to
test
emergency
plan.

133.—(1) An aerodrome operator shall, subject to paragraphs (2), (3) and (4) conduct a full emergency exercise at least once every twenty-four months, and a partial emergency exercise in the intervening months in order to test—

- (a) the coordination 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.

(5) The Aerodrome Operator may alternate between holding a Safety exercise and holding a Security exercise, provided that the twenty-four months

for each, either safety or security is not allowed to lapse, and that two partial exercises of the same type shall not be held consecutively.

Aerodrome
special
inspection.

134.—(1) An aerodrome operator shall conduct an aerodrome special inspection to ensure that the aerodrome is safe for aircraft operations—

- (a) after a gale, storm, other severe weather, or other act of nature, has occurred;
- (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 Services 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 special inspection under paragraph (1), shall include the following, where applicable—

- (a) an inspection of the movement area to assess 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 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 special inspections set out in the Manual of Aerodrome Standards.

Technical
inspections.

135.—(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, but is not limited to the following—

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

Technical
inspection
intervals.

136.—(1) An aerodrome operator shall ensure that an aerodrome technical inspection is carried out 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, provided that no facility of the aerodrome is inspected at an interval of more than twelve months.

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

Qualified
inspectors.

137.—(1) An aerodrome operator shall ensure that 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 standards established in 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 standards established in 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 standards established in the Manual of Aerodrome Standards.

Aerodrome
works plan.

138.—(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 cause confusion to pilots.

(2) An 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.

Safety
management
system.

139.—(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 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) An aerodrome operator shall—

- (a) require all users of the aerodrome, including fixed-based operators, ground-handling agencies and other organizations referred to in paragraph (2), to immediately provide a report to the aerodrome operator of any accidents, incidents, defects and faults which have a bearing on safety; and
- (b) shall periodically analyze the reports received pursuant to subparagraph (a) and determine what action is required, if any, to improve safety in the relevant areas, and to implement the necessary action.

(4) The aerodrome operator shall implement—

- (a) an internal audit program 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) An 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 audit 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, and countersigned by the Accountable Manager.

(9) Nothing in this Regulation shall supersede the requirements to provide reports pursuant to Regulation 20—Mandatory and Voluntary Reporting.

Collection of statistics.

140. 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 any such statistics pursuant to the Twenty First Schedule or directive issued by the Authority.

Visual Aids for denoting obstacles.

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

Monitoring of airspace around an aerodrome.

142.—(1) An aerodrome operator shall monitor the airspace around the aerodrome to ensure that any infringement of the obstacle limitation surfaces established for the aerodrome, are detected as quickly as possible.

(2) An aerodrome operator shall not permit any structure within any area within his control to exceed the obstacle limitation surface established at the aerodrome and shall take such measures within his power to prevent any other structure from so exceeding, except in the case of—

- (a) any frangible structure which, by virtue of its function, must be located on the runway strip;
- (b) any structure which is shielded in accordance with the Manual of Aerodrome Standards by an existing object; or
- (c) any structure which, following an approved aeronautical study, is determined not to adversely affect the safety or regularity of aircraft operations.

(3) 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.

(4) 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.

Notice and
consultation
regarding
proposed
construction.

143.—(1) Subject to regulation 145, a person shall give prior notification to the Authority, in the form and manner prescribed in the Twenty First Schedule, 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 either exceeds 15 meters in height above ground level and is within a ten nautical mile radius of the geographical center of the aerodrome;
- (b) the structure will exceed the general tree height in the area and is located in an area of low level aerial activity or other low flying activity, or in a low flying zone or low level route approved under these Regulations;
- (c) where the structure or object falls within any obstacle free zone, obstacle limitation surface or obstacle assessment surface that is established to protect any aerodrome or instrument flight procedure or any other area established to protect any, airway or other approved en-route area;
- (d) is a structure or object that is within a five nautical mile radius of a groundbased navigational aid or ground based augmentation system or within any area established to protect any such navigational aid or augmentation system or within any such proximity that may adversely affect the optimum sitting or performance of visual or non-visual aids; or
- (e) 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.

(2) The notification referred to in paragraph (1) shall be on a form provided by the Authority and shall be submitted to the Authority at least 60 days before the proposed start of the construction or the event.

(3) Prior to submission of the notification to the Authority, a person shall conduct an aeronautical study of the impact of the relevant structure or object on the obstacle limitation or obstacle assessment surfaces applicable to any aerodrome that may be affected by the construction and submit the study to the Authority along with the notification.

(4) The Authority shall forthwith acknowledge in writing receipt of each notification.

(5) A person shall consult the Authority concerning any proposed construction that extends 60 metres or more above the ground at its site, and an aeronautical study of the effect of such construction on the operation of aircraft shall be conducted, where applicable or otherwise required by the Authority.

(6) An object that extends to a height of 150m or more above ground elevation at any location shall be regarded as an obstacle to aviation and shall be lighted in accordance with the Manual of aerodrome Standards.

(7) The Authority may, in such manner as it thinks fit, publish a "Manual of Standards—Objects and Activities Affecting Navigable Airspace," containing such standards, recommended practices and guidance material relating to all such objects and activities affecting navigable airspace for application to all aerodromes in Jamaica.

Exemption
from
notification.

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

(a) where—

(i) an aeronautical study demonstrates that the structure or object would be shielded by objects of a permanent and substantial character such as existing natural terrain, including topographic features of equal or greater height or the structure or object would be shielded by any other structure subject to permanent and formal agreements between the person proposing construction and state agencies or otherwise; or

(ii) the structure or object is located in the congested area of city, town, or settlement and a risk assessment demonstrates that, beyond all reasonable doubt, 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).

Aeronautical
study—non-
conformity.

145.—(1) An Aerodrome Operator or applicant for an Aerodrome Operator Certificate that operates or proposes to operate any aerodrome for which there is one or more deviations from the requirements and standards of these Regulations may, upon presentation of an aeronautical study approved by the Authority and where the Authority deems fit, be granted permission to operate

the aerodrome with any such deviation where the approved aeronautical study provides justification for the grant of such a deviation, and the Authority is satisfied that the safety and security of aircraft operations are not compromised.

(2) The Authority may determine in writing that a gaseous efflux exceeding the limit set in the Manual of Aerodrome Standards, which may affect or influence the flight path of an aircraft is, or will be, a hazard to aircraft operations because of the velocity or location of the efflux.

(3) Where the Authority makes a determination under paragraphs (1) or (2), it shall—

- (a) publish in an Aeronautical Information Publication or Notice to Airmen particulars of the hazardous object or gaseous efflux to which the determination relates; and
- (b) provide written notice of the determination to the Aerodrome Operator in accordance with paragraph (4).

(4) The Authority shall give a copy of the notice—

- (a) in the case of a hazardous object that is a proposed building or structure, to one or more of the agencies whose approval is required for the construction; and
- (b) in any other case other than that set out in paragraph (a), to an identifiable person who—
 - (i) is the owner or occupier;
 - (ii) has control of the hazardous object;
 - (iii) is in control of the installation that produces a gaseous efflux.

(5) Where the Authority determines that a hazard exists due to any deviation from the standards and requirements of these Regulations then the Aerodrome Operator and its operating clients shall establish a risk mitigation procedure to ensure the safest possible operation at the aerodrome and this procedure shall be accepted by the Authority.

(6) Where the Authority determines, or an aeronautical study submitted to the Authority demonstrates, that the mitigation measures for a risk associated with a non-conformity cannot be reduced to a tolerable level as defined by a risk assessment procedure acceptable to the Authority, then the Authority will direct the Aerodrome Operator to cease that particular operation and the Operator shall comply with the directive.

(7) Where any of the circumstances affecting the Aerodrome and its operations have changed following the granting of any approval issued under paragraph (1) above such that the Aerodrome Operator gains the ability

to conform to the requirements of these Regulations, the Aerodrome Operator shall take the necessary steps to bring the Aerodrome Operations into conformity with these Regulations and then notify the Authority that the deviation may be revoked.

Publication
of obstacle
data.

146. The certified provider of aeronautical information services shall publish obstacle data for each certified aerodrome.

Exemptions
and
deviations.

147.—(1) The Authority may exempt an aerodrome operator from complying with, or permit a temporary deviation from, specific provisions of this Part, provided that the Authority shall not issue such exemption or deviation unless the Authority has first taken into account all relevant safety-related matters and has determined that an equivalent level of safety will be maintained.

(2) An exemption granted by the Authority under paragraph (1) shall be subject to any conditions or procedures specified by the Authority and such conditions and procedures shall be:—

- (a) entered in the Exemptions and Deviations chapter of the Aerodrome Operator Manual;
- (b) published in the applicable section of the AIP Jamaica; and
- (c) published as a NOTAM.

(3) Where an aerodrome operator does not meet the requirement of a standard prescribed in the Manual of Aerodrome Standards, the Authority may determine, after reviewing the applicable aeronautical studies carried out by the Aerodrome Operator, what conditions and procedures may be necessary to ensure that a continued equivalent level of safety will be maintained.

Use of
military
aerodromes.

148.—(1) Subject to the approval of the Minister of National Security, the Authority may, upon application in writing by any operator of an aircraft who desires to use a military aerodrome or heliport for civil aviation purposes, authorize the use of the military aerodrome or heliport for such purposes.

(2) An authorization referred to in paragraph (1) may be granted under such conditions and for such period as the Authority may determine, if the Authority is satisfied that the use of such military aerodrome or heliport by such operator will not jeopardize aviation safety.

Restrictions.

149.—(1) The Authority may impose restrictions as to the use of an aerodrome or a heliport and may limit or totally prohibit the operation of any aircraft.

(2) An authorization referred to in paragraph (1) may be granted under such conditions and for such period as the Authority may determine, if

the Authority is satisfied that the use of such military aerodrome or heliport by such operator will not jeopardize aviation safety.

Scope and
application of
this Part.

150.—(1) This Part prescribes the requirements for—

- (a) all types of aircraft operations, except where a particular provision specifically refers to only one type of operation;
- (b) facilitating the movement of passengers and cargo, both incoming and outgoing, through an aerodrome in a timely manner and with the least amount of bureaucracy and discomfort; and
- (c) provision of the minimum required facilities for passenger convenience that shall be provided.

(2) This Part applies to—

- (a) Customs;
- (b) Agriculture and the Environment;
- (c) Aviation Security;
- (d) Narcotics Control;
- (e) Passport, Immigration & Citizenship Agency;
- (f) Public Health and Quarantine Authorities;
- (g) Ministry of Foreign Affairs Personnel;
- (h) Tourist Board Personnel;
- (i) Aerodrome Operators;
- (j) Jamaican Air Operators;
- (k) Foreign Air Operators;
- (l) Flight Crew and Cabin Crew;
- (m) Handling Agents;
- (n) General Aviation Operators.

National Air
Transport
Facilitation
Committee.

151.—(1) The Authority will develop, implement and maintain a National Air Transport Facilitation Programme, and will also be responsible to ensure that all air transport operations are carried out in the manner prescribed in these Regulations and the appropriate Schedule.

(2) The Authority may, from time to time, issue directives, prescribe facilitation standards, publish advisory circulars, wherever and whenever the Authority determines that facilitation will be enhanced.

(3)—The Authority shall ensure that—

- (a) the National Air Transport Facilitation Programme adopts all practicable measures to facilitate the movement of aircraft, crew, passengers, cargo, mail, and stores, by removing unnecessary obstacles and delays;
- (b) provisions are made for the continuity of the programme;
- (c) requirements for the handling of international General Aviation and non-scheduled flights are published in AIP Jamaica; and
- (d) continual threat and risk assessments of General Aviation and Aerial Works operations are conducted.

National Air
Transport
Facilitation
Programme.

152.—(1) The Authority will establish a National Air Transport Facilitation Committee that will be tasked with coordinating activities between departments, agencies and other organizations concerned with, or responsible for, other aspects of international Air Transport operations, as well as with domestic and international aerodromes and Air Operators.

