

S.I. 2007 No. 176

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

**CIVIL AVIATION (AVIATION SECURITY)
REGULATIONS, 2007**

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

**CIVIL AVIATION (AVIATION SECURITY)
REGULATIONS, 2007**

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

PART I

Preliminary

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

2. In these Regulations,

Interpreta-
tion.

"access medium" means any instrument provided by the airport operator to be used as a means of gaining access to a restricted area;

"act of unlawful interference" means an act which seeks to or jeopardizes the safety of civil aviation and air transport such as

- (a) the unlawful seizure of an aircraft in flight or on the ground;
- (b) hostage taking on board an aircraft or at an airport;
- (c) forcible intrusions on board an aircraft, at an airport or at an aeronautical facility;
- (d) introduction of a weapon, hazardous device or material intended for criminal purposes on board an aircraft or at an airport; or
- (e) communication of false information so as to jeopardize the safety of

- (i) aircraft in flight or on the ground;
- (ii) passengers, crew, ground personnel or the general public, at an airport or at the premises of a civil aviation facility;

"aircraft operator" means a national aircraft operator or a foreign aircraft operator;

"air marshal" means a member of the protective services specially trained in aviation security;

"air operations area" means a portion of an airport designed and used for landing, take-off or surface manoeuvring of aircraft;

"airport operator" means a person who operates an airport in Barbados, and holds an airport licence issued under the *Civil Aviation (Airport Certification) Regulations, 2007* in respect of that airport and regularly provides scheduled, non-scheduled passenger operations and cargo operations in accordance with the Act or Regulations made thereunder;

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"airport tenant" means any business that is resident at an airport;

"authorised search" means a search carried out of persons or goods destined to or within a restricted area of an airport, or on board an aircraft, by a designated aviation security officer, police officer, a customs officer or any other person designated by the appropriate authority;

"aviation security officer" means

- (a) a person who is trained in accordance with the security training requirements of the approved airport operator programme and who has been

- (i) appointed as an aviation security officer by an airport operator or aircraft operator; or
 - (ii) hired by an airport tenant; and
- (b) any member of the Barbados Police Force, the Customs Department, the Immigration Department or Barbados Defence Force when assigned airport security duties;

"aviation screening officer" means a person who by virtue of his training has been employed by the airport operator to carry out aviation security screening duties;

"Barbadian aircraft" means a civil aircraft registered in Barbados;

"carry-on baggage" means luggage and personal belongings to which a person will have access while on board an aircraft;

"catering stores" means all items, other than catering supplies, associated with passenger in-flight services, that include newspapers, magazines, headphones, audio and video tapes, pillows blankets, and amenity kits;

"catering supplies" means food, beverages, other dry stores and associated equipment used on board an aircraft;

"checked baggage" means luggage and personal belongings accepted for transportation by an aircraft operator and to which a person will not have access while on board an aircraft;

"dangerous goods" means articles or substances which are capable of posing significant risk to health, safety or property when transported by air and which are classified according to the International Civil Aviation Organisation Technical Instructions for the Safe Transport of Goods by Air;

"escort" means to accompany or supervise an individual who does not have unescorted access authority to areas restricted for security purposes, as identified in the airport operator security programme, in a manner sufficient to take action should the individual engage in activities other than those for which the escorted access is granted;

"exclusive area" means that part of an air operations area for which an aircraft operator has agreed in writing with the airport operator to exercise exclusive security responsibility under an approved security programme or a security programme used in accordance with Part VI of these Regulations;

Cap. 179. "firearm" has the meaning given to it in the *Firearms Act*;

"foreign air operator" means an aircraft operator who conducts international air transport operations under the authority of an air operator certificate issued by a State other than Barbados;

"general aviation" means all aviation activity at an airport associated with the arrival and departure of aircraft other than the activity of air operators;

"goods" means personal belongings, baggage, cargo, mail, article, thing or conveyance that may be taken or placed on board an aircraft or taken into a restricted area;

Cap. 135A. "hijacking" has the meaning given to it under the *Hijacking Act*;

"identification medium" means any instrument provided by the airport operator as a means of identification, that would permit an individual or a vehicle entry into a restricted area;

"incendiary device" means an object, other than a match or pocket lighter, that is fabricated with combustible materials and when ignited may cause fire damage to property or inflict burn injuries on individuals;

"national aircraft operator" means an aircraft operator operating under the authority of the Director;

"person in custody" means a person who is for the time being under the control of an escort officer;

"personal search" means a search by a designated aviation security officer, a customs officer or a member of the Barbados Police Force of the clothing of a person and personal belongings for prohibited items;

"piracy" has the meaning given to it in the *Civil Aviation (Tokyo Convention) Act*; Cap. 123B.

"protective services" means officers of the Barbados Police Force, Security Officer, the Customs Department, the Immigration Department and Barbados Defence Force;

"private charter" means an agreement to hire an entire aircraft for the carriage of passengers and goods;

"public charter" means an agreement to hire a specified cargo space or number of passenger seats on an aircraft for the carriage of passengers and goods;

"record" includes any writing, drawing, map, tape, film, photograph, or other means by which information is preserved;

"regulated agent" means an agent, freight forwarder or any other entity who conducts business with an aircraft operator and provides security controls that are accepted or authorised by the Director in respect of cargo, courier and express parcels or mail;

"restricted area" means any area of an airport that is identified as an area to which access is restricted to authorised persons and includes any aircraft or vehicle on that airport;

"restricted area pass" means a document issued by the designated pass issuing authority, that entitles the holder to have access to a specific restricted area of an airport during a specified period;

"scheduled passenger operations" means the provision of an air transportation service for passengers from identified air terminals at a set time announced by timetable or schedule published in a newspaper, magazine or other advertising medium;

"screening" means the application of technical or other means which are intended to detect weapons, explosives or other prohibited items which have been designated as dangerous to aviation security;

"screening staff" includes an aviation security officer and an aviation screening officer;

"security programme" means an airport operator security programme, national aircraft operator security programme, foreign aircraft operator security programme, catering operator security programme and a regulated agent security programme, where applicable;

"sterile area" means

- (a) an area within a restricted area to which access is controlled by the inspection of persons and property in accordance with Parts II and III of these Regulations;
- (b) a facility within a restricted area of an airport accessible to screened persons and set apart to facilitate security control of persons embarking and disembarking aircraft;

"Technical Instructions" means the International Civil Aviation Organisation Instructions for the transport of Dangerous Goods by air;

"transit passenger" means a passenger departing from an airport on the same flight on which he arrived;

"transfer passenger" means a passenger making a direct connection between two different flights; and

"weapon" means any thing designed, used or capable of inflicting harm and includes a firearm.

3. (1) These Regulations apply to

Applica-
bility.

(a) airport operators;

(b) national aircraft operators;

(c) foreign aircraft operators;

(d) airport tenants;

(e) a person in or within the vicinity of an airport;

(f) a person who offers goods for transport by air;

(g) a person who provide a service to an aircraft operator; and

(h) a person on board an aircraft.

(2) The provisions of Part II of the *Civil Aviation (General Application and Personnel Licensing) Regulations, 2007* with respect to the surrender, suspension or revocation of aviation documents apply to certificates, authorisations and ratings issued under these Regulations. S.I. 2007
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PART II

Prohibition Orders

4. The Director may issue an order prohibiting the carriage by aircraft of any item, either as personal belongings, freight, catering, cargo or mail. Director to
issue
prohibition
orders.

PART III

Security Programme

Establishment of Security Committee.

5. (1) The Minister shall establish a National Civil Aviation Security Committee as set out in section 28A of the Act.

(2) The National Civil Aviation Security Committee may issue directions, not inconsistent with these Regulations to the Director, and the Director shall comply with such directions.

(3) The Constitution and Procedure of the National Civil Aviation Security Committee in the *Second Schedule* to the Act.

National Civil Aviation Security Programme.

6. For the purposes of these Regulations, the Director shall be the designated appropriate AVSEC agency for the development and implementation of the National Civil Aviation Security Programme of Barbados and shall be responsible, inter alia, for

- (a) monitoring the implementation of the Programme and identify the bodies to which responsibilities have been assigned by the Committee;
- (b) approve the security programmes devised by the airport operators, airline operators, regulated agents and air traffic services providers, prior to their implementation, and monitoring the implementation of the security programme;
- (c) liaise with the Committee and National Security Service on all matters of aviation security and taking adequate measures to respond to different levels of threats.

