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**Civil Aviation Act
(Act 2004-18)**

**CIVIL AVIATION (AIR NAVIGATION SERVICES)
REGULATIONS, 2007**

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**Civil Aviation Act
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**CIVIL AVIATION (AIR NAVIGATION SERVICES)
REGULATIONS, 2007**

The Minister in exercise of the powers conferred on him by section 88(b) of the *Civil Aviation Act*, makes the following Regulations:

PART I

Preliminary

1. These Regulations may be cited as the *Civil Aviation (Air Navigation Services) Regulations, 2007*. Citation.

2. In these Regulations, Interpretation.

“aeronautical information publication (AIP)” means a publication issued by or with the authority of a state and containing aeronautical information of a lasting character essential to air navigation;

“aeronautical information service (AIS)” means a service established in a defined area of coverage that is responsible for the provision of aeronautical information or data necessary for the safety, regularity and efficiency of air navigation, and includes personnel and facilities employed to provide information pertaining to the availability of air navigation services and their associated procedures necessary for the safety, regularity and efficiency of air navigation (i.e. AIP, AIC, NOTAM etc.);

“airport control service” means air traffic control service in respect of airport traffic;

“airport control tower” means a unit established to provide air traffic control service to airport traffic;

“airport traffic” means all traffic on the manoeuvring area of an airport and all aircraft flying in the vicinity of an airport;

“airport traffic zone” means airspace of defined dimensions established around an airport for the protection of airport traffic;

“air traffic” means all aircraft in flight or operating on the manoeuvring area;

“air traffic advisory service” means a service provided within advisory airspace to ensure separation, insofar as is practical, between aircraft which are operating on IFR flight plans;

“air traffic control clearance” means an authorisation for an aircraft to proceed under conditions specified by an air traffic control unit;

“air traffic control instruction” means a directive issued by the air traffic control service for the purpose of requiring a pilot to take specific action;

“air traffic control service” means a service provided for the purpose of:

- (a) preventing collisions
 - (i) between aircraft; and
 - (ii) on the manoeuvring area between aircraft and obstructions; and
- (b) expediting and maintaining an orderly flow of air traffic;

“air traffic control unit” means variously, area control unit, approach control unit or airport (aerodrome) control tower;

“air traffic services” or “ATS” means air traffic control services, air traffic advisory services, alerting services or flight information services;

“air traffic services airspaces” means airspaces of defined dimensions, alphabetically designated within which specific types of flights may operate and for which air traffic services and rules of operation are specified;

“airway” means a control area or part thereof established in the form of a corridor;

“alerting service” means a service provided to notify appropriate organisations regarding aircraft in need of search and rescue aid, and to assist such organisations as required;

“altitude” means the vertical distance of a level, a point or an object considered as a point, measured from mean sea level (MSL);

“Annex 10” means Annex 10 to the Chicago Convention;

“Annex 11” means Annex 11 to the Chicago Convention;

“approach control unit” means a unit established to provide air traffic control service to controlled flights arriving at, or departing from, one or more airports;

“appropriate ATS authority” means the relevant authority designated by the State responsible for providing air traffic services in the airspace concerned;

“appropriate authority” means

- (a) regarding flight over the high seas, the relevant authority of the State of Registry;
- (b) regarding flight other than over the high seas, the relevant authority of the State having sovereignty over the territory being over flown;

“ATS route” means a specified route designated for channelling the flow of air traffic as necessary for the provision of air traffic services;

“automatic dependant service (ADS)” means a surveillance technique in which aircraft automatically provide, via a data link, data derived from on-board navigation and position-fixing systems, including aircraft identification, four dimensional position and additional data as appropriate;

“Barbadian Airspace” means the airspace specified and delineated as such, in the AIP Barbados;

“control area” means the controlled airspace that is specified in the AIP Barbados and that extends from a specified limit above the earth;

“controlled airspace” means an airspace of defined dimensions that is so specified in the AIP Barbados and within which an air traffic control service is provided in accordance with the airspace classification;