(2) The Authority will ensure that—

- (a) aerodrome operators, various agencies and industry groups involved in the National Air Transport Facilitation Programme participate in—
 - (i) scheduled meetings; and
 - (ii) the design or alteration of aerodromes;
- (b) aerodrome operators coordinate facilitation, narcotics control, aviation security, and dangerous goods programmes, as applicable;
- (c) procedures are in place to handle relief flights after natural or man-made disasters;
- (d) international health requirements and related provisions are implemented;
- (e) aerodrome operators have plans and procedures in place to handle a communicable disease outbreak;
- (f) there are provisions in place for the transport of passengers who require special assistance, including provisions for therapeutic animals;
- (g) assistance is provided to aircraft accident victims and their families; and
- (h) provisions are in place for handling bonds and exemptions from requisition or seizure.

Airport
Facilitation
Committee.

153.—(1) An Aerodrome Operator operating an International Airport shall establish an Airport Facilitation Committee which shall be the vehicle to conduct the facilitation programme referred to in regulation 153 for that aerodrome at the operational level.

(2) The principal concern of the Airport Facilitation Committee shall be the day-to-day problem-solving and implementation of the National Facilitation Programme, including but not limited to—

- (a) airport traffic flow arrangements;
- (b) the provision public health, emergency medical, plant and animal quarantine facilities;
- (c) the provision of training to required persons for the handling of unruly passengers; and
- (d) the provision of adequate staffing and facilities for clearance control and the efficient operation of entry and departure control services.

(3) The members of the committee shall include, but may not be limited to, senior representatives from Customs, Immigration, Health, Quarantine, Police, Commercial Air Operators, and one or more representatives from the aerodrome tenants.

(4) The Airport Facilitation Committee shall keep the National Committee informed of all problems noted and the progress made in solving these problems.

(5) The Airport Facilitation Committee shall ensure that provisions are made for—

- (a) bonds and exemptions from requisition or seizure;
- (b) facilitation, search, rescue, accident investigation and salvage;
- (c) handling relief flights after natural or man-made disasters;
- (d) marine pollution and safety emergency;
- (e) implementation of health considerations pursuant to the Twenty-Third Schedule and related provisions;
- (f) airport plan for handling a communicable disease outbreak and exercising of the plan;
- (g) transport of passengers requiring special assistance; and
- (h) assistance to aircraft accident victims and their families.

Entry and
departure of
implement.

154.—(1) Organization(s) engaged in facilitating the arrival and departure of aircraft shall implement measures for aviation security and narcotics control to facilitate the efficient clearance of aircraft arriving from or departing Jamaica to prevent unnecessary delays.

(2) The efficient clearance referred to in paragraph (1) shall also apply to—

- (a) aircraft clearance documents; and
- (b) disinsection and/or disinfection of aircraft.

Entry and
departure of
passengers
and their
baggage.

155.—(1) Organization(s) responsible for applying border control measures shall include aviation security and narcotics controls that facilitate and expedite persons entering or departing by air in a manner that will prevent unnecessary delays.

(2) These measures shall apply to—

- (a) document requirements for passengers, crew, persons on duty and civil aviation inspectors;
- (b) the application of advanced passenger information; and
- (c) health authority requirements.

(3) Air operators shall ensure the validity of passenger travel documents at embarkation and that they are in possession of the documents prescribed by States of transit and destination for control purposes.

Entry and
departure of
cargo and
other articles.

156.—(1) Organization(s) responsible for facilitating entry and departure of cargo and other articles shall expedite release and clearance of goods carried by air, adopting and applying procedures to air cargo operations to prevent unnecessary delays in—

- (a) export and import cargo clearance;
- (b) spare parts, equipment, stores and other material imported or exported by air operators in connection with international services;
- (c) handling of containers and pallets; and
- (d) handling of mail.

(2) Air Operators and handling agents shall ensure that information required by Jamaican public authorities is disseminated, current and readily accessible to the public.

Inadmissible
persons and
deportees.

157. Public authorities concerned with, and air operators responsible for, handling inadmissible persons and deportees shall minimize disruptions to the

orderly operation of international civil aviation by cooperating with other State(s) to promptly resolve any differences arising, including ensuring that—

- (a) required information is given to air operators for deportee removal not later than 24 hours before scheduled departure;
- (b) the air operator is advised if an inadmissible person might offer resistance to his removal so aircraft security measures can be applied; and
- (c) the deporting State shall assume all obligations, responsibilities and costs associated with deportee removal.

Landing at
other than an
international
aerodrome.

158. Public authorities shall give all possible assistance to an aircraft which, for reasons beyond the control of the pilot-in-command, landed elsewhere than at an international airport and shall keep control formalities to a minimum.

Compliance
with
Regulations
and
procedures.

159.—(1) No private or corporate owner (hereinafter known as the owner) of an aircraft shall cause that aircraft to be operated in international operations unless the owner has ensured that—

- (a) all assigned flight and cabin crew members will comply with the regulations and procedures of the state in which the operations are conducted;
- (b) all flight crew members are familiar with the regulations and procedures specifically pertinent to the performance of their duties prescribed for the areas to be traversed, the aerodromes to be used and the air navigation facilities relating thereto;
- (c) all flight crew members are familiar with the regulations and procedures pertinent to their respective duties in the operation of the aircraft; and
- (d) the pilot-in-command has been assigned the responsibility for operational control.

(2) No pilot-in-command of a private or corporate aircraft will conduct any flight operation unless—

- (a) he is familiar with the regulations and procedures pertinent to the performance of his duties prescribed for the areas to be traversed aerodromes to be used and air navigation facilities thereto;
- (b) he has ensured that other members of the flight crew are familiar with the regulations and procedures as are pertinent to the performance of their respective duties and also the duties with regards to the operation of the aircraft.

(3) No owner will cause an aircraft to be operated unless the flight crew is able to demonstrate the ability to read, speak, and understand the language used for aeronautical radio telephony communications as specified in the Eighth Schedule of these Regulations.

(4) Operators that do not carry dangerous goods as cargo, mail or stores are also required to ensure that personnel involved in aircraft operations receive awareness training in the requirements commensurate with their responsibilities as set out in the Eighteenth Schedule.

Passenger
carrying
requirements.

160. No person shall operate or cause to be operated, an aircraft for the carrying of passengers in general or corporate aviation except in accordance with the requirements of the Tenth Schedule.

Flight Crew
Qualifications.

161.—(1) No person shall operate or cause to be operated, an aircraft in general or corporate aviation unless the assigned flight crew members are qualified with at least the minimum qualification, training and checking requirements of the Eighth and Tenth Schedules.

(2) No person shall operate or cause to be operated an aircraft powered by a turbojet engine or an aircraft of greater than 5700kg MCTOW in general or corporate aviation unless the assigned flight crew member(s) are type rated in accordance with the requirements of the Eighth Schedule.

Flight release.

162. No person shall operate or cause to be operated an aircraft in general or corporate aviation unless the flight which it is to operate is released in accordance with the Tenth Schedule.

Mass and
balance.

163. No person shall operate, or cause to be operated, an aircraft in general or corporate aviation unless the operations comply with the mass and balance and performance requirements specified in Aircraft Flight Manual and the Tenth Schedule.

Aircraft
maintenance
requirements.

164. No person shall operate or cause to be operated, an aircraft in general or corporate aviation, unless the aircraft has been maintained in accordance with the Fifth Schedule and a Certificate of Release to Service, signed by a person qualified under the Eighth Schedule, is in force.

Security
information.

165. A private operator and a corporate operator shall comply with the requirements to provide Border Control authorities with advanced passenger information for international departure into Jamaica in compliance with the AIP Jamaica.

Int'l
Flights—
Foreign
Registered
Aircraft.

166.—(1) Where a foreign-registered aircraft operating in the private or corporate category, either arrives at, or departs from, an aerodrome in Jamaica, Air Traffic Services shall provide the following information to the Authority, using the form prescribed in the Tenth Schedule—

- (a) Registration of the aircraft;
- (b) Date of the Flight;
- (c) Time of departure or arrival;
- (d) Destination or point of departure per the Flight Plan;
- (e) Type of aircraft.

(2) The operator of a foreign-registered aircraft operating in Jamaican airspace for more than 30 consecutive days, without the written permission of the Authority, commits an offence and shall be liable upon prosecution to the applicable penalty specified in the Second Schedule.

Provision of
air navigation
services.

167.—(1) No person shall provide an air navigation service, within the sovereign airspace of Jamaica or within international airspace in respect of which Jamaica has accepted, by means of a regional air navigation agreement, the responsibility of providing any air navigation service unless—

- (a) that person holds an Air Navigation Service Certificate and appropriate Operations Specifications issued under these Regulations; and
- (b) the services are provided in accordance with the—
 - (i) requirements for obtaining such certificate and related Operations Specifications;
 - (ii) terms and conditions of a current Air Navigation Service Certificate and any other requirements prescribed by these Regulations and the Twenty Fourth Schedule;
 - (iii) approved Air Navigation Service operations manual; and
 - (iv) any other requirement prescribed by these Regulations.

(2) Any person providing an Air Navigation Service before the entry into force of these Regulations shall apply to the Authority for approval to continue providing such service and, subject to any conditions, directives or instructions issued thereto, provide the services approved by the Authority in accordance with the requirements of these Regulations and any standards and other requirements promulgated pursuant thereto.

(3) These Regulations shall not apply to—

- (a) a person who is providing an air navigation service in the course of his or her duties for the Military; or
- (b) any air navigation service provided by the Military to State and Military aircraft.

Application
for certificate.

168. A person applying for an Air Navigation Certificate shall make an application in a form prescribed by these Regulations and the Twenty Fourth Schedule and such form shall be accompanied by—

- (a) all manuals and documentation required under the Twenty Fourth Schedule;

- (b) business case demonstrating financial viability and liability coverage in accordance with these Regulations;
- (c) a written statement setting out the services and locations at which they are or are proposed be provided; and
- (d) fees as prescribed by these Regulations and the Twenty Fourth Schedule.

Issuance of
certificate.

169.—(1) The Authority will issue a certificate only after it is satisfied that—

- (a) the applicant is a citizen or permanent resident of Jamaica; or
- (b) by Policy decision, a citizen or permanent resident of a CARICOM member state;
- (c) the applicant has their principal place of business and its registered office located in Jamaica;
- (d) the applicant has demonstrable financial capability to continuously provide a safe, secure, orderly and efficient service;
- (e) the applicant has a current insurance policy in force in relation to all of the services provided;
- (f) an analysis using a methodology approved by the Authority has demonstrated that the personnel of the applicant are adequate in number;
- (g) the personnel possess the competency and experience requirements to provide the service in accordance with these Regulations;
- (h) the operations manuals prepared and submitted with the application complies with the requirements of these Regulations;
- (i) the facilities, services and equipment are established in accordance with these Regulations;
- (j) the operating procedures make satisfactory provision for the safety of aircraft;
- (k) an approved safety management system is in place;
- (l) an approved quality management system is in place;
- (m) the applicant has an approved security programme in place as defined in the Twentieth Schedule;

(2) The Air Navigation Service provider shall maintain his operations in keeping with the conditions under which the certificate has been issued and such operations will be monitored by the Authority to ensure continued compliance with these Regulations.

(3) The Air Navigation Service certificate will consist of two documents—

- (a) a one-page certificate for public display signed by the Authority; and
- (b) a multi-page Operations Specifications containing the terms and conditions applicable to the Air Navigation Service provider's certificate.

(4) An Air Navigation Service certificate shall be valid for a period of one year from the date of issuance until midnight of the date of expiry shown on the Certificate, unless suspended, cancelled or revoked or otherwise terminated in accordance with these Regulations.

(5) A certificate issued under these Regulations shall not be transferable.

Denial of a
certificate.

170.—(1) The Authority may deny application for an Air Navigation Service certificate or prohibit the continued operation of any air navigation service entity if the Authority finds that—

- (a) the person or applicant is not properly or adequately equipped or is not able to provide a safe and secure Air Navigation Service in accordance with these Regulations;
- (b) the person or applicant previously held an Air Navigation Service certificate, which was revoked;
- (c) the applicant is not in possession or is incapable of securing adequate financial resources or liability coverage in respect of the service(s) provided as required under these Regulations;
- (d) with respect to existing operators, documented evidence in the form of reports from past audits, inspections or investigations that demonstrate and conclude that the applicant's organizational structure, personnel, equipment or any other feature of that organization will prevent the applicant's organization from providing a safe Air Navigation Service in accordance with these Regulations;
- (e) an individual that directly contributed to or held managerial responsibility for the conclusion derived in paragraph (d) above or any circumstances causing any suspension or revocation of any Air Navigation Service previously issued under these Regulations obtains a substantial ownership or is employed in any position required by these Regulations; or
- (f) a person designated as one of the key personnel employed, or contractually bound to the organization, does not qualify as a fit and proper person under these Regulations.