Restrictions on airport operators re: security programmes.

7. (1) No airport operator shall operate the airport specified in his airport certificate unless he has submitted for such airport, a proposed airport operator security programme which meets the requirements of these Regulations for acceptance and subsequent approval by the Director.

(2) A person shall not operate a Barbadian aircraft within Barbados or internationally unless he has submitted to the Director for his acceptance and subsequent approval a proposed aircraft operator security programme for his operations.

(3) No foreign air operator shall conduct operations in Barbados unless he has submitted to the Director for his acceptance and subsequent approval a proposed aircraft operator security programme as part of his application for Operations Specifications under the *Civil Aviation (Foreign Operator) Regulations, 2007*.

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(4) No person shall operate an enterprise or an organisation whose purpose is the movement of goods by air within and through Barbados, unless he has submitted to the Director for his acceptance and subsequent approval a proposed regulated agent security programme for his operations.

(5) No person shall operate an enterprise or an organisation whose purpose is the provision of catering supplies and stores for use in air transport, within and through Barbados, unless he has submitted to the Director for his acceptance and subsequent approval a proposed catering operator security programme for his operations.

(6) Where a person wishes his proposed security programme under this Regulation to be approved by the Director he shall

- (a) submit such security programme in writing at least 90 days before the intended date of operations;
- (b) pay the prescribed fee; and
- (c) meet the requirements of these Regulations.

(7) A security programme referred to in these Regulations shall be signed by the applicant and shall provide for the safety of

- (a) passengers, crew and their property;
- (b) aircraft; and
- (c) related aviation support facilities,

against acts of unlawful interference.

Additional requirements for applications.

8. (1) Where a person, in accordance with regulation 7, submits his security programme as part of his application for

- (a) an airport certificate under the Act or Regulations;
- (b) an air operator certificate under the *Civil Aviation (Air Operator Certification and Administration) Regulations, 2007*; or
- (c) a foreign air operator Operations Specifications authorisation under the *Civil Aviation (Foreign Operator) Regulations, 2007*

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that person shall in addition to meeting the requirements of that Regulation, meet the requirements for the security programme under these Regulations.

(2) For the purpose of administering these Regulations a security programme shall be assessed by the Director for adequacy.

Approval of a proposed security programme.

9. (1) Where the Director is satisfied that a proposed security programme submitted in accordance with regulation 7 meets the requirements of these Regulations and does not conflict with the national civil aviation security programme, he may approve such a proposed security programme.

(2) Where the Director determines that a proposed security programme submitted in accordance with regulation 7, requires modification he may direct the applicant to modify and re-submit the proposed security programme for the acceptance of the Director.

(3) An acceptance under this Regulation does not authorise the airport operator, aircraft operator, regulated agent or catering operator to use his proposed security programme submitted for approval under these Regulations, in his operations until the implementation of such programme has been evaluated and the programme has been approved for use by the Director.

10. (1) An airport operator security programme referred to in regulations 7 and 8 in respect of a certified airport shall be designed to safeguard against acts of unlawful interference and shall include

Contents of
an airport
operator
security
programme.

- (a) the objective of the security programme;
- (b) a description of the airport;
- (c) composition and responsibilities of the airport security committee;
- (d) details of the security measures at the airport;
- (e) duties and responsibilities of persons who are required by the nature of their duties to be resident at the airport;
- (f) description of the security and communication procedures;
- (g) details of the procedures to be followed in response to acts of unlawful interference;
- (h) details of security training for staff;
- (i) recruitment of staff; and

(j) such other matters as may be required by the Director.

(2) An airport operator security programme referred to in paragraph (1), shall be accompanied by a current scale map of the airport referred to in regulation 23(3).

(3) An airport operator security programme referred to in paragraph (1) shall be in the form set out in the Aviation Security Standards.

Develop-
ment of air
operator
security
programme.

11. In developing an airport operator security programme referred to in regulation 7, an airport operator shall take into consideration

- (a) the special needs of general aviation, including reasonable access to airport facilities and aircraft; and
- (b) the optimizing of airport security arrangements in the development, renovation and expansion plans of the airport.

Approval
of airport
operator
security
programme.

12. (1) Where the Director approves a proposed airport operator security programme in accordance with regulation 9, an airport operator shall within 30 days of such acceptance ensure that such airport operator security programme is implemented and in full operation.

(2) Where an airport operator has implemented his accepted airport operator security programme he shall notify the Director that he

- (a) has implemented such accepted programme; and
- (b) wishes to commence operations under such implemented programme once it is approved by the Director.

(3) Where the Director is satisfied that the programme implemented in the operations at the airport and the accepted programme of the airport operator are identical, he may approve the programme for full operation in commercial air transport operations.

(4) Notwithstanding paragraph (3), where the programme implemented in the operations of the airport operator and the accepted programme are not identical, but the differences are within an acceptable level, the Director may approve such programme subject to a limitation.

13. A proposed aircraft operator security programme referred to in regulations 7 and 8 shall meet the requirements of the national civil aviation security programme and shall contain measures to ensure that

Develop-
ment of
security
measures.

- (a) passengers and their carry-on baggage are screened prior to boarding an aircraft engaged in civil aviation operations;
- (b) transfer and transit passengers and the carry-on baggage of such passengers are subjected to adequate security controls aimed at preventing unauthorised articles from being taken on board an aircraft engaged in civil aviation operations;
- (c) weapons, incendiary devices or any other dangerous device, the carriage or bearing of which is not authorised and which may be used to commit an act of unlawful interference, are not introduced, by any means whatsoever, on board an aircraft engaged in civil aviation operations;
- (d) measures are taken, in respect of a flight, to ensure that disembarking passengers do not leave items on board the aircraft at transit stops for such flight;
- (e) adequate measures are taken to ensure that during flight unauthorised persons are prevented from entering the flight crew compartment;
- (f) there is no possibility, after the security screening points at airports serving international civil aviation operations have been passed, of mixing or contact between passengers subjected to screening and other security control and other persons not subjected to such control;

- (g) checked baggage is subjected to screening and other appropriate security controls prior to being loaded into an aircraft engaged in civil aviation operations;
- (h) checked baggage intended for carriage on passenger flights is protected from unauthorised access and tampering from the point it is checked in, whether at an airport or elsewhere, until it is placed on board an aircraft;
- (i) the baggage of passengers who are not on board the aircraft is not transported unless that baggage is subjected to appropriate security controls which may include screening;
- (j) storage areas are established at airports through which the aircraft operator operates, where mishandled baggage may be held until forwarded, claimed or disposed of in accordance with local laws to ensure that they are not tampered with;
- (k) consignments checked in as baggage by courier services for carriage on passenger aircraft engaged in civil aviation operations are screened;
- (l) transfer checked baggage are subjected to appropriate security controls to prevent unauthorised articles from being taken on board aircraft engaged in civil aviation operations;
- (m) when providing a passenger service only checked baggage which is authorised for carriage in accordance with the requirements specified in the national civil aviation security programme are transported; and
- (n) procedures are specified for the control of entry of firearms on board an aircraft which ensure that checked firearms are not loaded and are not accessible to passengers during flight time.

- (a) international obligations;
- (b) the requirement of the national civil aviation security programme and national obligations under the Act or Regulations made thereunder.

(2) In addition to the requirements of paragraph (1), a national aircraft operator shall ensure that his aircraft operator security programme contains

- (a) a security policy and the procedures for ensuring
 - (i) the security of passengers and passenger carry-on and checked baggage;
 - (ii) security of crew, crew carry-on and checked baggage;
- (b) procedures for
 - (i) passenger and checked baggage reconciliation;
 - (ii) ensuring security of
 - (A) the aircraft;
 - (B) airline catering, stores and supplies;
 - (C) aircraft cleaning operations;
 - (D) cargo, courier, express parcels and mail;
 - (iii) recruitment of staff;
 - (iv) training of staff;
 - (v) incident reporting;

- (c) details of contingency planning; and
- (d) supervision and performance monitoring procedures to meet the security requirements for airports through which he operates.