“control zone” means the controlled airspace that is so specified in the AIP Barbados and that extends upwards vertically from the surface of the earth up to a specified upper limit;

“danger area” means an airspace of defined dimensions that is so specified in the AIP Barbados, within which activities dangerous to the flight of aircraft may exist at specified times;

“emergency assistance services” means services provided for the purpose of

- (a) assisting aircraft in a state of emergency, including aircraft in uncertainty, alert and distress phases;
- (b) assisting aircraft involved in a hijacking; or
- (c) alerting rescue coordination agencies of missing or overdue aircraft;

“flight information service” means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights;

“Flight Level (FL)” means a surface of constant atmospheric pressure which is related to a specific pressure datum, 1013.2 hectopascals, and is separated from other such services by specific pressure intervals;

“height” means the vertical distance of a level, a point or an object considered as a point, measured from a specified datum;

“high level airspace” means airspace above FL 245;

“ICAO” means the International Civil Aviation Organisation;

“ICAO Doc. 4444” means Doc. 4444-RAC/501 (Procedures for Air Navigation Services – Air Traffic Management) approved and published by decision of the Council of the International Civil Aviation Organisation, as in force from time to time;

“ICAO Doc. 7030” means Doc. 7030 (Regional Supplementary Procedures) approved and published by decision of the Council of the International Civil Aviation Organisation, as in force from time to time;

“IFR” means instrument flight rules;

“IFR air traffic control message” means a message that contains an air traffic control clearance or instruction, a position report or procedure related to the conduct of an IFR flight;

“IFR flight” means a flight conducted in accordance with the instrument flight rules;

“instrument approach procedure” means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route to a point from which a landing

can be completed and thereafter, if a landing is not completed, to a position at which holding or en-route obstacle clearance criteria apply;

“level” means the vertical position of an aircraft in flight and meaning variously, height, altitude or flight level;

“low level airspace” means airspace at or below FL 245;

“NOTAM” means a notice to airmen concerning the establishment or condition of, or change in, any aeronautical facility, service or procedure, or any hazard affecting aviation safety, the knowledge of which is essential to personnel engaged in flight operations;

“operational location” means the physical location of an operational air traffic control unit or flight service station;

“prohibited area” means an airspace of defined dimensions, above the land areas or territorial waters of a State, within which the flight of aircraft is prohibited;

“radio telephony” means a form of radio communication primarily intended for the exchange of information in the form of speech;

“restricted area” means an airspace of defined dimensions, above the land areas or territorial waters of a State, within which the flight of aircraft is restricted in accordance with certain specified conditions;

“special VFR flight” means a VFR flight cleared by air traffic control to operate within a control zone in meteorological conditions below VMC;

“terminal control area” means an airspace of fixed dimensions that is so specified in the AIP Barbados and within which an air traffic control service for IFR flights is provided;

“traffic avoidance advice” means advice provided by an air traffic services unit specifying manoeuvres to assist a pilot to avoid a collision;

“traffic information” means information issued by an air traffic services unit to alert a pilot to other known or observed air traffic which may be in proximity to the position or intended route of flight and to help the pilot avoid a collision;

“transition altitude” means the altitude at or below which the vertical position of an aircraft is controlled by reference to altitudes;

“transponder airspace” means an airspace of fixed dimensions which aircraft shall not enter while in flight unless the aircraft is equipped with a serviceable and functioning transponder and VFR flight means visual flight rules;

“VFR” means Visual Flight Rules;

“VMC” means Visual Meteorological Conditions.

PART II

Applicability of Regulations

3. (1) This Part does not apply in respect of any air navigation services that are provided by or under the authority of the Minister responsible for Defence and Security. Applicability of Regulations.

(2) Any reference in this Part to an Annex to the Convention includes the differences notified to ICAO by the Government of Barbados in respect of the Standards specified in that Annex and published in the Barbados AIP.

PART III

Airspace Requirements

4. (1) Barbadian airspace consists of controlled airspace. Airspace structure.