(2) The Authority may refuse to grant a certificate to an applicant and where the Authority refuses, it shall notify the applicant in writing, of the reasons for the refusal, not later than fourteen days after making that decision.

Contents of
an Air
Navigation
Services
Certificate.

171. An Air Navigation Service certificate issued under these Regulations shall include among other items, the following information—

- (a) a description of the type of operations authorized;
- (b) the authorized areas of operations and/or routes;
- (c) the holder's name and physical address of its principal place of business;
- (d) the date of issue and period of validity for each page issued;
- (e) a list of services covered by the holder's certificate as approved by the Authority; and
- (f) for each service provided—
 - (i) the location from which the service will be provided, to include the particular area, airspace, controlled aerodrome or any other place or territory designated to the provider by the Authority;
 - (ii) the terms of any other agreements regarding jurisdiction that the Authority may enter into or require from time to time; and
 - (iii) other special authorization, approvals and limitations issued by the Authority in accordance with these Regulations.

Renewal of a
certificate.

172.—(1) An applicant for the renewal of a certificate shall submit an application form and the fee as prescribed by the Twenty Fourth and Twenty Fifth Schedules.

(2) The application shall be submitted to the Authority not less than 60 days before the expiry of the certificate.

(3) The renewal of a certificate shall be subject to compliance with these Regulations.

Surrender of a
certificate.

173.—(1) Subject to paragraph (2) and any conditions prescribed by the Authority, a certificate holder that is desirous of terminating any service approved under that certificate may surrender the certificate to the Authority.

(2) A holder of a certificate who wishes to surrender the certificate shall give the Authority not less than one hundred and eighty days notice in writing, before the date on which the certificate is to be surrendered.

(3) Upon expiry of the period in paragraph (2), the certificate holder shall not provide any air navigation service unless authorized to do so by the Authority in accordance with regulation 169.

Amendment
of a
certificate.

174.—(1) The Authority may amend a certificate—

- (a) when the holder of a certificate applies for an amendment, in a form prescribed by the Authority and the Authority determines that neither the safety and security of commercial air transport, nor the public interest, is compromised;
- (b) where the Authority determines that the safety or security of commercial air transport, or the public interest, requires that the amendment be made.

(2) A certificate holder may appeal the amendment but shall operate in accordance with it, unless it is subsequently withdrawn.

(3) Amendments proposed by the certificate holder shall be submitted to the Authority at least 30 days prior to the intended start date of any operation under that amendment.

(4) No person may perform, or cause to be performed, an operation for which an Air Navigation Service certificate amendment is required, unless it has received approval from the Authority.

Twenty Fifth
Schedule.

(5) A fee shall be charged by the Authority for the amendment of a certificate under paragraph (1)(a) pursuant to the Twenty Fifth Schedule.

Requirement
to display a
certificate.

175.—(1) The holder of a certificate shall display the certificate, or a copy of it, in a conspicuous place, generally accessible to the public at the holder's principal place of business.

(2) Where a copy of the certificate is displayed under paragraph (1), the holder of the certificate shall produce the original certificate to an Inspector if requested to do so.

Suspension or
revocation of
a certificate.

176.—(1) The Authority may vary, suspend, or revoke a Certificate for cause pursuant to regulation 7.

(2) The Authority shall suspend any Air Navigation Service certificate where the Authority is informed or otherwise becomes aware that an Air Navigation Service certificate holder has suspended all or any part of his operations for any period without the written permission of the Authority.

(3) Where the certificate or Operations Specifications of any air navigation service provider is suspended, revoked or subjected to any conditions imposed by the Authority as a result of audit or inspection, notice of such action shall be immediately promulgated to all users *via* Notice to Airman (NOTAM). Where the suspension, revocation or imposition of condition is of long duration, the circumstances of the suspension, revocation or imposition of conditions shall also be thoroughly described in an Aeronautical Information Circular at the beginning of the next AIRAC cycle.

(4) The information promulgated under paragraph (3), whether issued *via* NOTAM, AIC or any other medium approved by the Authority, shall include but is not limited to the following information—

- (a) the effective time and date of the suspension, revocation or imposition of conditions;
- (b) a description of conditions imposed by the Authority;
- (c) a description of any new or amended procedures or terms of operation required by the circumstance, as applicable;
- (d) plans for corrective action; and
- (e) any other information required by the Authority.

Alternative
designated
service
provider.

177.—(1) The Authority may, when it considers necessary in the public interest, appoint an alternative designated service provider to provide service in respect of a certificate suspended by the Authority, for the duration of such suspension

(2) Such designation shall be promulgated in the applicable section of the AIP Jamaica

Register of
certificate
holders.

178.—(1) The Authority shall keep and maintain a register containing the particulars of each Certificate issued consequent to the completion of a certification process, in which the following information shall be recorded—

- (a) name of the holder of the certificate;
- (b) date of issue or renewal of the certificate;
- (c) type of service offered by the holder of the certificate;
- (d) expiry date of the certificate;
- (e) the unique identification number issued to the Certificate holder;
- (f) date of revocation or suspension of the certificate, if any; and
- (g) physical and postal address of the holder of the certificate.

(2) Any changes in the particulars recorded under paragraph (1) shall be entered in the Register by the Authority.

ANS facilities
and systems.

179.—(1) No person shall provide or cause to be provided any of the services mentioned in paragraph (2) within the sovereign airspace of Jamaica or within international airspace in respect of which Jamaica has accepted, by means of a regional air navigation agreement, the responsibility of providing air navigation services, unless that person is in possession of a valid Air Navigation Service Certificate with a current Operations Specifications issued by the Authority.

(2) The Authority may, in accordance with these Regulations, grant approval for a service provider to—

- (a) provide Air Traffic Services;

- (b) provide Aeronautical Information Services;
- (c) publish aeronautical maps and charts;
- (d) Certification, Installation, maintenance or repair of any Communication, Navigation, or Surveillance Equipment;
- (e) Provide Meteorological Services; and
- (f) Construct visual and instrument flight procedures.

(3) No person shall install or commence operations from any air navigation service facility within the sovereign airspace of Jamaica or any areodromes and other aviation facilities contained therein unless in the possession of a current Air Navigation Service Certificate and Operations Specifications issued by the Authority.

(4) The Authority may grant Operations Specifications to provide any of the services listed in paragraph (1) to any applicant, at any place and subject to such conditions, as it deems fit, if the Authority is satisfied that the applicant is competent to provide a service that is safe for use by aircraft, having regard to that applicant's organization, staffing, equipment, maintenance and other arrangements.

Inoperative
instruments
or equipment.

180.—(1) The provider of an Air Navigation Service shall not provide service if any of the equipment (including communication and surveillance) required under these regulations is inoperative or not maintained in accordance with the manufacturer specifications and the Equipment Maintenance Control manual submitted to the Authority.

(2) The Authority may, subject to such conditions as it thinks fit, grant an air navigation service provider a waiver to provide an air navigation service specified in its certificate when one or more items of equipment under paragraph (1) is inoperative.

(3) Where the Authority grants such a waiver in accordance with paragraph (2) above, the air navigation service provider's manual shall be amended in accordance with regulation 194.

Safety
inspections
and audits.

181.—(1) The Authority will conduct such safety inspections, audits and tests, at such frequencies, as are necessary to ensure that the Service Providers remain in compliance with the requirements of these Regulations.

(2) An Inspector shall have unrestricted access to the facilities, installations, records and documents of the air navigation services and the air navigation meteorological service provider to determine compliance with these Regulations.

(3) No person shall impede, hinder, or obstruct, an Inspector from carrying out safety or security inspections and audits on air navigation facilities, services, documents and records of the air navigation service provider and from generally exercising his powers granted under these Regulations which are necessary to determine compliance.

(4) Pursuant to section 44 of the Act, if requested by an Inspector, a holder of a certificate shall within seventy-two hours of such request, produce any relevant documents under his possession that may have been requested.

ANS
contingency
plan.

182.—(1) A holder of a certificate shall develop, disseminate and maintain contingency plans for implementation in the event of disruption or potential disruption, of air navigation services in the airspace or area for which he is responsible.

(2) The contingency plan required under paragraph (1) shall be developed in accordance with the requirements of the Twenty-Fourth Schedule and in close coordination with air navigation service providers in adjacent or contiguous airspaces and air operators, with the assistance of ICAO as necessary.

(3) The contingency plan shall include but shall not be limited to—

- (a) the actions to be taken by the certificate holder's personnel responsible for providing the service;
- (b) possible alternative arrangements for providing the service; and
- (c) the arrangements for resuming normal operations for the service.

(4) The provider of an Air Navigation Service shall ensure that all security provisions including security contingency plans required by the Authority or otherwise instituted by the Authority from time to time, are implemented, maintained and enforced by its employees, contractors, agencies, regulated agents and its tenants.

Open and
transparent in
provision of
services.

183.—(1) The provider of an Air Navigation Service shall provide its services in an open and transparent manner. It shall publish the conditions of access to its services and establish a formal consultation process with the users of its services on a regular basis, either individually or collectively, and at least once a year.

(2) The provider of an Air Navigation Service shall not discriminate on grounds of nationality or identity of the user or the class of users in accordance with the applicable laws of Jamaica.

Annual plan.

184.—(1) The provider of an Air Navigation Service shall produce an annual plan covering the forthcoming year which shall specify further the features of the business plan and describe any changes to it.

(2) The annual plan shall cover the following provisions on the level and quality of service such as the expected level of capacity, safety and delays to flights incurred as well as on financial arrangements—

- (a) information on the implementation of new infrastructure or other developments and a statement how they will contribute to improving the level and quality of services;
- (b) indicators of performance against which the level and quality of service may be reasonably assessed;
- (c) the service provider's expected short-term financial position as well as changes to or impacts on the business plan.

Organization's
financial
status and
liability.

185.—(1) The provider of an Air Navigation Service shall demonstrate his ability to meet his financial obligations, such as fixed and variable costs of operation or capital investment costs. It shall use an appropriate cost accounting system. It shall demonstrate its ability through the annual plan as referred to in regulation 187 as well as through balance sheets and accounts as under its legal statute.

(2) The provider of an Air Navigation Service shall demonstrate that it is undergoing an independent audit on a regular basis.

(3) The provider of an Air Navigation Service shall have in place arrangements to cover its liabilities arising from applicable law. The method employed to provide the cover shall be appropriate to the potential loss and damage in question, taking into account the legal status of the air navigation service provider and the level of commercial insurance cover available.

(4) The method employed to provide the cover referenced in paragraph (3) shall be appropriate to the potential loss and damage in question, taking into account the legal status of the air navigation service provider and the level of commercial insurance cover available.

(5) It shall be a condition of every insurance policy in force that covers a Certificate holder's liabilities that qualified personnel monitor the performance of the Certificate holder's Safety Management System to account for the achievement of acceptable levels of safety in the pricing of such holder's insurance premium.

(6) The provider of an Air Navigation Service which avails itself of services of another air navigation service provider shall ensure that the agreements cover the allocation of liability between them.

Financial
reporting
requirements.

186.—(1) The provider of an Air Navigation Service shall provide an annual report of his activities to the Authority which shall cover his financial results as well as his operational performance and any other significant activities and developments in particular in the area of safety.

(2) The annual report shall include as a minimum—

- (a) an assessment of the level and quality of service generated and of the level of safety provided;
- (b) the performance of the air navigation service provider compared to the performance objectives established in the business plan, reconciling actual performance against the annual plan by using the indicators of performance established in the annual plan;
- (c) developments in operations and infrastructure;
- (d) the financial results;
- (e) information about the formal consultation process with the users of its services; and
- (f) information about the human resources policy.