(3) An aircraft operator security programme referred to in paragraph (1) shall include details of how the aircraft operator plans to meet the requirements set out in the aviation security standards.

Approval and implementation of aircraft operator security programme.

15. (1) Upon a proposed aircraft operator security programme being approved by the Director in regulation 9, the aircraft operator shall within 30 days of such acceptance ensure that such aircraft operator security programme is implemented and is in full operation.

(2) Where an aircraft operator has implemented his accepted aircraft operator security programme, he shall notify the Director that he

- (a) has implemented such a programme; and
- (b) wishes to commence operations under the programme once it is approved by the Director.

(3) Where the Director is satisfied that the programme implemented in the operations of the aircraft operator and the accepted programme are identical, he may approve the programme for full operation in commercial air transport operations.

(4) Notwithstanding paragraph (3), where the aircraft operator security programme implemented in the operations of the aircraft operator and the accepted aircraft operator security programme are not identical, but the differences are within an acceptable level, the Director may approve such programme subject to a limitation.

Contents of a regulated agent security programme.

16. (1) A regulated agent shall ensure that his regulated agent security programme, as set out in regulation 7,

- (a) contains provisions to meet his international obligations;
- (b) contains provisions to meet the requirement of the national civil aviation security programme and national obligations under the Act or Regulation made thereunder; and
- (c) includes details of how he plans to meet the requirements set out in the aviation security standards in the manner set out therein;
- (d) contains procedures for
 - (i) ensuring the security of his goods, buildings, premises, transport facilities and cargo buildings;
 - (ii) recruitment and training of staff involved in the handling of goods; and
 - (iii) incident reporting.

(2) The programme referred to in paragraph (1), shall be set out in the form specified in the aviation security standards.

17. (1) Upon the Director approving the regulated agent security programme set out in regulation 9 the Director, the regulated agent shall within 30 days of such acceptance ensure that such programme is implemented and in full operation.

Approval
of regulated
agent
security
programme.

(2) Where the regulated agent has implemented his accepted programme in accordance with paragraph (1), he shall

- (a) notify the Director that he has implemented his accepted programme; and
- (b) commence operations under such implemented programme once it is approved by the Director.

(3) Where the Director is satisfied that the programme implemented in the operations of the regulated agent and the accepted regulated agent security programme are identical, he may approve the programme, (hereinafter referred to as "an approved Regulated Agent Security Programme") for full operation in the operations of the regulated agent.

(4) Notwithstanding paragraph (3), where the approved programme implemented in the operations of the regulated agent and the accepted programme are not identical, but the differences are within an acceptable level the Director may approve such programme subject to a limitation.

Contents of
a catering
operator
security
programme.

18. (1) A catering operator shall ensure that his catering operator security programme, referred to in regulation 7,

- (a) contains provisions to meet his international obligations;
- (b) contains provisions to meet the requirement of the national civil aviation security programme and the national obligations under the Act or Regulation made thereunder; and
- (c) includes details of how he plans to meet the requirements set out in the aviation security standards in the manner set out therein;
- (d) contains procedures for
 - (i) ensuring the security of his goods, buildings, premises, transport facilities and catering buildings;
 - (ii) recruitment and training of staff involved in the handling of goods; and
 - (iii) incident reporting.

(2) A catering operator security programme referred to in paragraph (1), shall be set out in the manner specified in the *Aviation Security Standards*.

19. (1) Upon the Director approving the catering operator security programme set out in regulation 9, the catering operator shall within 30 days of such acceptance ensure that programme is implemented and in full operation.

Acceptance of catering operator security programme.

(2) Where the catering operator has implemented the programme in accordance with paragraph (1), he shall

- (a) notify the Director that he has implemented the programme; and
- (b) wishes to commence operations under such programme once it is approved by the Director.

(3) Where the Director is satisfied that the programme implemented in the operations of the catering operator and the accepted catering operator security programme are identical, he may approve the catering operator security programme, (hereinafter referred to as "an approved Catering Operator Security Programme") for full operation in the operations of the catering operator.

(4) Notwithstanding paragraph (3), where the catering operator security programme implemented in the operations of the catering operator and the accepted catering operator security programme are not identical, but the differences are within an acceptable level the Director may approve such catering operator security programme subject to a limitation.

20. (1) Where a security programme has been approved in accordance with regulations 12, 15, 17 and 19 (hereinafter referred to as "an approved Security Programme"), the airport operator, aircraft operator, regulated agent or catering operator where applicable shall follow the procedures set out in paragraph (2), where it is determined

Changed conditions affecting airport security.

- (a) in respect of an airport operator
 - (i) any description of the airport area set out in such airport operator security programme is no longer accurate;

- (ii) there are changes to the designation of the airport security co-ordinator required in regulation 40;
- (b) that any description of his operations set out in his programme is no longer accurate the procedures included, and the facilities and equipment described, in such airport operator security programme are no longer adequate.

(2) Whenever a condition described in paragraph (1) occurs, the airport operator, aircraft operator, regulated agent or catering operator where applicable shall

- (a) immediately notify the Director of the changed condition, and identify each interim measure being taken to maintain adequate security until approval is granted for an appropriate amendment to the approved security programme; and
- (b) within 30 days after notifying the Director in accordance with sub-paragraph (a),

submit for approval in accordance with regulation 21, an amendment to the security programme to bring it into compliance with these Regulations.

Amend-
ment of
approved
security
programme.

21. (1) Where an airport operator, aircraft operator, regulated agent or catering operator wishes to amend his approved security programme, he shall submit the request for such approval to the Director at least 30 days before the proposed effective date of intended implementation of the amended approved security programme.

(2) When the Director is satisfied that the proposed amendment to the approved security programme provides the level of security required by these Regulations, he may approve the amended approved security programme.

22. (1) The Director may require an airport operator, aircraft operator, regulated agent or catering operator to amend his approved security programme, where he determines that safety and the public interest require the amendment.

Amendment to approved security programme upon request by Director.

(2) Except in an emergency as provided in paragraph (5), where the Director requires an airport operator, aircraft operator, regulated agent or catering operator to amend his approved security programme referred to in paragraph (1), the Director shall notify the airport operator, aircraft operator, regulated agent or catering agent in writing of the required amendment and allow a period of 30 days from the date contained in the notice, for a written response from such airport operator, aircraft operator, regulated agent or catering operator.

(3) Upon receipt of a notice of a proposed amendment under paragraph (2), the airport operator, aircraft operator, regulated agent or catering operator may submit an alternative amendment to his approved security programme which meets the intent of the required amendment referred to in paragraph (2) for consideration by the Director.

(4) When the Director is satisfied that the alternative amendment submitted in paragraph (3) would provide an overall level of security equal to that required by the Director, he may approve the alternative amendment to the approved security programme.

(5) Where the Director determines that an emergency exists which requires immediate action that makes the procedure in paragraphs (2) and (3) impracticable or contrary to the public interest and safety, he may direct the airport operator, aircraft operator, regulated agent or catering operator to deviate in a specified manner from his approved security programme in the area of concern for a specified period.

PART IV

Airport Security

General
responsibili-
ties of
airport
operator.

23. (1) An airport operator shall, prior to the implementation of any renovation and expansion works to his airport or the construction of additional airport facilities at the same location, submit to the Director a revision of his measures designed to safeguard against acts of unlawful interference which may arise.

(2) Where a foreign air operator uses the airport facilities of an airport operator, the Director may, in co-ordination with the airport operator, approve an inspection by the authority responsible for aviation security of the Contracting State of such foreign air operator in order to assess the adequacy of the security measures.

(3) An airport operator shall keep at the airport a current scale map of the airport that identifies the restricted areas, security barriers and restricted area access points.

Airport
security
committee.

24. (1) An airport operator shall establish an airport security committee to ensure the implementation of any national civil aviation security initiatives that may be required by the Director from time to time.

(2) An airport security committee referred to in paragraph (1), shall comprise

- (a) the airport manager;
- (b) a representative of the airport tenants;
- (c) a representative of each governmental agency resident at the airport;
- (d) operators who utilize the airport;

- (e) a representative of the air traffic control;
- (f) where applicable, a representative of general aviation and airport security agencies;
- (g) a representative of airport security;
- (h) a representative of the Director of Civil Aviation; and
- (i) any other representatives of the tenants of the airport who the airport operator determines should be included.