(2) Controlled airspace consists of the following types of airspace:

- (a) upper control areas;
- (b) control areas;
- (c) terminal control areas;
- (d) control zones;
- (e) airport traffic zones;
- (f) high level ATS routes;
- (g) low level ATS routes;
- (h) prohibited areas;
- (i) danger areas;
- (j) restricted areas; and
- (k) warning areas.

(3) The horizontal and vertical limits of any airspace of a type referred to in paragraph (1) or (2) shall be as specified in the AIP Barbados, or by NOTAM.

(4) The geographical locations of and the horizontal and vertical limits of the following areas, zones, regions and points are as specified in the AIP Barbados or by NOTAM:

- (a) altimeter setting regions;
- (b) standard pressure regions;
- (c) holding points;

- (e) reporting points;
- (f) intersections; and
- (g) control towers.

5. The class of any airspace shall be one of the following, as specified in the AIP Barbados:

Airspace
classifica-
tion.

- (a) Class A:
 - (i) only IFR flights are permitted;
 - (ii) all flights are subject to the air traffic control service; and
 - (iii) flights are separated from each other;
- (b) Class B:
 - (i) IFR and VFR flights are permitted;
 - (ii) all flights are subject to the air traffic control services; and
 - (iii) flights are separated from each other;
- (c) Class C:
 - (i) IFR and VFR flights are permitted;
 - (ii) all flights are subject to the air traffic control services;
 - (iii) IFR flights are separated from other IFR flights and from VFR flights; and
 - (iv) VFR flights receive traffic information in respect of the other VFR flights;

- (d) Class D:
- (i) IFR and VFR flights are permitted;
 - (ii) all flights are subject to the air traffic control services;
 - (iii) IFR flights are separated from other IFR flights and receive traffic information in respect of VFR flights; and
 - (iv) VFR flights receive traffic information in respect of all other flights;
- (e) Class E:
- (i) IFR and VFR flights are permitted;
 - (ii) IFR flights are subject to the air traffic control service and are separated from other IFR flights; and
 - (iii) all flights receive traffic information as far as is practical;
- (f) Class F:
- (i) IFR and VFR flights are permitted;
 - (ii) all participating IFR flights receive an air traffic advisory service; and
 - (iii) all flights receive flight information service if requested;
- (g) Class G: IFR and VFR flights are permitted and receive flight information service if requested.

Trans-
ponder
airspace.

- 6.** Transponder airspace consists of
- (a) all Class A, B, C, D and E airspace; and

- (b) any Class F or G airspace specified as transponder airspace in the AIP Barbados.

7. (1) No person shall operate an IFR aircraft in Class A, B, C, D or E airspace unless the aircraft is operated in accordance with an air traffic control clearance or an authorisation by the Director or instructions as may be contained in the AIP.

IFR flights in Class A, B, C, D or E airspace.

(2) The Director may issue an authorisation referred to in paragraph (1) where the operation of the aircraft is in the public interest and is not likely to be detrimental to aviation safety.

8. (1) No person shall operate an aircraft under VFR in Class A airspace unless the aircraft is operated in accordance with an authorisation issued by the Director.

VFR flights not permitted in Class A airspace.

(2) The Director may issue an authorisation referred to in paragraph (1) where the operation of the aircraft is in the public interest and is not likely to affect aviation safety.

9. (1) No person shall operate a VFR aircraft in Class B airspace unless the aircraft is operated in accordance with an air traffic control clearance or an authorisation issued by the Director.

VFR flight in Class B airspace.

(2) The Director may issue an authorisation referred to in paragraph (1) where the operation of the aircraft is in the public interest and is not likely to affect aviation safety.

(3) The pilot in command of a VFR aircraft operating in Class B airspace in accordance with an air traffic control clearance shall, when it becomes evident that it will not be possible to operate the aircraft in VMC at the altitude or along the route specified in the air traffic control clearance

- (a) where the airspace is a control zone, request authorisation to operate the aircraft in special VFR flight; and

- (b) in any other case,
- (i) request an amended air traffic control clearance that will enable the aircraft to be operated in VMC to the destination specified in the flight plan or to an alternate airport; or
 - (ii) request an air traffic control clearance to operate the aircraft in IFR flight.