Quality
management
system.

187.—(1) The provider of an Air Navigation Service shall establish a quality management system which shall be in conformity with the International Organization for Standardization (ISO) 9000-series of quality assurance standards and shall be certified by the Bureau of Standards Jamaica.

(2) The quality management system shall cover all air navigation services being provided and shall include—

- (a) a quality and safety policy designed to meet the needs of the users;
- (b) a quality assurance program that contains procedures designed to verify that all operations are being conducted in accordance with the applicable requirements, standards, and procedures.
- (c) procedures to demonstrate the functioning of the quality system by means of manuals, monitoring documents and other quality indicators;
- (d) an audit programme to audit the organization for compliance with quality policy and remedial actions as appropriate;
- (e) a procedure for preventative action to ensure that potential causes of problems that have been identified within the system have been remedied;
- (f) management reviews of the quality management system to ensure adequacy if and compliance with procedures to ensure safe and efficient operational practices; and
- (g) the safety policy procedures shall ensure that the safety policy is understood, implemented, and maintained at all levels of the organization.

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- (3) The procedure for corrective action shall specify how—
- (a) to correct an existing problem;
 - (b) to follow up a corrective action to ensure the action is effective;
 - (c) to amend any procedure required by this Part as a result of a corrective action; and
 - (d) management will measure the effectiveness of any corrective action taken.
- (4) The procedure for preventive action shall specify how—
- (a) to correct a potential problem;
 - (b) to follow-up a preventive action to ensure the action is effective;
 - (c) to amend any procedure required by this Part as a result of a preventive action; and
 - (d) management will measure the effectiveness of any preventive action taken.
- (5) The internal quality audit programme shall—
- (a) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
 - (b) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited;
 - (c) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits;
 - (d) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
 - (e) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (6) The procedure for management review shall—
- (a) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system;
 - (b) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system;

- (c) ensure the results of the review are evaluated and recorded; and
- (d) ensure that the senior person who has the responsibility for internal quality assurance reports directly to the Chief Executive on matters affecting the safe provision of any air traffic service provided.

Safety
management
systems.

188.—(1) The provider of an Air Navigation Service shall establish a Safety Management System pursuant to the Schedule to these Regulations.

Units of
measurement.

189.—(1) The holder of an Air Navigation Service Certificate issued under these Regulations shall use the standards and recommended practices contained in ICAO Annex 5 as the standard system of units of measurement for all aspects of its service provision relating to civil aviation air and ground operations.

(2) The Authority may, in such manner as it thinks fit, publish a Manual of Standards—Units of Measurement to be used in Air and Ground Operations containing such specifications on units of measurement that may conform to or exceed the standards mentioned in paragraph (1).

Requirement
for operations
manual.

190.—(1) An air navigation service provider shall submit an operations manual for approval by the Authority that shall be—

- (a) type written;
- (b) signed by the accountable Manager;
- (c) in a format that is easy to revise;
- (d) organized in a manner that facilitates the preparation, review and approval processes; and
- (e) in a system that records the current pages and any amendments, including a page for logging revisions.

(2) No air navigation service provider shall use a manual, or issue a manual to his staff for use, unless that manual and any amendment thereto has first been approved by the Authority.

(3) A holder of a certificate shall keep at least one approved copy of the manual at the principal place of business.

(4) An operations manual used in the provision of any air navigation service shall contain all information and instructions necessary to enable the personnel of the air navigation service provider to perform their duties to the requirements specified in the Twenty-fourth Schedule.

(5) Where an exemption has been granted by the Authority from any requirement of these Regulations pursuant to regulation 86, in relation to the service being provided, an Air Navigation Service 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.

Amendment of
the ANS
Manual.

191.—(1) For the purpose of maintaining the accuracy of the information in any manual required under regulation 193—

- (a) the holder of a certificate shall whenever necessary, amend the manual; or
- (b) the Authority may issue a written directive requiring the holder of a certificate to alter or amend the manual.

(2) Notwithstanding paragraph (1), the holder of a certificate shall submit the proposed amendment to the Authority for approval, before the manual is amended.

Provisions of
Air Traffic
services.

192.—(1) No person shall provide or cause to be provided any service that the Authority deems to be an Air Traffic Service within the sovereign airspace of Jamaica or within international airspace in respect of which Jamaica has accepted, by means of a regional air navigation agreement, the responsibility of providing air navigation services, except in accordance with an operations manual and any other standards required under the Twenty-fourth Schedule.

(2) The Authority will determine the need for air traffic services in any particular location within Jamaican airspace and will arrange for the provision of the air traffic service that it deems to be necessary for that location.

(3) In determining whether air traffic services of any kind are necessary for a place, the Authority will take into account the following—

- (a) the types of air traffic involved;
- (b) the density of the air traffic;
- (c) the meteorological conditions; and
- (d) any other factor deemed relevant by the Authority.

(4) Where any air traffic service is provided pursuant to paragraph (1) above, the Authority shall designate portions of the airspace or particular aerodromes for the provision of air traffic services.

(5) The designation of the particular portions of the airspace or the particular aerodromes shall be—

- (a) flight information region;
- (b) control area;
- (c) control zones; and
- (d) controlled aerodromes.

(6) The Authority shall publish the designation of a particular portion of the airspace and the agency responsible for service provision in the AIP of Jamaica.

(7) Where so designated in accordance with paragraph (4), Air traffic control service shall be provided to all—

- (a) Instrument Flight Rules (also called “FR”) flights in airspace Classes A, B, C, D and E;
- (b) Visual Flight Rules (also called “VFR”) flights in airspace classes B, C, and D;
- (c) special VFR flights;
- (d) aerodrome traffic at controlled aerodromes.

(8) The holder of a certificate shall—

- (a) make application for the portions of the airspace and the aerodromes so designated by the Authority for the provision of air traffic services; and
- (b) provide air traffic services in accordance with the requirements of an operations specification issued by the Authority.

(9) In order to provide air traffic control service, an air traffic control unit shall—

- (a) be provided with information on the intended movement of each aircraft, or variations therefrom, and with current information on the actual progress of each aircraft;
- (b) determine from the information received, the relative positions of known aircraft to each other;
- (c) issue clearances and information for the purpose of preventing collision between aircraft under its control and of expediting and maintaining an orderly flow of traffic;
- (d) coordinate clearances as necessary with other units—
 - (i) whenever an aircraft might otherwise conflict with traffic operated under the control of such other units; or
 - (ii) before transferring control of an aircraft to such other units.

(10) Information on aircraft movements, together with a record of air traffic control clearances issued to such aircraft, shall be so displayed as to permit ready analysis in order to maintain an efficient flow of air traffic with adequate separation between aircraft.

(11) A holder of a certificate shall comply with the communication requirements as specified in the Twenty-fourth Schedule.

Reduced
vertical
separation
minima.

193.—(1) Air traffic service providers approved to apply a reduced vertical separation minimum of 300 metres (1000ft) between FL290 and FL410 inclusive, in airspace designated by the Authority under regulation 195, shall participate in any regional programme instituted for monitoring the height keeping performance of aircraft operating at those levels in order to ensure that the application of that vertical separation minimum meets safety objectives.

(2) Height monitoring facilities provided pursuant to the regional programme shall be regarded as adequate if it permits monitoring of the relevant aircraft types of all operators that operate in the RVSM airspace.

Interregional
agreement.

194. Arrangements shall be put in place, through interregional agreement, for the sharing between regions of data from monitoring programmes.

Standards of
service.

195. The Authority may, in such manner as it thinks fit, publish a manual setting standards for air traffic services (hereinafter referred to as the Manual of Standards—Air Traffic Services) containing such standards, recommended practices and guidance material relating to Air Traffic Services as it may determine to be applicable in Jamaica.

Flight
information
service.

196.—(1) Flight information services shall be provided to all aircraft which are likely to be affected by the information and which are—

- (a) provided with air traffic control service; or
- (b) otherwise known to the relevant air traffic services units.

(2) Where air traffic services units provide both flight information service and air traffic control service, the provision of air traffic control service shall have precedence over the provision of flight information service.

(3) Flight information service shall include the provision of pertinent—

- (a) Significant Meteorological Report (also called “SIGMET”) and Airmen’s Meteorological Report (also called “AIRMET”);
- (b) information concerning pre-eruption volcanic activity, volcanic eruptions and volcanic ash clouds;
- (c) information concerning the release into the atmosphere of radioactive materials or toxic chemicals;
- (d) information on changes in the availability of radio navigation services;
- (e) information on changes in condition of aerodromes and associated facilities, including information on the state of the aerodrome movement areas affected by water;

- (f) information on unmanned free balloons; and
- (g) of any other information likely to affect safety.

Coordination
of transfer.

197.—(1) No air traffic controller, having control of a flight, shall release that flight to a controller in another airspace unless he has—

- (a) first received confirmation that the other controller is willing and prepared to accept the aircraft; and
- (b) confirmed that the other controller has in his possession all the necessary details concerning the flight and has accepted control of the flight

(2) An air traffic service provider shall in carrying out its objectives, establish procedures for the coordination with air operators, military authorities, meteorological service providers and aeronautical information service providers by—

- (a) making available to the air operators information to enable them to meet their obligations;
- (b) establishing and maintaining close cooperation with the military authorities responsible for activities that may affect civil flights;
- (c) providing the most up to date meteorological information for aircraft operations;
- (d) providing timely and up to date information to meet the need for in-flight information; and
- (e) exchanging and coordinating aeronautical information relating to the safety of air navigation between adjacent air traffic service units.

(3) Procedures established under paragraph (2) shall make messages including position reports received by air traffic service units and relating to the operator of the aircraft as soon as practicable available to such aircraft operator or his designated representative.

(4) Subject to paragraph (5), a single assigned air traffic control unit shall be responsible for the control of all aircraft operating within a single assigned block of airspace.

(5) Control of an aircraft or groups of aircraft may be delegated to another air traffic control unit among air traffic control units that are coordinated.

(6) A holder of a certificate shall establish procedures to ensure responsibility for control of all aircraft in flight in Jamaican airspace and in airspace for which Jamaica has been given responsibility under international

agreement, and for the transfer of such responsibility as prescribed by the Authority.

Coordination
with the
military.

198.—(1) An air traffic service provider shall make prior arrangements to permit information relevant to the safe and expeditious conduct of flights of civil aircraft to be promptly exchanged between air traffic services units and appropriate military units.

(2) An air traffic service provider shall, either routinely or on request, in accordance with established procedures, provide appropriate military units with pertinent flight plan and other data concerning flights of civil aircraft.

(3) Air traffic services providers shall, in order to eliminate or reduce the need for interceptions, designate any areas or routes where the requirements of Annex 2 to the Chicago Convention concerning—

- (a) flight plans;
- (b) two-way communications; and
- (c) position reporting,

apply to all flights to ensure that all pertinent data is available in appropriate air traffic services units specifically for the purpose of facilitating identification of civil aircraft.

(4) Procedures shall be established by the holder of the certificate—

- (a) ensure that air traffic services units are notified by a military unit where the military unit observes that suspected civilian aircraft is, observed to be approaching or entering an area where interception is likely;
- (b) ensure that the identity of the aircraft is confirmed and to provide navigational guidance to avoid the need for interception.

Coordination
of hazardous
activities.

199. The Authority shall make arrangements and coordinate activities to avoid hazards to civil aircraft and minimize interference with the normal operations of such aircraft whether over the territory of Jamaica or over the high sea in accordance with the Twenty-Fourth Schedule.

Approval for
staging an
event.

200.—(1) No person shall stage an event that is hazardous or potentially hazardous to aircraft without the prior written approval of the Authority.

(2) A person desirous of staging an event that is potentially hazardous to aircraft may make a request in writing no less than 60 days in advance of the intended date of the event.

(3) A person who contravenes paragraph (1), whether or not any aircraft is placed in jeopardy, commits an offence and is liable on conviction before a Resident Magistrate to a fine of five hundred thousand dollars.

Coordination
between met
and air traffic
Services.