(3) The terms of reference for the airport security committee shall be as set out in the aviation security standards.

25. (1) An airport operator shall provide aviation security officers and aviation screening officers, in the number and in a manner adequate to support

Airport operator to provide security and screening officers.

- (a) the airport operator security programme; and
- (b) each passenger screening system required under this Part of these Regulations.

(2) An airport operator shall ensure that an aviation security officer or aviation screening officer employed by him

- (a) abstains from the consumption of alcoholic beverages while on duty at the airport;
- (b) is readily identifiable by uniform, and displays or carries a badge or other identification of his authority while on duty; and
- (c) has completed a training programme that meets the requirements in paragraph (7).

(3) An airport operator shall ensure that an aviation security officer in his employ conducts security duties in accordance with the applicable provisions of these Regulations.

(4) An airport operator may request and obtain the authority to arm an aviation security officer with a firearm while on duty at the airport.

(5) An aviation security officer shall, while on duty at an airport, have the authority to arrest with or without a warrant, any person who commits

(a) an offence in his presence; or

(b) an offence, when he has reason to believe that the offence has been committed.

(6) The training programme referred to in paragraph (2)(c) must be approved by the Director, shall provide training in the subjects specified in paragraph (7) and shall meet the training requirements as set out in the aviation security standards.

(7) The training programme referred to in paragraph (2)(c) shall include training in

(a) the courteous and efficient treatment of persons subject to inspection, detention, search, arrest, and other aviation security activities;

(b) the responsibilities of members of the Protective Services under the approved airport operator security programme; and

(c) any other area the Director determines to be necessary.

26. (1) No airport operator shall employ any person as an aviation security officer or aviation screening officer unless that person

Employer responsibility for aviation security officers and aviation screening officers.

- (a) meets the requirements of these Regulations;
- (b) has been trained in accordance with the requirements of these Regulations, where his duties are in respect of the screening of passengers, crew, baggage and mail;
- (c) is approved by the airport operator where he is employed by an airport tenant as an aviation security officer.

(2) An airport operator shall ensure that

- (a) initial and periodic background checks are performed in respect of each aviation security officer and aviation screening officer; and
- (b) initial and recurrent training on aviation security is received by each aviation security officer and aviation screening officer

in his employ.

(3) An airport operator shall keep an accurate record of the initial and periodic background checks, experience and training of an aviation security officer and aviation screening officer in his employ and such record shall be retained for the duration of his employment and thereafter for a period of one year.

27. (1) Whenever the number of aviation security officers required in regulation 25 are not available to meet the requirements of these Regulations, an airport operator may request through the Director the use of members of the protective services.

Use of members of the protective services.

(2) A request for the use of members of the protective services referred to in paragraph (1), shall be accompanied by the following information:

- (a) the number of passengers who boarded at the airport during the preceding year and for the current year, as of the date of the request;
- (b) the anticipated risk of criminal violence and acts of unlawful interference including aircraft piracy at the airport involving the operations of aircraft operator at the airport;
- (c) a copy of that portion of the approved airport operator security programme of the airport operator which describes the required support from the protective services that is necessary to comply with these Regulations;
- (d) an estimate from the airport operator of the number of persons required from the protective services to supplement available aviation security officers and the period of time for which they would be needed; and
- (e) any other information the Director considers necessary.

(3) In response to a request submitted in accordance with this Regulation, the Director may with the approval of the Minister with responsibility for National Security, approve the assignment of members of the protective services at the airport.

Require-
ment to
screen
carry-on
baggage,
goods or
vehicle.

28. An aviation security officer or an aviation screening officer shall require that

- (a) the carry-on baggage and goods of every person; or
- (b) every vehicle driven by a person who enters and leaves a restricted or sterile area at an airport,

shall be screened.

29. (1) A person who enters a restricted or sterile area shall be subject to the screening of his person, goods, vehicle or means of conveyance in his possession by an aviation security officer or an aviation screening officer.

Procedure on refusal of person to submit to screening.

(2) Where a person refuses to be screened in accordance with paragraph (1) that person shall be ordered to leave the restricted or sterile area and shall have the goods, vehicle or means of conveyance in his possession removed from the restricted or sterile area.

(3) Where after having boarded an aircraft, a passenger is required by an aviation security officer or aviation screening officer to submit to the screening of his person or the goods that he carried or had placed on board the aircraft, and he refuses such a screening, the aviation security officer or the aviation screening officer shall order that person to disembark the aircraft and remove the carry-on baggage, goods or checked baggage belonging to that person.

30. Where goods are received at an airport for transport on an aircraft and these goods are not accompanied by a person who may give the permission to screen the goods, an aviation security officer or aviation screening officer, may carry out an authorised search of the goods in the presence of the aircraft operator concerned or a regulated agent and in carrying out that search may use such force as may reasonably be necessary to gain access to the goods.

Treatment of unaccompanied goods.

31. (1) An airport operator, aircraft operator, airport tenant or regulated agent shall immediately notify an aviation security officer or aviation screening officer, when there is

Requirement for resident airport security officer or an aviation screening officer to be notified.

(a) a discovery

(i) of an authorised firearm at the airport or on board an aircraft, other than an unloaded firearm allowed under the security programme of an aircraft operator;

- (ii) of an explosive substance, an incendiary device or a suspected explosive substance or suspected incendiary device;
- (b) refusal by a person
 - (i) to submit to the security screening required under these Regulations;
 - (ii) to remove himself and his goods from a restricted area when so ordered by an aviation security officer;
- (c) a report
 - (i) of unattended baggage located in an area of the airport for which he has responsibility;
 - (ii) of suspicious packages, articles or goods in the area for which he has responsibility;
- (d) a specified threat against the airport that comes to his attention.

(2) An airport operator shall investigate any of the reported security incidents set out in paragraph (1), and provide a report of the incident to the Director in accordance with procedures set out in his approved airport operator security programme.

(3) No airport operator shall assign or let any area in the defined sterile area to any person other than an aircraft operator.

Security measures of an airport tenant.

32. (1) An airport tenant shall develop security measures to manage access to restricted areas under his control in accordance with the airport operator security programme and shall submit the details in writing for the approval of the airport operator.

(2) An airport tenant shall ensure that his personnel receive airport security training or security awareness training as appropriate, in accordance with the approved airport operator security programme.

(3) No airport tenant shall use a person as an aviation security officer unless the employment of such person has been approved by the airport operator.

33. No person shall divulge documented information in respect of security measures in effect at an airport without the permission of the airport operator. Confidential security information.

34. No person shall make, or cause to be made, False statements, entries or unauthorised reproduction.

(a) a fraudulent or intentionally false statement in any airport operator security programme or an application for any security programme, access medium, or identification medium;

(b) a fraudulent or intentionally false entry in any record or report that is kept, made or used to

(i) show compliance with this Part; or

(ii) exercise any privileges under this Part; and

(c) a reproduction or alteration of any report, record, security programme, access medium or identification medium issued under this Part without the approval of the airport operator.

35. (1) An airport operator shall ensure that the location and function of restricted areas at the airport are designated and properly defined. Access control system.

(2) The level of access to a restricted or sterile area shall be clearly defined and made known to all persons at the airport whose duties require them to have restricted or sterile area access.

(3) An airport operator shall include in his approved airport operator security programme details of a system, method and procedure which shall ensure that

- (a) access points into restricted or sterile areas are limited in number and physical access through those access points and are strictly controlled;
- (b) entry points which cannot be effectively controlled are locked or otherwise secured against entry by unauthorised persons;
- (c) access by persons and vehicles to restricted and sterile areas is restricted only to persons who must have access by virtue of their duties;
- (d) security restricted areas not subject to continual access control measures shall be subjected to a thorough search prior to being brought into use;
- (e) a person whose duties require him to be at the airport is required to have on display on his person, a valid airport identification badge and any baggage or item he carries shall be screened before being allowed access into a restricted or sterile area;
- (f) the screening referred to in paragraph (e) shall be to the same standard as that required for passengers, pursuant to regulation 28; and
- (g) persons at an airport are aware of what areas are restricted or sterile areas.