VFR flight
in Class C
airspace.

10. (1) Subject to paragraph (2), no person operating a VFR aircraft shall enter Class C airspace unless the person receives a clearance to enter from the appropriate air traffic control unit before entering the airspace.

(2) The pilot in command of a VFR aircraft that is not equipped with radio communication equipment capable of two-way communication with the appropriate air traffic control unit may, during daylight in VMC, enter Class C airspace if the pilot in command receives authorisation to enter from the appropriate air traffic control unit before entering the airspace.

(3) Class C airspace becomes Class E airspace when the appropriate air traffic control unit is not in operation.

VFR flight
in Class D
airspace.

11. (1) Subject to paragraph (2), no person operating a VFR aircraft shall enter Class D airspace unless the person establishes two-way radio contact with the appropriate air traffic control unit before entering the airspace.

(2) The pilot in command of a VFR aircraft that is not equipped with radio communication equipment capable of two-way communication with the appropriate air traffic control unit may, during daylight in VMC, enter Class D airspace if the pilot in command receives authorisation to enter from the appropriate air traffic control unit before entering the airspace.

(3) VFR aircraft operating in Class D airspace may be required to operate in accordance with an air traffic control clearance.

(4) Class D airspace becomes Class E airspace when the appropriate air traffic control unit is not in operation.

12. (1) The pilot in command of an aircraft operating under the VFR in Class E airspace must comply with the procedures for operation in Class E airspace as published in the AIP.

VFR flights in Class E airspace.

13. (1) Aircraft operated under the IFR must have a serviceable altitude encoding Mode C transponder fitted and operating.

Requirements for the fitment and operation of transponders in aircraft.

(2) Aircraft operated under the VFR in airspace Classes A, B, C and D must have a serviceable altitude encoding Mode C transponder fitted and operating.

(3) Aircraft operated under the VFR in aircraft Class E must have a serviceable altitude encoding Mode C transponder fitted and operating.

(4) Paragraph (3) does not apply to aircraft that do not have an electrical power generating system capable of powering a transponder, when such aircraft are operating at a radius of greater than 40 nautical miles from any controlled airport.

14. (1) Where Class A or Class B airspace has been established, the air traffic control service must, as a minimum, provide for the separation of all aircraft in the airspace.

Provision of air traffic services in airspace classifications A, B, C, D and E.

(2) Where Class C airspace has been established, the air traffic control service must, as a minimum, provide for the:

- (a) separation of IFR aircraft, the separation IFR from VFR aircraft, and the separation of all aircraft during runway operations;
- (b) provision of traffic avoidance advice between VFR aircraft; and
- (c) provision of traffic information to VFR aircraft.

(3) Where Class D airspace has been established, the air traffic control service must as a minimum, provide for the:

- (a) separation of IFR flights, and the separation of all aircraft during runway operations;
- (b) provision of traffic avoidance advice when requested; and
- (c) provision of traffic information.

(4) Where Class E airspace has been established, the air traffic control service must as a minimum, provide for the separation service of IFR flights.

PART IV

Air Traffic Services

General. **15.** (1) No person shall operate an air traffic services unit unless that person holds an ATS operators certificate and complies with the provisions of that certificate.

(2) In determining the need for the provision of air traffic services the following shall be considered:

- (a) the types of traffic concerned;
- (b) the density of air traffic;
- (c) the meteorological conditions;
- (d) any other relevant factors.

Provision of air traffic services. **16.** (1) No operator of an ATS operation shall provide air traffic services at an operational location unless the services are provided in accordance with

- (a) Annex 11 to the Convention; and

(b) the Standards set out in the Air Navigation Services Standards.