201.—(1) In order to ensure that an aircraft receive the most up-to-date meteorological information for aircraft operations, arrangements shall be made, where necessary, between meteorological and air traffic services authorities for air traffic services personnel—

- (a) in addition to using indicating instruments, to report, if observed by air traffic services personnel or communicated by aircraft, such other meteorological elements as may be agreed upon;
- (b) to report as soon as possible to the associated meteorological office meteorological phenomena of operational significance, if observed by air traffic services personnel or communicated by aircraft, which have not been included in the aerodrome meteorological report;
- (c) to report as soon as possible to the associated meteorological office pertinent information concerning pre-eruption volcanic activity, volcanic eruptions and information concerning volcanic ash cloud and in addition, area control centres and flight information centres shall report the information to the associated meteorological watch office and volcanic ash advisory centres (VAACs).

(2) Close coordination shall be maintained between area control centres, flight information centres and associated meteorological watch offices to ensure that information on volcanic ash included in NOTAM and SIGMET messages is consistent.

Air traffic
incidents.

202.—(1) A holder of a certificate shall establish procedures for the notification, investigation, and reporting of the air traffic incidents, that, as far as practicable, complies with the procedures contained in the Manual of Standards—Air Traffic Services and which shall be made in incident report form prescribed therein.

(2) All procedures developed pursuant to paragraph (1) above shall be incorporated into the air traffic service provider's Safety Management System.

Services in an
emergency.

203.—(1) An aircraft known or believed to be in a state of emergency, including being subjected to unlawful interference, shall be given maximum consideration, assistance and priority over other aircraft as may be necessitated by the circumstances.

(2) A holder of a certificate shall—

- (a) make provision for assistance to aircraft in distress in the designated portion of airspace;
- (b) collaborate in coordinated measures when undertaking search and rescue for aircraft in distress in accordance with these Regulations.

(3) When an occurrence of unlawful interference with an aircraft takes place or is suspected, ATS units shall attend promptly to requests by the aircraft.

(4) All information pertinent to the safe conduct of the flight shall continue to be transmitted and necessary action shall be taken to expedite the conduct of all phases of the flight, especially the safe landing of the aircraft.

(5) When an occurrence of unlawful interference with an aircraft takes place or is suspected, ATS units shall, in accordance with locally agreed procedures, immediately inform the appropriate authority designated by the State and exchange necessary information with the operator or its designated representative.

Air traffic flow
management.

204.—(1) Air traffic flow management (ATFM) shall be implemented, for airspace where air traffic demand at times exceeds, or is expected to exceed, the declared capacity of the air traffic control services concerned.

(2) The capacity of the air traffic control services concerned shall be declared by the Air Navigation Service Provider for each portion of airspace under their control and all declared capacities shall be promulgated in the AIP Jamaica.

(3) ATFM shall be implemented on the basis of regional air navigation agreements or, if appropriate, through multilateral agreements and such agreements shall make provision for common procedures and common methods of capacity determination.

(4) When it becomes apparent to an ATS unit that traffic additional to that already accepted cannot be accommodated within a given period of time at a particular location or in a particular area, or can only be accommodated at a given rate, that unit shall so advise the other ATS units concerned and the ATFM unit, when such is established.

(5) The flight crews of aircraft destined to the location or area in question under paragraph (4) and every operator concerned shall also be advised of the delays expected or the restrictions that will be applied.

(6) Every operator concerned shall be advised in advance, where possible, of restrictions imposed by the air traffic flow management unit when such is established.

Automatic
ATS Data and
Communica-
tions Recor-
ding.

205.—(1) A holder of a certificate shall—

- (a) make provision for the automatic recording of air traffic service data and communications; and
- (b) retain the recorded air traffic service data and communications for a period of at least thirty days.

(2) The surveillance data from primary and secondary radar equipment or other systems (e.g. ADS-B, ADS-C), used as an aid to air traffic services, shall be automatically recorded for use in accident and incident investigations, search and rescue, air traffic control and surveillance systems evaluation and training.

(3) Subject to paragraph (1), the recorded air traffic service data and communications, if pertinent to accident and incident investigations, shall be retained for longer periods until it is evident that it is no longer required.

(4) An air traffic service provider shall make full disclosure of all automatic recordings being made in accordance with this section in the operations manual and where the recording equipment and scope of automatic recordings differ across air traffic service units, the air traffic service provider shall make full disclosure of the specific recordings taking place at each air traffic service facility.

Aerodrome
flight
information
service.

206.—(1) No person shall provide an aerodrome flight information service within Jamaica unless the service is provided in accordance with the standards and procedures specified in an Air Traffic Service operations manual approved by the Authority in respect of the aerodrome at which the service is being provided.

(2) Flight information services shall be provided to all aircraft which are likely to be affected by the information and which are—

- (a) provided with air traffic control service; or
- (b) otherwise known to the relevant air traffic service unit.

(3) Where air traffic services units provide both flight information service and air traffic control service, the provision of air traffic control service shall have precedence over the provision of flight information service whenever the provision of air traffic control service so requires.

(4) No person shall act as flight information service officer at any location except where that person holds and complies with conditions on—

- (a) an air traffic controller's licence with a valid aerodrome control rating and with the minimum on the job training that the Authority may prescribe for that location; or
- (b) a flight information officer's permit issued by the Authority and endorsed with a validation for that location.

(5) If requested by an Inspector, a person acting as a flight information service officer shall promptly produce the relevant licence or permit for inspection.

(6) In this Regulation, "act as a flight information officer"—

(a) means—

- (i) to provide any flight information service; or
- (ii) to represent oneself, whether by use of a radio call sign or otherwise, as a person entitled to provide such a service; but

(b) excludes any person relaying advice or information from a person qualified under paragraph (1) to act as a flight information service officer at the place concerned.

(7) The Authority will, upon application, authorize a person to function as a flight information officer, if that person is—

- (a) qualified by reason of his or her knowledge, English language proficiency to the level prescribed in the Eighth Schedule, experience, competence, skill and physical and mental fitness, to act as a flight information officer;
- (b) 18 years of age or older and meets all of the knowledge, experience and skill requirements prescribed by the Authority; and
- (c) a fit and proper person to hold the authorization.

Scope of flight
information
service.

207. Flight information service shall include the provision of pertinent—

- (a) SIGMET and AIRMET information;
- (b) information concerning pre-eruption volcanic activity, volcanic eruptions and volcanic ash clouds;
- (c) information concerning the release into the atmosphere of radioactive materials or toxic chemicals;
- (d) information on changes in the availability of radio navigation services;
- (e) information on changes in condition of aerodromes and associated facilities, including information on the state of the aerodrome movement areas when they are affected by significant depth of water; and
- (f) information on unmanned free balloons; and of any other information likely to affect safety.

Authority to
provide air
traffic
services.

208.—(1) No person shall, whether by use of radio 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 is—

- (a) 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
- (b) 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 required by the Authority in the AIP.

Licensing of
ATC
Controllers.

209.—(1) The Authority may, upon receiving an application therefor, grant a licence, as specified in the Eighth Schedule, to any person to act as an air traffic controller upon being satisfied that the applicant is a fit person to hold the licence by virtue of his having—

- (a) furnished evidence of satisfactory completion of the prescribed course of study;
- (b) satisfactorily completed a medical examination;
- (c) successfully completed all course examinations as prescribed by the Eighth Schedule;
- (d) successfully completed a period of on-the-job training as specified in the Eighth Schedule;
- (e) furnished a letter of recommendation signed by the competent authority specified in the Eighth Schedule; and
- (f) satisfied the Language Proficiency requirements of the Eighth Schedule.

(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;
- (c) the type of surveillance equipment, if any, with the aid of which he may provide the service;
- (d) a list of places at which the rating is valid; and
- (e) the type of surveillance equipment, if any, with the aid of which he may provide the service.

(3) Where 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) Any person who desires to obtain or renew an air traffic controller licence shall apply to the Authority in such form and manner as may be prescribed.

(5) An applicant shall undergo such training courses, examinations and tests as specified in the Eighth Schedule.

(6) Without prejudice to any other provision under these Regulations, the Authority may, for the purpose of paragraph (5), either absolutely or subject to such conditions as the Authority deems fit—

- (a) approve any course of training or instruction;
- (b) authorize a person to conduct such examinations or tests as the Authority may specify;
- (c) approve a person to provide any course of training or instruction approved under sub-paragraph (a); and
- (d) approve the use of a training device(s) for the purposes of air traffic control training.

(7) 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 other examinations and tests, conducted by a person designated by the Authority, and furnish such evidence as to his knowledge, experience, competence and skill, as specified in the Eighth Schedule; and

(8) On the basis of the medical examination and report referred to in paragraph (7)(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 48 months from the date of issue and shall be deemed to form a part of the licence.

(9) 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 (8).

(10) The Authority may, in such manner as it thinks fit, publish a manual, to be called the "Manual of Personnel Licensing—Air Traffic Controllers", containing such standards, recommended practices and guidance material relating to the licensing of air traffic controllers and the approval of persons to provide training for air traffic controllers as are applicable in Jamaica.

(11) The holder of an air traffic controller licence shall comply with the applicable standards specified in the "Manual of Personnel Licensing—Air Traffic Controllers" and shall not at any time contravene any condition of the air traffic controller licence.

(12) No person shall cause the holder of an air traffic controller licence to contravene any of the requirements of the Eighth Schedule.

(13) A person who is approved to provide any course of training or instruction, or any testing, under paragraph (6) (a) shall comply with the applicable standards specified in the Eighth Schedule and shall not at any time contravene any condition of the approval granted to him.

Prevention of
fatigue.

210.—(1) The holder of an Air Navigation Service Certificate and any related approvals issued under these Regulations that provides or intends to provide a twenty-four hour service shall implement measures for the prevention of fatigue in accordance with the requirements of the applicable Schedules.

(2) No person shall act as an air traffic controller if the person knows or has reason to believe that he is suffering from, or, having regard to the circumstances of the period of duty to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.

Temporary
incapacitation
of a controller.

211.—(1) The holder of an Air Traffic Controller Licence issued pursuant to regulation 211; who suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates for a pe-

riod of twenty (20) consecutive days, shall inform the Authority in writing of—

- (a) the nature of such injury, or illness, as soon as possible; and
- (b) in the case of a woman, if she has reason to believe that she is pregnant.

(2) The Authority shall suspend the licence during the period of such injury or illness referred to in paragraph (1)(a) and the suspension of the licence shall cease upon—

- (a) the holder being medically examined under arrangements made by the Authority and pronounced fit to resume his functions under the licence; or
- (b) 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 referred to in paragraph (1)(b) of the holder of an air traffic controller's licence, the Authority shall suspend the Licence of that holder 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

Installation,
operation and
maintenance
of CNS
systems.

212.—(1) The holder of a certificate shall ensure that the Communication, Navigation and Surveillance systems are installed, operated, maintained, available and reliable in accordance with the Twenty-Fourth Schedule.

(2) No person shall perform a function related to the installation, operation or maintenance of any communication, navigation, or surveillance system unless—

- (a) that person has successfully completed training in the performance of that function; and
- (b) the responsible certificate holder is satisfied that the technical person is competent to perform that function.

Facility
approval and
flight
inspection.

213.—(1) The Authority shall approve all the Communication, Navigation, Surveillance installations and all other equipment and facilities used by all Air Navigation Service certificate holders before their installation, commissioning, decommissioning, upgrading or relocation, in the designated airspace and aerodromes.

(2) A holder of a certificate shall ensure that the navigation aids approved by the Authority are available for use by aircraft engaged in air navigation and are subjected to periodic ground and flight inspection.

Aeronautical
information
services and
charts.

214.—(1) The Authority may —

- (a) provide an aeronautical information service;
- (b) agree with one or more other Contracting State(s) for the provision of a joint service; or
- (c) delegate the authority for the provision of the service to any person or organization approved by the Authority, provided the requirements of these Regulations and the Twenty-Fourth Schedule are met.

(2) Where the provision of the service is delegated in accordance with paragraph (1)(c) above, the delegated provider shall obtain an Air Navigation Service certificate and AIS Operations Specifications in accordance with these Regulations.

(3) The Authority will ensure that the provision of aeronautical data and aeronautical information covers the sovereign airspace of Jamaica and those areas over the high seas for which Jamaica is responsible for the provision of air traffic services.