(4) Notwithstanding the screening requirements referred to in paragraph (3)(e), the Director may consider the screening of persons and goods at certain access points on a random basis depending on the assessed risk where details of such risks are included in an approved airport operator security programme.

(5) The system referred to in paragraph (3), shall provide a means to differentiate between persons authorised to have access to only a particular portion of the secured area and persons authorised to have access only to other portions or to the entire secured area, and shall be capable of limiting the access of an individual by time and date.

(6) The system referred to in paragraph (3), shall describe the scope of initial and periodic background checks conducted on every applicant for all types of passes issued.

36. (1) An airport operator shall ensure that access to a restricted or sterile area of his airport is controlled by the use of an identification badge system to identify persons and vehicles and facilitate access where authorised.

Airport operators to establish and use airport identification media system.

(2) An airport operator shall ensure that all persons working at his airport are issued with an airport security identification badge by the organisation approved for such purpose and all such persons shall display such identification permit on their person at all times while at the airport.

(3) No aviation operator shall issue to any person any identification badge that provides unescorted access to a restricted area unless the person has successfully completed training in accordance with a curriculum specified in the approved airport operator security programme of the airport operator.

(4) The curriculum referred to in paragraph (3), shall detail the methods of instruction and shall include

- (a) control, use and display of approved airport security identification information;
- (b) procedures by aviation security officers, airport screening officers and members of the protective services for dealing with perceived unauthorised access;
- (c) restrictions on disclosure of information concerning an act of unlawful interference with civil aviation where such information is likely to jeopardize the safety of domestic or international aviation;
- (d) non-disclosure of information regarding the airport security system or any security system of an airport tenant; and
- (e) any other topic deemed necessary by the Director.

(5) No person shall use an airport identification badge that provides unescorted access to a security restricted area to gain such access unless that badge was issued to such person by the airport operator.

(6) An airport operator shall keep a record of all training given to each person under this Regulation for 6 months after the termination of the unescorted access privileges of that person.

Security of
air
operators
area.

37. (1) An airport operator of an airport serving scheduled passenger operations shall perform the following control functions:

- (a) control of access to each air operations area, including methods for preventing the entry of unauthorised persons and ground vehicles;
- (b) control of movement of persons and ground vehicles within each air operations area including when appropriate, requirements for the display of security identification; and
- (c) detection and taking action to control each entry, or attempted entry to an air operations area by a person whose entry is not authorised under his approved airport operator security programme.

(2) An airport operator is not required to comply with paragraph (1), with respect to an exclusive area under the control of the aircraft operator, where the airport operator is satisfied that the aircraft operator has included the following in his approved airport operator security programme:

- (a) a description of the procedure to satisfy the control functions referred to in paragraph (1);
- (b) a description of the facilities and equipment, used by the aircraft operator to perform the control functions described in paragraph (1); and

- (c) procedures by which the aircraft operator will notify the airport operator when his procedures, facilities, and equipment are not adequate to perform the control functions described in paragraph (1).

38. (1) An airport operator shall ensure that a record is kept of every security incident at his airport.

Airport operator to keep records.

- (2) A record required to be kept in paragraph (1), shall
 - (a) be kept for a minimum of 90 days;
 - (b) be made available to the Director upon request; and
 - (c) include the number
 - (i) and type of weapons and incendiary devices discovered during any passenger screening process, and the method of detection of each;
 - (ii) of acts and attempted acts of air piracy;
 - (iii) of real and simulated bombs found at the airport;
 - (iv) of actual bombings at the airport; and
 - (v) of detentions and arrests and the immediate disposition of each person detained or arrested.

39. On the request of the Director, an airport operator shall provide evidence of compliance with this Part and his approved airport operator security programme.

Evidence of compliance.

40. (1) An airport operator shall in accordance with his approved airport operator security programme, designate an officer in his organisation as the airport security co-ordinator.

Designation of airport security co-ordinator.

(2) The officer designated in accordance with paragraph (1) shall be available at all times.

(3) An airport security co-ordinator shall serve as the primary contact of the airport operator for security-related activities and communications with the Director, as set forth in the approved airport operator security programme.

Threat at an airport.

41. Where an airport operator determines that a specific threat that jeopardizes the security of his airport exists, he shall immediately take all of the measures necessary to ensure the safety of the airport and persons at the airport, including informing the appropriate protective services of the nature of the threat.

Obligation of airport operator where threat is against a facility or an airport.

42. An airport operator who is made aware of a threat against his facility or any part of the airport that is under the control of a person carrying on any activity at the airport, other than the airport operator, shall immediately

- (a) notify the person of the nature of the threat; and
- (b) determine whether there is a specific threat that jeopardizes the security of the airport.

Informing airport operator of threat against airport.

43. Where a person authorised to conduct any screening activity at an airport is made aware of a threat against the airport, such person shall

- (a) immediately notify the airport operator of the nature of the threat; and
- (b) assist the airport operator in determining whether there is a specific threat that jeopardizes the security of the airport.

Airport operator to take measures in event of a specific threat.

44. (1) Where it is determined that there is a specific threat that jeopardizes the security of the airport, the airport operator shall immediately take all of the measures necessary to ensure the safety of the airport and persons at the airport, including informing the appropriate protective services of the nature of the threat.

(2) An airport operator shall immediately inform the Director of the receipt of a bomb threat against a specific aircraft which is at his airport or which is en route to his airport.

45. An airport operator shall immediately notify the Director when there is

Director to be notified of discovery of weapons, incendiary devices or explosives at airport.

- (a) the discovery, at the airport, of a weapon, other than an unloaded firearm allowed in regulations 31(1)(a) or 51;
- (b) the discovery, at the airport, of an explosive substance or an incendiary device, other than an explosive substance or incendiary device allowed under the Act or regulations made thereunder;
- (c) an explosion at the airport, unless the explosion is known to be the result of an excavation demolition, construction or the use of fireworks displays; or
- (d) a specific threat against the airport.

46. An airport operator shall keep at the airport a current map to scale of the airport that identifies the restricted and sterile areas, security barriers and restricted area access points and sterile area access port.

Airport operator to keep map of airport.

47. (1) The airport operator shall provide the Director, on reasonable notice given by the Director, with written or electronic records or other information relevant to the security of the airport, including

Airport operator to provide Director with information and map of airport.

- (a) information concerning the method of implementing the security measures that apply to the airport operator referred to in regulation 7(1); and
- (b) a copy of the scale map referred to in regulation 46.

(2) An airport operator shall provide the Director with written notice of any new commercial air transportation service that is to commence operations at the air terminal building.

PART V

Aircraft operator security

Aircraft
operator
security
programme.

48. An aircraft operator having an approved aircraft operator security programme shall

- (a) maintain one complete copy of his approved aircraft operator security programme at his principal business office;
- (b) maintain a complete copy or the pertinent portions of his approved aircraft operator security programme at each airport where security screening is being conducted;
- (c) make the documents referred to in paragraphs (a) and (b), available for inspection upon request by the Director; and
- (d) restrict the distribution, disclosure, and availability of sensitive security information only to persons who by their defined roles in the programme require to have such information for the performance of their function.

Screening
of passen-
gers and
baggage.

49. (1) An aircraft operator shall conduct screening of

- (a) passengers, transit passengers, transfer passengers and crew travelling on his aircraft;
- (b) the carry-on baggage belonging to persons referred to in paragraph (a);
- (c) the checked baggage of persons referred to in paragraph (a); and
- (d) any other goods in the hold of the aircraft.

(2) Notwithstanding paragraph (1), an aircraft operator may authorise the airport operator of the airport from which he operates or any other

person to conduct the screening functions set out in his approved aircraft operator security programme.

(3) In giving an authorisation to an airport operator or any other person referred to in paragraph (2), the aircraft operator shall further instruct such airport operator or person, to prohibit any passenger refusing to be screened from entry onto any of his aircraft.