(2) An operator may deviate from the standards if an emergency or other circumstance arises that makes the deviation necessary in the interest of aviation safety.

17. (1) An ATS provider must ensure that any air traffic service that it provides is provided in accordance with the procedures and rules set out in ICAO Doc. 4444, as varied by Gen 1.7 of Part 1 of the Barbados AIP. ICAO Doc. 4444 and ICAO Doc. 7030.

(2) Where a regional supplementary procedure set out in ICAO Doc. 7030 relates to an air traffic service that the provider provides, the provider must also ensure that the service is provided in accordance with that procedure.

(3) The provider referred to in paragraph (2) may deviate from a procedure or rule mentioned in paragraph (1), or a regional supplementary procedure mentioned in paragraph (2), where an emergency, or other circumstance arises that makes the deviation necessary in the interest of aviation safety.

(4) As soon as practicable, the provider must tell the Director of the deviation and how long it is likely to last.

18. (1) An ATS provider must at all times make available for use by its personnel the appropriate equipment and facilities necessary for providing air traffic services, in accordance with the Standards set out in the Air Navigation Services Standards. Facilities and equipment.

(2) The equipment must include equipment of the kinds specified in Air Navigation Services Standards.

(3) Any equipment and facilities mentioned in Chapter 6 of Annex 11 that the provider uses in providing an air traffic service must comply with the standards of that chapter.

(4) Where the provider uses a control tower in providing an air traffic service, the provider must ensure the control tower is designed, sited, constructed, equipped and maintained in accordance with the Standards set out in the Air Navigation Services Standards.

Training and checking programme.

19. An ATS provider must at all times provide a training and checking programme in accordance with the Air Navigation Services Standards to ensure that each member of its personnel who performs functions in connection with any air traffic service that it provides is competent to perform those functions.

Safety management system.

20. (1) An ATS provider must have and put into effect a safety management system that includes the policies, procedures, and practices necessary to provide air traffic services safely.

(2) The safety management system must be in accordance with the Standards set out in the Air Navigation Services Standards.

(3) The provider must keep under review its safety management system and take such corrective action as is necessary to ensure that it operates properly.

Requirement for safety management programme.

21. (1) The operator of an ATS operation shall establish a safety management programme that provides for an internal system of oversight to ensure the safe provision of air navigation services.

(2) The manager of the programme referred to in paragraph (1) shall

- (a) have direct access to the chief executive officer, of the entity providing the ATS operation, on operational system safety matters;
- (b) conduct risk assessments of current and proposed operational policies, plans and procedures; and
- (c) coordinate the collection and analysis of operational risk-related data.

22. The operator of an ATS operation shall report to the Director any aviation occurrence information specified in the Aviation Policy enforcement Manual in accordance with the criteria and reporting procedures specified in that manual. Reporting of aviation occurrences.

23. (1) An ATS provider must have a contingency plan in accordance with the Standards set out in Air Navigation Services Standards of the procedures to be followed if for any reason an air traffic service being provided is interrupted. Contingency plan.

(2) The plan must include:

- (a) the actions to be taken by the members of the provider’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.

24. (1) An ATS provider must have, and put into effect, a security programme that sets out the procedures designed to protect its personnel, and any facility and equipment that it uses, in providing any of its air traffic services. Security programme.

(2) The security programme must be in accordance with the Standards set out in the Air Navigation Services Standards.

PART V

Aeronautical Telecommunications

25. In this Part, “aeronautical telecommunications system” includes radio navigation aids and aeronautical communications systems. Interpretation.

Aeronautical
telecommu-
nications
systems.

26. (1) A person who operates any equipment that is part of an aeronautical telecommunications system referred to in Annex 10 to the Convention shall ensure that

- (a) the equipment is installed, maintained and operated in accordance with the Standards specified in Annex 10 to the Convention; and
- (b) documentation is maintained that shows how compliance with the standards referred to in paragraph (a) is being achieved.