(4) The Authority will remain responsible for all aeronautical data and aeronautical information provided for use in Jamaica.

(5) Where Aeronautical data and aeronautical information are provided for and on behalf of another State, such data and information shall clearly indicate that it is provided under the authority of that State.

(6) The Authority, or holder of an ANS Certificate, approved to provide AIS, shall ensure that the aeronautical data and aeronautical information is complete, timely and of the required quality in accordance with regulation 217.

(7) The Authority shall ensure that service definition agreements are established between the originators of aeronautical data and aeronautical information and the aeronautical information service established under paragraph (1) in relation to the timely and complete provision of such aeronautical data and information.

Manuals for
Aeronautical
information
services.

215.—(1) No person shall provide or cause to be provided any service that the Authority deems to be an Aeronautical Information Service for use within the sovereign airspace of Jamaica or within international airspace in respect of which Jamaica has accepted, by means of a regional air navigation agreement, the responsibility of providing air traffic services, except in accordance with an Operations Manual and any other standards required under the Twenty-Fourth Schedule.

(2) The Authority may, in such manner as it thinks fit, publish a "Manual of Standards—Aeronautical Information Services," containing such

standards, recommended practices and guidance material relating to the provision of Aeronautical Information Services.

Provision of
aeronautical
information
services.

216.—(1) A holder of an aeronautical information service approval shall—

- (a) receive, collate or assemble, edit, format, publish, store and distribute aeronautical data and aeronautical information concerning the airspace and aerodromes designated by the Authority;
- (b) publish the aeronautical information as an integrated Aeronautical Information Package;
- (c) ensure that the aeronautical information provided is adequate, of required quality, accuracy, integrity and timely;
- (d) designate the office to which all elements of an Integrated Aeronautical Information Package originated by other States is addressed.

(2) An AIS provider shall on request by other agencies, provide all information relating to the designated airspace, including but not limited to—

- (a) Aeronautical Information Circulars;
- (b) Aeronautical Information Publication and its amendments;
- (c) Aeronautical Information Publication Supplements; and
- (d) Notices to Airmen (NOTAM).

(3) The conditions, requirements, rules, procedures and standards for the publication of all aeronautical information referred to in paragraph (2), shall be in accordance with the requirements of the Twenty-Fourth Schedule

Identification
and delineation
of
prohibited
areas.

217.—(1) Each prohibited area, restricted area, or danger area established by a State shall, upon initial establishment, be identified as prescribed by the Authority and full details shall be promulgated in the applicable section of the AIP Jamaica.

(2) Each area referred to in paragraph (1) above shall be identified in accordance with the Manual of AIS Standards.

(3) When a prohibited, restricted or danger area is established, the area shall be as small as practicable and shall be contained within simple geometrical limits, so as to permit ease of reference by all concerned.

Human factors
considerations.

218.—(1) The organization of the aeronautical information services as well as the design, contents, processing and distribution of aeronautical data and aeronautical information shall take into consideration Human Factors principles which facilitate their optimum utilization.

(2) Due consideration shall be given to the integrity of information where human interaction is required and mitigating steps taken where risks are identified.

Production of
aeronautical
charts.

219.—(1) A holder of a certificate issued by the Authority, approved to produce aeronautical charts, shall ensure that all the information contained in each chart is accurate, adequate, and current.

(2) The aeronautical charts produced shall be maintained in a form prescribed by the Authority.

(3) The units of measurements used shall be as prescribed in the Twenty-Fourth Schedule.

AIS quality
management
system.

220.—(1) The aeronautical information service provider shall implement and maintain a quality management system that encompasses all functions of an aeronautical information service.

(2) The execution of such quality management system shall be demonstrable for each function stage.

(3) The AIS provider shall ensure that measures are taken to introduce a properly organized quality system containing procedures, processes and resources necessary to implement quality management at each function stage in accordance with the requirements of the Twenty-Fourth Schedule.

Provision of
Search and
Rescue
Service.

221.—(1) The Authority shall designate a responsible organization that shall, individually or in cooperation with other States and national agencies, as applicable, arrange for the establishment and prompt provision of search and rescue services within the sovereign airspace of Jamaica to ensure that assistance is rendered to persons in distress on a 24-hour basis.

(2) The Authority may, in such manner as it thinks fit, publish a “Manual of Standards — Search and Rescue”, containing such recommended practices and guidance material relating to Search and Rescue operations conducted by the designated Search and Rescue organization.

(3) The agency designated in paragraph (1) shall be so designated by a Memorandum of Understanding (MOU) between the Authority and such agency and shall be signed by the accountable manager or Commanding Officer of that organization and the Director-General.

(4) The MOU shall, at a minimum, include provisions for—

- (a) distribution of responsibilities;
- (b) services to be provided;
- (c) standards of service provision;

- (d) operations procedures;
- (e) operations manuals and guidance material;
- (f) national and regional cooperation;
- (g) cooperation with other services;
- (h) search and rescue regions;
- (i) rescue coordination centres and rescue sub-centres;
- (j) personnel training and exercises
- (k) quality assurance
- (l) minimum staffing and facility requirements;
- (m) search and rescue communications;
- (n) search and rescue units;
- (o) requirements for information;
- (p) point of contact for the receipt of Cospas-Sarsat distress data.

Provision of
meteorological
services.

222.—(1) The Authority shall designate an agency to provide or to arrange for the provision of meteorological services for international air navigation on its behalf within the sovereign airspace of Jamaica and/or any other airspace so designated on a 24 hour basis.

(2) The meteorological service provider designated under paragraph (1) shall provide meteorological services supplying Air Operators, flight crew members, air traffic units, search and rescue services, airport managements and others concerned with the conduct or development of international air navigation, with the meteorological information necessary for the performance of their respective functions.

(3) Pursuant to paragraph (2), the Meteorological Service provider shall provide meteorological services in support of inter-national civil aviation that include but are not limited to—

- (a) making routine meteorological observations at regular intervals;
- (b) making special weather observations whenever specified changes occur in respect of surface wind, visibility, runway visual range, present weather, cloud and air temperature;
- (c) preparing and obtaining significant weather forecasts information and maintaining contact with specified meteorological centers for the exchange of information on volcanic ash and tropical cyclones activity;
- (d) providing briefing, consultation and flight documentation to flight crew members and other flight operations personnel;

- (e) performing weather watch and monitoring, including the ability to detect and forecast hazards relevant to the aviation community, as prescribed by the Authority;
- (f) deriving forecasts and warnings to the requirements prescribed by the Authority for the pilots, air traffic services and air operators;
- (g) maintaining a record of aeronautical climatological information for supply to pilots, air traffic services, air operators and any other persons on request;
- (h) exchanging aeronautical meteorological information with other aeronautical meteorological offices; and
- (i) supplying information received concerning the accidental release of radioactive materials into the atmosphere within its area of responsibility to the air traffic service providers for dissemination.

(4) The agency designated in paragraph (1) shall be so designated by a Memorandum of Understanding (MOU) between the Authority and such agency and be signed by the accountable manager of that organization and the Director-General.

Manual of
standards.

223.—(1) No person shall provide or cause to be provided any service that the Authority deems to be an Aeronautical Meteorological Service within the sovereign airspace of Jamaica or within international airspace in respect of which Jamaica has accepted, by means of a regional air navigation agreement, the responsibility of providing air traffic services, except in accordance with—

- (a) the Manual of Standards—Meteorological Services for International Air Navigation;
- (b) an operations manual approved by the Authority; and
- (c) any other manual required under these Regulations.

(2) The Authority may, in such manner as it deems fit, publish a Manual of Standards for Meteorological Service for International Air Navigation containing such standards, recommended practices and guidance material relating to aeronautical meteorological services as it may determine to be applicable in Jamaica.

(3) Any person who provides meteorological services for international air navigation shall comply with the standards specified in the Manual of Standards—Meteorological Services for International Air Navigation pursuant to paragraph (1).

(4) The Authority may, if the circumstances require, exempt any person who provides meteorological services for international air navigation, either absolutely or subject to such conditions as it deems fit, from any but not all of the provisions of the Manual of Standards—Meteorological Services for International Air Navigation.

Construction
of flight
procedures.

224. An instrument approach design organization that is the holder of a certificate issued by the Authority or an air traffic service provider or any other provider of air navigation services that is approved by the Authority to design visual and instrument flight procedures as a part of their organizational exposition may develop visual and instrument flight procedures to be used by aircraft operating in the designated airspace and aerodromes in accordance with the requirements of the Twenty-Fourth Schedule.

Approval as
procedure
designer.

225. No person shall design, publish, or cause to be designed or published, any visual or instrument flight procedures for use in the designated airspace and aerodromes, unless that person has successfully completed a training course in the construction of visual and instrument flight procedures, approved by the Authority, and has been issued with a Certificate authorizing him to design and publish such flight procedures.

Responsibilities of a
certificate
holder.
Security
provisions.

226. A holder of a certificate authorized under regulation 227 shall carry out design work, review or amend visual and instrument flight procedures subject to any conditions specified in the certificate.

227. The provider of an Air Navigation Service shall ensure that all security provisions including security contingency plans required by the Authority or otherwise instituted by the Director-General from time to time, are implemented, maintained and enforced by its employees, contractors, agencies, regulated agents and its tenants.

National
security
provisions.

228. Pursuant to section 56 of the Civil Aviation Act, If the holder of an Air Navigation Service certificate is notified by the Authority of the implementation of any plan or procedure required by the Minister or the Minister with responsibility for defence in the exercise of any Emergency Powers conferred to him in the interests of National Security, the certificate holder shall ensure that its services are provided to aircraft in accordance with the contents of the plan or procedure.

Annual Plan.

229.—(1) The provider of an Air Navigation Service shall produce an annual plan covering the forthcoming year which shall specify further the features of the business plan and describe any changes to it.

(2) The annual plan shall cover the following provisions on the level and quality of service such as the expected level of capacity, safety and delays to flights incurred as well as on financial arrangements—

- (a) information on the implementation of new infrastructure or other developments and a statement describing how they will contribute to improving the level and quality of services;

- (b) indicators of performance against which the level and quality of service may be reasonably assessed; and
- (c) the service provider's expected short-term financial position as well as changes to or impacts on the business plan.

Performance-based navigation specifications.

230. An Air Transport Operator shall comply with all prescribed Navigation Specifications for Performance-based navigation operations applicable within the sovereign airspace of Jamaica, or within inter-national airspace in respect of which Jamaica has accepted by means of a regional air navigation agreement the responsibility of providing air navigation services

Performance based navigation operations.

231.—(1) No person may operate flights along Air Traffic Service routes, within a designated airspace, area or on any instrument flight procedure or other procedure for which a Navigation Specification has been prescribed unless -

- (a) the person has received authorization from the Authority;
- (b) the aircraft is equipped with sufficient on-board equipment that has been certified and approved by the Authority in accordance with manufacturer specifications and the requirements of these Regulations that enables it to operate in accordance with the performance required by the prescribed Navigation Specification;
- (c) the on-board equipment required under paragraph (2) (b) continuously monitors on-board system performance and provides an alert that allows the flight crew to detect that the navigation system is not achieving, or cannot guarantee, with the required integrity, the navigation performance required for the operation; and
- (d) is able to provide all navigational functionalities, including system capabilities, while operating along or within any route, airspace or procedure for which a navigation specification has been prescribed.

(2) No person may operate an aircraft unless it has sufficient on-board equipment that will enable the aircraft to navigate in accordance with paragraph (a) above, such that in the event of the failure of any piece of navigation equipment at any stage of operations requiring such equipment to be operational, the remaining equipment will enable the aircraft to continue to a destination or an alternate destination.

Electronic navigation data management.

232. No person shall employ electronic navigation data products that have been processed for application in the air and on the ground unless the Authority has approved—

- (a) the operator's procedures for ensuring that the process applied and the products delivered have acceptable standards of integrity

and that the products are compatible with the intended function of the equipment that will use them;

- (b) the operator's program for continual monitoring of both process and products; and
- (c) the operator's procedures to ensure the timely distribution and insertion of current and unaltered electronic navigation data to all aircraft that require it.

Performance
based
navigation
training.