(4) An aircraft operator or person authorised by him in paragraph (1), shall use the procedures, the facilities and equipment described in his aircraft operator security programme

- (a) to prevent or deter the carriage of any weapon or incendiary device on or about the person or in that persons carry-on baggage and prevent the carriage of any weapon or incendiary device in checked baggage on aircraft;
- (b) to detect the existence of a weapon or incendiary device, to inspect each person entering a sterile area at each pre-boarding screening check point and to inspect all accessible property under the control of such person; and
- (c) to perform the following control functions with respect to each aircraft operation for which screening is required:
 - (i) prohibit unauthorised access to the aircraft;
 - (ii) ensure that baggage carried in the aircraft is checked-in by a properly trained agent and that identification is obtained from all passengers and persons shipping goods or cargo on board the aircraft;
 - (iii) ensure that cargo and checked baggage carried on board the aircraft are handled in a manner that prohibits unauthorised access; and
 - (iv) conduct a security inspection of the aircraft before placing it in service and after it has been left unattended.

- (5) An aircraft operator shall refuse to transport
 - (a) any person who does not consent to an authorised search of his person when required to do so by the aircraft operator or person authorised to conduct such searches on his behalf; and
 - (b) any property of any person who does not consent to a search or inspection of that property in accordance with the screening system prescribed by paragraph (1).
- (6) An aircraft operator shall ensure that screening check point areas are properly served with properly trained supervisory and non-supervisory personnel in adequate numbers and in accordance with the standards specified in the aircraft operator security programme.

Prevention and management of hijackings and sabotage attempts.

- 50.** (1) An aircraft operator shall
- (a) assign an appropriately qualified and trained person as a ground security co-ordinator to co-ordinate the ground security duties specified in his approved aircraft operator security programme; and
 - (b) designate the pilot in command as the in-flight security co-ordinator for each flight, as required by his approved aircraft operator security programme to co-ordinate activities in response to threats of acts of unlawful interference.
- (2) In applying security measures for the prevention and management of hijackings and sabotage attempts under this Regulation, an aircraft operator or the airport operator shall ensure that the items in the Aviation Security Standards and other items prescribed by the Director from time to time are controlled in the manner specified therein.
- (3) An aircraft operator shall, where directed by the Director, permit and facilitate the carriage of an air marshal on specific flights to prevent

- (a) unauthorised persons from gaining access to the flight deck; and
- (b) hijackings and other criminal acts on board an aircraft.

(4) An air marshal under this Regulation, where required to be on board a flight, shall

- (a) prevent unauthorised persons from gaining access to the flight deck and prevent hijackings and other criminal acts on board the aircraft; and
- (b) conduct crew briefings prior to departure to ensure the flight crew and cabin crew understand his role on board the aircraft.

51. (1) An aircraft operator required to conduct screening under an approved aircraft operator security programme shall not permit any person to have, nor may any person have, on or about his person or property, a weapon, either concealed or unconcealed, accessible to him while on board an aircraft.

Carriage of weapons.

(2) Paragraph (1), shall not apply to an air marshal required to be on board in regulation 50.

(3) No person shall carry a weapon on or about his person, either concealed or unconcealed, while on board an aircraft operated by an aircraft operator.

(4) No aircraft operator shall knowingly permit any person to transport, nor shall any person transport or tender for transport, a weapon, incendiary device or loaded firearm in checked baggage on board an aircraft.

(5) For the purpose of this Regulation, "a loaded firearm" means a firearm, which has inserted in it a live round of ammunition, cartridge, detonator or powder in the chamber or in a clip, magazine or cylinder.

(6) No aircraft operator shall knowingly permit any person to transport, nor may any person transport or tender for transport, any unloaded firearm in checked baggage on board an aircraft unless

- (a) such person declares to the aircraft operator, either orally or in writing before tendering the baggage for the purpose of being checked in that he has a firearm carried in his checked baggage and it is unloaded;
- (b) the baggage or container in which a firearm is carried is locked;
- (c) the checked baggage or container containing the firearm is loaded on the aircraft in an area that is inaccessible to passengers; and
- (d) such person presents a licence for such firearm from the State that permits him to have in his possession such firearm, an export licence for such firearm from the State of departure and an import licence for such firearm to the State of destination.

(7) Where a firearm to be transported in checked baggage is not secured in such checked baggage, it shall be carried in the hold of the aircraft, in a container that the aircraft operator considers appropriate for air transportation.

Use of
X-ray
systems.

52. (1) No aircraft operator or person authorised to conduct screening on his behalf, shall use an X-ray system within Barbados to inspect carry-on or checked baggage unless specifically authorised under an approved aircraft operator security programme required by regulation 14 or use such a system contrary to his approved aircraft operator security programme.

(2) An aircraft operator may be authorised by the Director, to use X-ray systems for inspecting carry-on or checked baggage under an approved aircraft operator security programme where he shows that

- (a) his X-ray system complies with the standards for cabinet X-ray systems designed primarily for the inspection of carry-on and checked baggage and meets the performance requirements set out in the Aviation Security Standards;
- (b) a programme for initial and recurrent training of operators of the system is established, which includes training in radiation safety,

the efficient use of X-ray systems, and the identification of weapons and other dangerous articles; and

(c) the system meets the imaging requirements described in the approved aircraft operator security programme in accordance with the combined test requirements set out in the Aviation Security Standards.

(3) An aircraft operator shall ensure that an X-ray system is not used

(a) unless within the preceding 12 months, a radiation survey has been conducted which shows, that the system meets the applicable performance standards or guidelines prescribed by the Director;

(b) after the system is initially installed or after it has been moved from one location to another, unless a radiation survey is conducted which shows that the system meets the applicable performance standards or guidelines prescribed by the Director; and

(c) to inspect carry-on or checked articles unless a sign is posted in a conspicuous place at the screening station and on the X-ray system which

(i) notifies passengers that such items are being inspected by an X-ray and advises them to remove all X-ray, scientific and high-speed film from carry-on and checked baggage before inspection;

(ii) advises passengers that they may request that an inspection be made of their photographic equipment and film packages without exposure to an X-ray system.

(4) Where the X-ray system referred to in paragraph (2)(c), exposes any carry-on or checked articles to more than 1 milliroentgen during the

inspection, the aircraft operator shall post a sign which advises passengers to remove film of all kinds from their baggage before inspection.

(5) Where a passenger requests his photographic equipment and film packages be inspected without exposure to an X-ray system under paragraph (3)(c)(ii), such photographic equipment and film packages shall be inspected without exposure to an X-ray system.

(6) An aircraft operator shall maintain at least one copy of the results of the most recent radiation survey conducted in paragraph (3) and shall make it available for inspection upon request by the Director at each of the following locations:

- (a) the principal business office of the aircraft operator; and
- (b) the place where the X-ray system is in operation.

(7) An aircraft operator shall ensure that screening staff comply with the X-ray operator duty time limitations specified in his aircraft operator security programme.

Security
threats and
procedures.

53. (1) Where an aircraft operator determines that there is a specific threat which jeopardizes the security of an aircraft or flight, he shall immediately take all of the measures necessary to ensure the safety of the aircraft, passengers and crew on board such aircraft, including

- (a) informing the pilot in command, the crew members assigned to the aircraft or flight, the airport operator and the appropriate protective services of the nature of the threat;
- (b) where the aircraft is on the ground, moving such aircraft to a place of safety at the airport according to the directions of the airport operator; and
- (c) the inspection of the aircraft and search of the passengers and goods on board the aircraft, unless the inspection and search are likely to jeopardize the safety of the passengers and crew members.

(2) Where the aircraft, referred to in paragraph (1), is on the ground, the pilot in command shall comply with any direction given by the airport operator referred to in paragraph (1)(a), or a member of the appropriate protective services, unless complying with such direction is likely to jeopardize the safety of the passengers and crew members.

(3) Immediately upon receiving information that an act or suspected act of air piracy has been committed, the aircraft operator shall notify the Director.

(4) Where an aircraft operator determines that there is a specific threat which jeopardizes the security of a facility or part of an airport under his control, he shall immediately take all of the measures necessary to ensure the safety of the facility or part of the airport and persons at the facility or airport, including informing the airport operator and the appropriate protective service of such threat.

(5) Where the aircraft referred to in paragraph (3), is in airspace within the jurisdiction of a State other than Barbados, the aircraft operator shall also notify the appropriate authority of the State in whose territory the aircraft is located and, if the aircraft is in flight, the appropriate authority of the State in whose territory the aircraft is to land.