(2) No person shall perform a function related to the installation, maintenance or operation of any aeronautical telecommunications equipment unless the person has successfully completed training in the performance of that function, and has been certified by the operator of the aeronautical telecommunications system as being competent to perform that function.

(3) A person who operates any ground equipment in support of satellite navigation systems shall ensure that

- (a) the equipment is installed, maintained and operated in accordance with the Standards specified in the manual entitled GNSS IFR Operations; and
- (b) documentation is maintained that shows how compliance with the standards referred to in paragraph (a) is being achieved.

(4) A person who operates any equipment that is part of an aeronautical telecommunications system referred to in regulation 13(1) or (3) shall, at the request of the Director, provide the Director with a copy of the documentation referred to in paragraph (1)(b) or (3)(b).

PART VI

Aeronautical Information Services

Provision
of aeronau-
tical infor-
mation
services.

27. (1) In this Regulation, “aeronautical information services” means the services necessary to meet the requirements of Annexes 4 and 15 to the Convention that relate to aeronautical information.

(2) No person shall provide aeronautical information services except in accordance with the Standards set out in Annexes 4 and 15 to the Convention.

(3) For the purposes of Parts VI and VII “Convention” means the International Civil Aviation Convention.

28. No person shall publish or submit for publishing an instrument procedure unless the procedure has been developed

Development and publication of instrument procedures.

- (a) in accordance with the standards and criteria specified in the ICAO manual entitled *Criteria for the Development of Instrument Procedures*; and
- (b) by a person who has successfully completed training in the interpretation and application of the standards and criteria specified in the ICAO manual entitled *Criteria for the Development of Instrument Procedures*, which training has been accepted by the Director.

PART VII

Aviation Weather Services

29. A person who provides aviation weather services shall provide the services in accordance with the Standards specified in

Provision of aviation weather services.

- (a) Annex 3 to the Convention;
- (b) the manual of Standards and Procedures for Aviation Weather Forecasts; and
- (c) the manual of Surface Weather Observation.

Functions
of the
Meteorolog-
ical Office.

30. (1) The airport meteorological office shall carry out the following functions to meet the flight operations at the airport:

- (a) prepare and obtain forecasts and other relevant information for flights with which it is concerned, the extent of this responsibility to prepare forecasts shall be related to the local availability and use of en-route and airport forecast material received from other offices;
- (b) prepare forecasts of local meteorological conditions;
- (c) maintain a continuous survey of meteorological conditions over the airports for which it is designated to prepare forecasts;
- (d) provide briefing consultation and flight documentation to flight crew members and other flight operations personnel;
- (e) supply other meteorological information to aeronautical users;
- (f) display the available meteorological information;
- (g) exchange meteorological information with other meteorological offices;
- (h) supply information received on pre-eruption volcanic activity, a volcanic eruption or volcanic ash cloud, to its associated air traffic services unit, aeronautical information service and ATS authorities concerned.

(2) The meteorological authority shall designate a meteorological office to be associated with each air traffic services unit. The associated meteorological office shall supply the air traffic services unit up-to-date meteorological information as necessary for the conduct of its function.

(3) The associated meteorological office for the airport tower or approach control office shall be an airport meteorological office.

(4) Any meteorological information requested by air traffic services in connection with an aircraft emergency shall be supplied as rapidly as possible.

PART VIII

Miscellaneous

31. (1) The Director of Civil Aviation may make Standards or amend Standards and incorporate them by reference into these Regulations. Director may make Standards or amend Standards.

(2) The Director of Civil Aviation shall not make a Standard or an amendment to a Standard unless the Director of Civil Aviation has undertaken consultations with interested parties concerning the Standard or the amendment.

(3) No Standard or amendment may come into effect less than 30 days after it is made.

(4) A Standard or an amendment to a Standard may be made and brought into effect by the Director of Civil Aviation without regard to subparagraph 31(2) and 31(3) where the Standard or amendment is urgently required to ensure aviation safety or the safety of the public.

Made by the Minister this 31st day of December, 2007.

NOEL A. LYNCH
Minister responsible for Civil Aviation.