233.—(1) No Air Operator or Air Navigation Service certificate holder that provides any service that is based on or supplemental to Performance Based Navigation operations shall use a person in any operational capacity unless that person has completed the appropriate initial PBN operations training curriculum approved by the Authority and has undergone training in the subject matters specified in these Regulations.

(2) An Air Operator and an Air Navigation Service certificate holder shall require an operational person that has been trained in accordance with paragraph (1) above to complete a demonstration of competence to a defined standard of knowledge and performance prescribed by the Authority prior to that person being allowed to perform any operational function pursuant to paragraph (1).

PART XVII. *Aviation Security*

Scope and
application of
this Part.

234.—(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, ground personnel and the general public by establishing measures to prevent weapons, explosives, or any other dangerous devices, articles or substances that could be used to commit an act of unlawful interference, inflict harm, threaten lives, from being introduced, by any means whatsoever, on board aircraft engaged in civil aviation;
- (b) ensuring that domestic operations are subjected to international security measures, to the extent practicable, based upon a security risk assessment carried out at the national level.

(2) This Part applies to—

- (a) all operators of international and domestic aerodromes which are approved for use by scheduled and unscheduled commercial 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 contracted services to air operators, aerodrome operators or tenants;
- (g) a person on board an aircraft;
- (h) a person in, or within the vicinity of, an aerodrome;
- (i) regulated agents or air cargo operations;
- (j) catering operator;
- (k) air operator crew members;
- (l) air traffic service providers; and
- (m) handling agents for foreign air operators.

Requirement
to have a
security
programme.

235.—(1) A Security Programme made under these Regulations shall be signed by the chief executive officer of the air transport operation and shall provide for safety and security of operations.

(2) No person shall operate an airport, aerodrome or provide contracted security services to an aerodrome or airport operator unless that person has submitted a security programme to the Authority and has received approval for such security programme which shall meet the requirements of these Regulations and the National Civil Aviation Security Programme.

(3) An aerodrome operator shall include as a part of his security programme the following—

- (a) aerodrome tenant responsibilities programme;
- (b) the submission of a tenant security programme from the tenant, signed by the chief executive officer, for the approval of the aerodrome operator, and in keeping with these regulations.

(4) Every Jamaican air operator including general aviation, aerial work air operators, every airport and aerodrome operator, and regulated agent prior to being granted a certificate to operate, shall prepare a security programme pursuant to the Civil Aviation Security Programme, the Twentieth Schedule and any other applicable Schedules the details of which shall be set forth in a security Programme that shall be presented to the Authority for approval.

(5) A foreign commercial air transport operator shall not operate an enterprise, or an organization whose purpose is the movement of goods or passengers by air into, within, or from Jamaica, unless he has established, implemented and maintained a written security programme that meets the requirements of these Regulations and the Civil Aviation Security Programme, and has received approval of the Authority.

(6) No person shall—

- (a) conduct general aviation operations, including corporate aviation operators using aircraft with a maximum take-off mass greater than 5700 kg;
- (b) conduct aerial work operations;
- (c) conduct cargo operations or be certified as a Regulated Agent;
- (d) operate a catering service;
- (e) provide an Air Navigation Service;
- (f) offer to provide contracted aviation security services to an aerodrome, airport or air operator,

unless that person is a licensed security provider and has established, implemented and maintained a written operator security programme that meets the requirements of the Civil Aviation Security Programme, these Regulations, any applicable Schedules and the company has been approved by the Authority.

Compliance
with Civil
Aviation
Security
Programme.

236.—(1) An aerodrome operator, and all persons involved in aviation security programmes shall—

- (a) comply with the requirements of the Civil Aviation Security Programme; and
- (b) identify a trained and qualified security manager or coordinator approved by the Authority to coordinate implementation of security controls:

(2) In keeping with the Civil Aviation Security Programme requirements, each airport and aerodrome operator, air operator, contracted security service provider, air traffic service provider and domestic operators shall develop, implement and maintain a training programme that is in keeping with the Civil Aviation Security Training Programme and approved by the Authority—

(3) Every person involved in air transport operations shall provide the relevant security training and certification for all categories of security personnel, including those contracted, non-security personnel and crew members of commercial and domestic operations that is in keeping with the civil aviation security training programme.

(4) The security training shall be conducted by certified instructors and records shall be maintained for the required training and certification and shall be available for inspection at the location where the staff member is stationed.

(5) An Air operator, or and cargo operations involved in implementing screening or other security controls of cargo and mail shall establish a supply chain security process that is in keeping with the Civil Aviation Cargo Security Programme, which shall include the approval of regulated agents and known consignors by the Authority.

Security
measures.

237.—(1) Every aerodrome and air operator security programme shall provide for the safety and security for—

- (a) passengers, crew and their property, cabin and hold baggage, cargo, mail, catering, supplies and stores which are to be screened;
- (b) the movement of persons and vehicles in the vicinity of the operations of the aircraft which shall be supervised in the aerodrome restricted areas to prevent unauthorized access to aircraft;
- (c) the aircraft, to include security checks of originating aircraft engaged in commercial air transport movements or an aircraft security search based upon a security risk assessment carried out by the relevant national authorities;
- (d) ensuring aircraft protection from unauthorized interference from the time the aircraft search or check has commenced until the aircraft departure;
- (e) requiring measures to be taken by international and domestic operators to prevent aircraft theft and tampering;
- (f) requiring that measures are taken by air operators to remove from the flight any items that may have been left behind by passengers disembarking at transit stops;
- (g) requiring air operators to take measures to ensure that during flight, unauthorized persons are prevented from entering the flight crew compartment;
- (h) requiring that air operators ensure that only items of hold baggage which have been individually identified as accompanied or unaccompanied, screened, accepted and authorized for carriage on the flight is transported;
- (i) ensuring that practices are established at the aerodrome and on board aircraft to assist in the identification and resolution of suspicious activity that may pose a threat to civil aviation;

- (j) requiring that air operators not accept cargo or mail for carriage on an aircraft engaged in passenger commercial air transport operations unless screening or other security controls is confirmed and accounted for by a regulated agent or consignments are subjected to screening;
- (k) requiring the implementation of random and unpredictable security measures;
- (l) developing measures to protect information and communication technology systems used for civil aviation purposes from interference;
- (m) ensuring that security measures in aerodrome landside areas are established to mitigate possible threats of acts of unlawful interference; and
- (n) establishing, testing and updating contingency plans and take additional security measures when there is an increase in threat.

(2) Every air operators providing service from Jamaica and participating in code-sharing or other collaborative arrangements with other air operators shall notify the Authority of the nature of these arrangements, including the identity of the other air operators.

(3) Every Airport and aerodrome operators shall ensure that terminal architectural and infrastructure-related requirements necessary for the implementation of security measures are integrated into the design and construction of new facilities and alterations to existing facilities and that approval is received from the Authority prior to commencement of work.

Refusal of air
transport.

238. Every Air Operator shall ensure that the general condition of carriage for its passengers includes a contractual clause giving the operator the right to refuse the carriage of any passenger whenever the-

- (a) safety of flight operations appears to be endangered by misbehavior;
- (b) action is necessary to avoid committing an offence under the Civil Aviation Act and the Regulations; or
- (c) conduct of the passenger may make others uncomfortable and could undermine good order and discipline on the flight.

Persons
making
threats.

239.—(1) No person while on an aircraft, shall behave in such a manner as to cause malicious or wanton injury to any person or destruction of property in the aircraft or at an airport or aerodrome.

(2) No person shall, while on an aircraft, intrude or attempt to intrude, forcibly into any area of the aircraft that has been designated as prohibited, either by visible notice, or verbally by a crew member.

(3) No person shall make a threatening or false statement, while on an aircraft, or preparing to board an aircraft, that could make a reasonable person believe that the life on any person on board the aircraft may be in danger.

(4) A pilot-in-command of an aircraft shall be responsible for the security of the aircraft during operations pursuant to Section 65 of the Civil Aviation Act and shall report any act or attempted act of unlawful interference with a flight on the ground or in the air.

(5) A person involved in air transport operation shall immediately report to the Authority any security-related incident, or unlawful act against civil aviation as cited in paragraph (1) above.

Handling
special
category
passengers.

240.—(1) An air operator shall ensure that for the carriage of potentially disruptive passengers who are obliged to travel because they have been the subject of judicial or administrative proceedings -

- (a) it develops a policy and procedures to comply with the requirements for handling these categories of passengers according to the regulations and the national civil aviation security programme;
- (b) the air operator security programme contains procedures to ensure safety on board their aircraft;
- (c) both the station manager and pilot-in-command are advised;
- (d) he develops procedures to inform transit and destination States when inadmissible persons or deportees are obliged to travel;
- (e) procedures are developed for detecting and preventing potential incidents of unruly and disruptive passenger behaviour, and for effectively managing such incidents if they do arise either on the ground or on board an aircraft; and
- (f) all incidents of unruly or disruptive passenger behaviour are reported to the Authority within the specified time.

(2) Every air operator shall apply security risk management and additional administrative procedures to passengers who have undergone judicial or administrative proceedings before boarding an aircraft, including persons—

- (a) under arrest, as well as prisoners;
- (b) being deported from one jurisdiction to another; and
- (c) suffering from mental illness.

Reporting
security
incidents.

241.—(1) Every person that has an aviation security role and responsibility under the Civil Aviation Security Programme and is required to have a Security Programme approved by the Authority shall be responsible for reporting—

- (a) suspicious activity;
- (b) incidents or acts of unlawful interference;
- (c) acts of a criminal nature; or
- (d) an accident on an airport, its vicinity or within air operator or tenant designated areas.

(2) A report shall be made to the airport or aerodrome operator and Authority as required under paragraph (1).

Record
keeping
Requirements.

242.. Every air operator, handling agent, airport and aerodrome operator, general aviation including corporate aviation in regulation 167 (5), aerial operator, regulated agent, contracted security provider, catering operator, and air traffic service provider, shall adhere to the requirements, standards, procedures and record keeping requirements as set out in the Security Programme approved by the Authority for those operators or agents.

Authority for
access control.

243. With the approval of the Authority, an aerodrome operator shall be responsible for—

- (a) establishing access control points to control the movement of persons and vehicles entering, circulating and parking within the airside and security restricted areas in order to prevent unauthorized access to aircraft;
- (b) establishing identification systems in respect of persons and vehicles in order to prevent unauthorized access to security restricted areas;
- (c) ensuring that persons implementing security controls are subjected to background checks, selection procedures, criminal history check; and
- (d) ensuring that all airport permit holders granted unescorted access are subjected to employment verification and background checks, initially and thereafter, as required in the National Civil Aviation Security Programme.

Screening and
security
controls.

244.—(1) Every aerodrome operator shall be responsible for screening and security controls and include, as a part of his security programme, procedures and measures in accordance with the Twentieth Schedule and ensure that the persons listed in regulation 233(2) that uses the aerodrome are made aware of screening and security control requirements so that these can be included in their respective security programmes.

(2) Every aerodrome operator shall establish a security committee to assist the aerodrome security organization in its role of coordinating the implementation of security controls and procedures as specified in the aerodrome security programme.