(6) Upon receipt of a bomb threat against a specific aircraft, each aircraft operator shall attempt to determine whether or not any explosive or incendiary device is aboard the aircraft involved by doing the following:

- (a) conducting a security inspection on the ground before the next flight or, where the aircraft is in flight, immediately after its next landing;
- (b) advising the pilot in command to immediately submit the aircraft for a security inspection where the aircraft is being operated on the ground; and
- (c) where the aircraft is in flight, immediately advising the pilot in command of all pertinent information available so that necessary emergency action can be taken.

(7) Notification of the appropriate air traffic control authority is sufficient action to meet the requirements of this Regulation.

Reporting
of security
incidents.

54. (1) An aircraft operator shall immediately notify the Director when there is

- (a) a hijacking or attempted hijacking of an aircraft;
- (b) the discovery of a weapon on board an aircraft other than an unloaded firearm allowed in regulations 31(1)(a) or 51;
- (c) the discovery on board an aircraft of an explosive substance or an incendiary device, other than an explosive substance or incendiary device allowed on board the aircraft under the Act or Regulations made thereunder;
- (d) an explosion on an aircraft; or
- (e) a specific threat against an aircraft, a flight, a facility or part of an airport under its control.

(2) An aircraft operator shall immediately notify the airport operator when a weapon other than a firearm allowed in regulations 31(1)(a), or 51, is detected in any part of the airport under its control.

Obligations
of persons
authorised
to conduct
screening
activities.

55. (1) A person authorised to conduct screening activities shall immediately notify the appropriate aircraft operator, airport operator, the Royal Barbados Police Force and the Director when any of the following is detected at a restricted area access point where screening is conducted of persons and carry-on baggage and other articles in the possession or control of persons who are screened:

- (a) a weapon, other than a weapon allowed in regulation 31(1)(a) or 51;
- (b) an explosive substance, other than
 - (i) ammunition carried by a person allowed to carry or have access to a weapon or firearm referred to in regulations 31(1)(a) and 51;

- (ii) an explosive substance allowed under the Act or regulations made thereunder; or
- (c) an incendiary device, other than an incendiary device allowed under the Act or regulations made thereunder.

(2) A person authorised to conduct screening activities shall immediately notify the appropriate aircraft operator, airport operator, regulated agent, catering operator, appropriate protective services and the Director when any of the following is detected in checked baggage:

- (a) a loaded firearm;
- (b) an explosive substance, other than ammunition; or
- (c) an incendiary device.

56. An aircraft operator shall where the Director provides reasonable notice, provide the Director with a written or electronic record or other information relevant to the security of his operations, including

Security information.

- (a) information concerning the method of implementing the security measures that apply to the aircraft operator referred to in regulation 7(2); and
- (b) a description of the nature of operations related to a particular flight and the services provided in respect of the flight.

57. A person who provides services to an aircraft operator and a person who provides a service related to the transportation of goods by air, shall provide to the Director, on reasonable notice given by the Director, written or electronic records or other information relevant to the security of the operations of the aircraft operator, including

Director to be provided with information on the security of air operators.

- (a) information concerning the method of implementing the security measures that apply to those persons referred to in regulation 7(2); and

- (b) a description of the nature of the operations related to a particular flight and the services provided in respect of the flight.

Director to be provided with information on screening operations.

58. A person authorised to perform screening on behalf of an aircraft operator shall provide the Director, on reasonable notice given by the Director, with written or electronic records or other information relevant to the security of his screening operations, including

- (a) information concerning the method of implementing the security measures that apply in regulation 7(2); and
- (b) a description of the nature of the screening operations related to a particular flight or at a particular airport.

Use of explosive detection system to screen checked baggage.

59. Where required by the Director, an aircraft operator required to conduct screening under a security programme shall use an explosive detection system that has been approved by the Director to screen checked baggage in accordance with the aircraft operator security programme.

Procedures for the carriage of passengers in the custody of escort officers.

60. (1) An aircraft operator required to conduct screening under a security programme may carry a passenger in the custody of an officer of the protective services (hereinafter called an "escort officer") on board an aircraft.

- (2) An aircraft operator shall ensure that prior to departure
- (a) the escort officer, referred to in paragraph (1), is equipped with adequate restraining devices to be used in the event restraint of the passenger under his control becomes necessary;
- (b) every passenger under the control of the escort officer referred to in paragraph (1), has been searched and does not have on or about his person or property anything that can be used as a weapon;

- (c) a passenger under the control of an escort officer is
 - (i) boarded before any other passengers when boarding at the airport from which the flight originates and deplaned at the destination after all other deplaning passengers have deplaned;
 - (ii) seated in the rear-most passenger seat when boarding at the airport from which the flight originates; and
 - (iii) seated in a seat that is neither located in any lounge area nor located close to or directly across from any exit; and
 - (d) an escort officer and his escorted passenger shall be seated only in a row of two or more seats and at least one escort officer shall sit between the escorted passenger and any aisle.
- (3) An aircraft operator operating an aircraft pursuant to paragraph (1), shall not
- (a) serve food, beverage, or provide eating utensils made of metal to a passenger under the control of an escort officer while on board such aircraft unless authorised to do so by the escort officer; or
 - (b) serve an escort officer or the passenger under the control of the escort officer any alcoholic beverages while on board such aircraft.
- (4) An escort officer carried in paragraph (1), shall, at all times, accompany the passenger under his control and keep the passenger under surveillance while on board the aircraft including visits to the lavatory.
- (5) Where an escort officer is transported under this Regulation, the aircraft operator shall ensure that such escort officer or any passenger under the control of such escort officer are not served and do not consume alcoholic beverages while on board the aircraft.
- (6) This Regulation shall not apply to the carriage of passengers under voluntary protective escort.

- (7) An aircraft operator shall not conduct a flight
- (a) with a passenger on board who refuses to submit to a screening as required under these Regulations; or
 - (b) while the carry-on or checked baggage of such passenger is on board the aircraft.
- (8) A foreign aircraft operator shall not conduct a flight
- (a) within Barbados with a passenger on board who refuses to submit to a screening, required under these Regulations; or
 - (b) while the carry-on or checked baggage of that passenger is on board the aircraft.

(9) Notwithstanding being in possession of a boarding pass, where the pilot in command of an aircraft has reasonable grounds to believe that a person is in violation of this Part, the pilot in command may order that person to disembark the aircraft.

Training.

61. (1) An aircraft operator shall not use any person as a security co-ordinator unless, within the preceding 12 months, that person has satisfactorily completed the required security training specified in his approved aircraft operator security programme.

(2) A national aircraft operator shall not use any person as a crew member on any domestic or international flight unless within the preceding 12 months that person has satisfactorily completed the security training required by Part III of these Regulations as specified in his approved aircraft operator security programme.

Standards
for security
oversight.

- 62.** (1) An aircraft operator shall ensure that
- (a) a person authorised to perform and performing a security related function on his behalf has knowledge of

- (i) the provisions of Part IV of these Regulations, applicable security directives and information circulars promulgated pursuant to regulation 72; and
 - (ii) elements of the approved aircraft operator security programme required for the performance of his functions;
- (b) the security co-ordinator of the aircraft operator at each airport
- (i) reviews daily all security-related functions for effectiveness and compliance with
 - (A) this Part;
 - (B) the approved aircraft operator security programme; and
 - (C) applicable security directives; and
 - (ii) immediately initiates corrective action for each instance of non-compliance with
 - (A) this Part;
 - (B) the approved aircraft operator security programme; and
 - (C) applicable security directives.

(2) The requirements referred to in paragraph (1), shall apply to all security-related functions performed for the aircraft operator whether by his employee or the employee of a contractor.