(3) Every aerodrome operator shall ensure implementation of procedures that require—

- (a) that all persons, goods, and vehicles together with items contained within them, entering airside restricted areas are screened to prevent the entry of weapons, explosives, or any other dangerous devices articles or substances that could be used for criminal or terrorist purposes or to commit acts of violence or acts of unlawful interference with civil aviation;
- (b) all originating and transit or transfer passengers, crew members, airport workers and other persons are screened or denied access to the restricted area, or boarding, upon refusal for screening;
- (c) all carry-on cabin baggage or personal belongings, hold baggage, cargo, mail, catering, stores and supplies are screened and protected from unauthorized interference prior to their being allowed into restricted areas or loaded onto an aircraft engaged in passenger commercial transport operations;
- (d) procedures are established to deal with unidentified baggage;
- (e) if the screening integrity is jeopardized, items are rescreened to prevent the carrying on board of any weapons, explosives, or other hazardous dangerous devices or material articles or substances intended for unlawful interference with civil aviation or criminal act;
- (f) merchandise and supplies introduced into security restricted areas are subject to screening and appropriate security control thereafter;
- (g) security controls shall be applied to cargo and mail for transportation on all- cargo aircraft and cargo is protected from unauthorized access until loaded;
- (h) security controls are established to prevent acts of unlawful interference with aircraft when they are not in security restricted areas;
- (i) establish measures to verify that a “known company”, once their security programme has been accepted and listed as such, maintains the security integrity of their “known products” being introduced into the airport restricted areas;

- (j) private commercial, private air operators, general aviation and aerial work operators are parked away from commercial operations, passengers and baggage are screened before going on commercial flights and air operators comply with customs and immigration requirements for international departure and entry;
- (k) require additional security measures to be implemented during a period of elevated threat and to flights deemed to be at higher risk;
- (l) persons implementing security controls shall be subjected to background checks, selection procedures and criminal history check and that all airport permit holders granted unescorted access are subjected to employment verification and background checks, initially and thereafter, as required in the National Civil Aviation Security Programme;
- (m) ensure that catering, stores and all supplies intended for carriage on passenger commercial flights are screened and subjected to appropriate security controls and protected until loaded onto the aircraft; and
- (n) ensure that an air operator wishing to conduct off-airport check-in of passengers and their hold baggage has implemented security measures and other controls that are approved by the Authority and subsequently monitored for continued effectiveness.

(4) Every air operator shall be responsible to ensure that all persons, accompanied and unaccompanied baggage, cargo, mail and stores going on his aircraft have been screened and protected from unlawful interference until loaded on the aircraft.

(5) Every air traffic service provider, regulated agent and catering operator shall ensure that security measures, including access control are implemented for air navigation installations and facilities on and off the airport.

(6) Air navigation providers, catering operators, a regulated agent or cargo operator shall implement access control measures to their facilities on and off airport to prevent unauthorized entry.

Employment
verification
and checks.

245.—(1) Every airport operator having responsibility for issuance of permanent (renewable) restricted area passes shall not issue such a restricted area permit unless that operator has completed background checks that in-

clude a person's identity, verification of previous work experience and criminal history—

- (a) for every employee or potential employee of any organization involved in implementing aviation security measures; and
- (b) when determining suitability of an individual for unescorted access to airside or security restricted areas.

(2) A background check shall be updated every time the security area permit needs to be renewed.

(3) A restricted area Permit shall not be issued if, during the performance of a background check, it is determined that the applicant was convicted of—

- (a) an offence under the Dangerous Drugs Act, trafficking in weapons or the illegal possession of weapons, assault, extortion, acts endangering public safety including acts of unlawful interference against civil aviation, sexually related offences or membership in a criminal organization, unless in an exceptional circumstance, the Minister responsible for Justice determines that such a person has been fully rehabilitated and therefore no longer constitutes a risk; and
- (b) other offences such as burglary, fencing of stolen goods, embezzlement, fraud and fraudulent misrepresentation, without making restitution.

(4) Every airport operator shall be fully satisfied of the applicant's suitability as a holder before issuing a permit.

(5) A person responsible for air navigation facilities on and off-airport, shall apply the requirements for conducting initial and recurrent background checks on personnel assigned to those locations in keeping with the civil aviation security programme and these Regulations.

(6) An air navigation service provider shall ensure that persons implementing security controls are subjected to selection procedures, criminal history check and initial and recurrent background checks in keeping with the civil aviation security programme and these Regulations.

(7) Employers of all companies and organizations at an airport are responsible to complete adequate pre-employment checks or other inquiries to ensure that the individual concerned does not pose a potential threat to the airport before applying for employee restricted area permits.

Authority for
screening
officers.

246.—(1) An aviation security officer may screen by technical means or physical search any person and his baggage, with the consent of the person before such person boards any aircraft for the purpose of being carried by air

from any place in Jamaica to any other place whether in Jamaica or elsewhere.

(2) An aviation security officer shall not allow unauthorized access of persons, vehicles and goods into an aerodrome or facility restricted area, or ground installations and facilities essential for the safety of civil aviation located off the aerodrome.

(3) If a person declines to allow himself or his baggage to be screened or searched under paragraph (1) then that person shall not be allowed to board the aircraft.

(4) An air operator shall not be liable to any civil proceedings, other than a proceeding in respect of any right that any person may have for the recovery of the fare or any part thereof, by reason of the fact that such person was not allowed to board an aircraft of the air operator after he had declined to allow himself or his baggage to be screened.

Requirements
for contracted
security
providers.

247.—(1) No person shall offer to provide any contracted aviation security service to an aerodrome operator, or an air operator, or any person involved with air transport operations unless the person offering to provide the service has been certified by the Civil Aviation Authority and has established, implemented and maintained a written aviation security provider security programme and a training programme that meet the requirements, that have been signed by the senior executive and have been approved by the Authority.

(2) An aviation security service provider shall be registered by and shall obtain a licence from, the Private Security Regulation Authority (PSRA) before offering to provide such a service, and all security officers employed by the provider in respect of that service shall also be registered and licensed in keeping with the PSRA Act 1993.

(3) A Security provider contracted to provide aviation security to an aerodrome operator or an air transport operator, shall apply to have his licence renewed annually; and

- (a) shall ensure that his company registration is renewed annually, his security officers are registered; and
- (b) the officers wear their individual PSRA certification along with airport security restricted area permit while on duty at an airport or aerodrome.

(4) An aviation security provider contracted by an airport or aerodrome operator or air operator to conduct screening of persons, baggage, cargo, mail and other goods shall be responsible for conducting screening operations in keeping with personnel and equipment requirements of the civil

aviation security programme, an approved training programme and the company security programmes approved by the Authority.

(5) A contracted aviation security provider shall ensure that persons carrying out screening and security guarding operations receive initial and recurrent training and certification according to the requirements of the civil aviation security and training programmes, and shall—

- (a) ensure that training is conducted by a security service provider approved by the Authority or a JCAA-approved contracted third party aviation security provider employing instructors certified in aviation security;
- (b) ensure that performance standards are maintained through an internal audit system to identify and correct deficiencies as necessary;
- (c) keep records of operational and administrative monitoring and show corrective action taken to correct an identified deficiency or non-compliance with his approved security or training programmes; and
- (d) report screening and access control incidents and breaches to airport or air operators and the Authority as required.

Contracted
handling
agents.

248.—(1) A Handling Agent contracted by foreign air operators to provide an air transport service including safety and security responsibilities, shall be certified by the Authority in keeping with these Regulations and the National Civil Aviation Security Programme, prior to performing such a service.

(2) A handling agent shall ensure that its company security programme and training programme are in keeping with the civil aviation security and training programmes, the aerodrome operator programme and that it satisfies the air operator security and training requirements for which they have been contracted.

(3) The handling agent security programme shall contain the specific safety and security requirements of each air operator for whom services are provided.

(4) Handling agents shall be responsible to—

- (a) prevent weapons, explosives, or any other dangerous devices, articles or substances, which may be used to commit an act of unlawful interference or criminal act from being introduced on board an aircraft for which their services have been contracted;
- (b) ensure that all air operator security responsibilities required by these Regulations, and civil aviation security programmes are complied with;

- (c) ensure that employees and contracted security service providers have received initial, recurrent and on-the-job and certification training in keeping with their job functions, the National Civil Aviation Security Training Programme, and that personnel training is provided by a certified instructor;
- (d) ensure that all security training and other required records are kept up-to-date and readily available for inspection at the location where the employee is stationed;
- (e) a person is appointed as a security coordinator, provided with the requisite training in keeping with the National Civil Aviation Security Training Programme; and has overall responsibility for security of the handling agent's aerodrome operations;
- (f) contingency plans have been developed in order to respond to an increased threat or act of unlawful interference and are periodically tested in keeping with the aerodrome operator security programme, and the Civil Aviation Security Programme;
- (g) ensure internal quality control measures are implemented and records maintained to show timely corrective action for identified deficiencies in security; and
- (h) provide incident reporting to the air operator, aerodrome operator and Authority in keeping with the National Civil Aviation Security Programme and these Regulations.

Cargo and mail
security.

249.—(1) An air operator, regulated agent or cargo operator shall have a cargo security programme, approved by the Authority, that is in keeping with these Regulations and the Civil Aviation Security and Cargo Security Programmes.

(2) An air operator, regulated agent or cargo operator shall—

- (a) identify a qualified and trained cargo security manager or coordinator approved by the Authority to coordinate implementation of cargo security controls;
- (b) require that random and unpredictable security measures are implemented to cargo operations;
- (c) ensure that cargo security measures are in place to respond to threats against civil aviation causing an elevated threat, or to flights that are at a higher risk;
- (d) implement additional security measures during a period of elevated threat and to any cargo flight deemed to be at higher risk;

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- (e) ensure that cargo, mail, unaccompanied baggage and goods are screened and security controls applied till they are loaded on the aircraft;
 - (f) ensure that cargo and mail are protected from unauthorized access while in their possession;
 - (g) require personnel screening and apply access control measures to cargo facilities and cargo ground transportation, as applicable;
 - (h) Cargo and mail contingency plans have been developed in order to respond to an increased threat or act of unlawful interference and are periodically tested in keeping with the aerodrome operator security programme, and the Civil Aviation Security Programme; and
 - (i) provide incident reporting to the air operator, aerodrome operator and Authority in keeping with the National Civil Aviation Security Programme and these Regulations.

(3) An air operator, regulated agent or cargo operator shall develop, implement and maintain a cargo security training and certification programme for all persons involved in the cargo handling that is in keeping with the Civil Aviation Security Training requirements and Cargo Security Programme and is approved by the Authority.

(4) Cargo security training shall be conducted by certified instructors.

(5) Cargo security training and certification records, and other required records shall be maintained and made available for inspection at the location where the staff member is stationed.

(6) An Air operator, whether transporting passengers or cargo, shall ensure that—

- (a) the aircraft is protected from unauthorized interference from the time the security search or check has commenced until the aircraft departs;
- (b) every item of cargo and mail intended for carriage on passenger commercial flights is screened and subjected to appropriate security controls and is protected until loaded onto the aircraft; and
- (c) security controls are applied to cargo and mail for transportation on all-cargo aircraft and cargo is protected from unauthorized access till loaded.

(7) In keeping with the Civil Aviation Security Quality Control Programme, an air operator, regulated agent or cargo operator shall implement internal quality control measures on cargo operations to maintain performance standards and rectify deficiencies in a timely manner;

(8) An air operator, regulated agent or cargo operator shall ensure that persons implementing cargo security screening and controls are subjected to background checks, selection procedures and criminal history check initially and thereafter, as required in the National Civil Aviation Security Programme.

(9) A Cargo Security Declaration shall be produced by the entity that makes the cargo “known” and is to be passed from one entity to another in the cargo supply chain. The Cargo Security Declaration shall contain—

- (a) identity of the regulated agent, shipper and consignor or other entity forwarding the consignment;
- (b) unique means of reference (e.g. air waybill number, etc.);
- (c) destination of the consignment;
- (d) declaration that the consignment has been searched or screened or a declaration that the originator is known and that the contents are safe for transport to the best of the entity’s knowledge;
- (e) declaration that the consignment has been kept secure and not tampered with while in custody;
- (f) signature of a staff member with the proper training and authority to make the declaration; and
- (g) warning that any false declaration will lead to criminal prosecution.

(10) Any consignment not covered by a valid declaration shall be treated as “unknown” cargo.

Domestic
operations.

250.—(1) A domestic air operator shall apply security measures to secure his parked aircraft.

(2) A domestic air operator shall comply with security measures required by the aerodrome operator for—

- (a) screening personnel, cargo, mail and other goods going airside;
- (b) applying landside/airside security measures within his facility, where required;
- (c) complying with the requirements for the carriage of firearms on an aircraft; and

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- (d) the separation of domestic aircraft and passengers from international aircraft and screened passengers when flying on to an international airport.

(3) A domestic air operator shall ensure that air operator personnel receive aerodrome security awareness training in keeping with the aerodrome approved security programme and training requirements.

(4) A private air operator shall ensure that measures are applied to disable his airstrip when not in use.

Repeal of Civil
Aviation Act,
2004.

251. The Civil Aviation Act, 2004, is hereby revoked.