(3) An aircraft operator conducting operations in Barbados shall not use any person to perform any required screening function, unless that person has

- (a) a combination of education and experience, which the aircraft operator has determined is necessary for the person to perform his duties;
- (b) the following basic aptitudes and physical abilities:
 - (i) the ability to distinguish on the X-ray monitor the appropriate imaging standard specified in his national aircraft operator security programme, including the perception of colours where displayed by the X-ray system;
 - (ii) the ability to distinguish each colour displayed on every type of screening equipment and explain what each colour signifies;
 - (iii) the ability to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active check point environment;
 - (iv) the ability to efficiently and thoroughly manipulate and handle baggage, containers, and other objects subject to security processing; and
 - (v) the ability to have sufficient dexterity and capability to conduct partial and full body searches or hand held metal detector searches in accordance with the guidelines set out in the Aviation Security Standards;
- (c) the ability to read, write, and speak the English Language well enough to
 - (i) carry out written and oral instructions in the English Language regarding the proper performance of screening duties;
 - (ii) read English Language identification media, credentials, airline tickets, and labels on items normally encountered in the screening process;

- (iii) provide direction to and understand and answer questions from English-speaking persons undergoing screening; and
- (iv) write incident reports and statements and log entries into security records in the English Language; and
- (d) satisfactorily completed all initial, recurrent, and appropriate specialized aviation security training required by the aircraft operator security programme.

(4) Notwithstanding the provisions of paragraph (1)(d), an aircraft operator may use a person during the on-the-job portion of training to perform security functions, not requiring a precepted officer, provided that the person is closely supervised and does not make independent judgments as to whether persons or property may enter a sterile area without further inspection.

(5) No aircraft operator shall use a person to perform a screening function after that person has failed an operational test related to that function, until such person has successfully completed the remedial training specified in his aircraft operator security programme and has passed a re-test related to that function.

(6) An aircraft operator shall ensure that a security co-ordinator conducts and documents an annual evaluation of each person assigned screening duties and may continue the employment of that person in a screening capacity only upon the determination by that security co-ordinator that the person

- (a) has not suffered a significant diminution of any physical ability required to perform a screening function since the last evaluation of those abilities;
- (b) has a satisfactory record of performance and attention to duty; and
- (c) demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.

(7) Paragraphs (1) through (6), shall not apply to those aviation security screening functions conducted outside Barbados over which the national aircraft operator does not have operational control.

(8) At locations outside Barbados where the national aircraft operator has operational control over a screening function, he may use aviation security screeners who do not meet the requirements of paragraph (3)(c), provided that at least one of his representatives who has the ability to functionally read and speak the English Language is present while the passengers of the aircraft operator are undergoing security processing.

PART VI

Regulated agent security

Responsi-
bilities of a
regulated
agent.

63. (1) A regulated agent prior to accepting goods for transport in an aircraft shall

- (a) establish and register the name and address of the consignor;
- (b) establish the credentials of the person who delivers the goods as an agent of the consignor;
- (c) ensure on the basis of random checks or security screening that such goods do not contain any prohibited items;
- (d) ensure the safeguarding of such goods from unauthorised interference after acceptance;
- (e) ensure the goods are received by staff who are properly recruited and trained by him;
- (f) designate a person to implement and supervise the screening process;
- (g) ensure that the following categories of goods are not carried by air unless they have been subjected to screening:

- (i) unaccompanied baggage;
 - (ii) goods from unknown consignors;
 - (iii) goods for which the contents do not coincide with the description delivered; and
- (h) ensure that each shipment of goods be accompanied by documentation providing the statement of the security status of such shipment.

(2) An approved regulated agent who offers goods to an aircraft operator for transport by aircraft shall produce and make available to the aircraft operator, and the Director on demand, shipping documents, records of goods accepted and offered for air transport, employee training records and airway bills.

64. (1) An aircraft operator accepting goods for transport on his aircraft

- (a) may conduct screening of such shipments of goods; and
- (b) shall ensure
 - (i) the safeguarding of such goods against unlawful interference until such goods have been placed in the aircraft;
 - (ii) that his shipments of goods are recorded; and
 - (iii) that whenever the goods are received from an approved regulated agent such goods are delivered by an authorised employee of such regulated agent.

Responsibility of the aircraft operator receiving goods from a regulated agent.

(2) No aircraft operator shall accept any goods for transport by aircraft unless the documentation for such goods is examined for inconsistencies and is accompanied by a valid security declaration.

(3) No aircraft operator shall accept any goods from a regulated agent for transport by aircraft unless initially and within the preceding 12 months prior to accepting the goods, the aircraft operator

(a) has inspected facilities and procedures of such regulated agent;

(b) has issued a letter to the regulated agent either accepting him or renewing his acceptance as a regulated agent for the purposes of the transport of goods through the national aircraft operator; and

(c) assures the security of the goods in accordance with the procedures approved by the national aircraft operator.

(4) An aircraft operator shall provide an approved regulated agent to comply with the Technical Instructions.

(5) An aircraft operator shall make available to the Director a report of any incident where an airway bill or equivalent document did not provide an accurate record of the goods being offered for air transport.

(6) An aircraft operator, except as provided in the Technical Instructions, shall not place in an aircraft any goods that are not acceptable.

(7) An aircraft operator shall preserve for not less than one year any record of acceptance checklists and inspections carried out under this Part.

Inspection
of goods
offered for
transport
by regulated
agent.

65. (1) An aircraft operator may inspect any goods or any package, or container having goods offered for transport by air by a regulated agent.

(2) Where an inspection is conducted pursuant to paragraph (1), a regulated agent or a representative of the regulated agent may observe the inspection.

(3) In the absence of a regulated agent, or a representative of a regulated agent, an aircraft operator may use such force as is necessary to access the contents of any package or container containing goods offered

for transport by air by such regulated agent, representative of a regulated agent or national aircraft operator.

(4) Where an inspection is conducted by an aircraft operator pursuant to paragraph (1), the package, container or goods shall remain in possession of the national aircraft operator until after the inspection is complete.

(5) Where an inspection of goods under this Regulation provides evidence of a breach of this Part, the national aircraft operator shall maintain possession of the goods offered for air transport by a regulated agent and the airway bill and inform the Director in the prescribed form.

PART VII

Catering operator security

66. (1) A catering operator prior to accepting raw materials and equipment for preparation as catering supplies for transport in an aircraft shall

Responsibilities of a catering operator.

- (a) establish and register the name and address of the supplier of such raw materials and equipment;
- (b) establish the credentials of the person who delivers the raw materials and equipment as an agent of the supplier of such raw materials and equipment;
- (c) ensure on the basis of random checks or security screening that such raw materials and equipment do not contain any prohibited items;
- (d) ensure the safeguarding of such raw materials and equipment from unauthorised interference after acceptance;
- (e) ensure the raw materials and equipment are received by staff who are properly recruited and trained by him;

- (f) designate a person to implement and supervise the screening process;
- (g) ensure that the all catering stores and supplies are not carried by air unless they have been subjected to screening;
- (h) ensure that each shipment of catering stores and supplies be accompanied by documentation providing the statement of the security status of such shipment.

(2) An approved catering operator who offers catering stores and supplies to an aircraft operator for transport by aircraft shall produce and make available to the aircraft operator, and the Director on demand, shipping documents, records of raw materials and equipment accepted and catering stores and supplies offered for air transport, employee training records and other accountable catering documents.

Responsibility of the aircraft operator receiving goods from a catering operator.

67. (1) An aircraft operator accepting catering stores and supplies for transport on his aircraft

- (a) may conduct screening of such shipments of catering stores and supplies; and
- (b) shall ensure
 - (i) the safeguarding of such catering supplies and stores against unlawful interference until such catering supplies and stores have been placed in the aircraft;
 - (ii) that his shipments of catering supplies and stores are recorded; and
 - (iii) that whenever the catering supplies and stores are received such catering supplies and stores are delivered by an authorised employee of such catering operator.

(2) No aircraft operator shall accept any catering supplies and stores for transport by aircraft unless the documentation for such catering supplies

and stores is examined for inconsistencies and is accompanied by a valid security declaration.

(3) No aircraft operator shall accept any catering supplies and stores, from a catering operator, for transport by aircraft unless initially and within the preceding 12 months prior to accepting the catering supplies and stores, the aircraft operator

- (a) has inspected facilities and procedures of such catering operator;
- (b) has issued a letter to the catering operator either accepting him or renewing his acceptance as a catering operator for the purposes of the transport of catering supplies and stores through the national aircraft operator; and
- (c) assures the security of the catering supplies and stores in accordance with the procedures approved by the national aircraft operator.

(4) An aircraft operator shall provide an approved catering operator to comply with the Technical Instructions.

(5) An aircraft operator shall make available to the Director a report of any incident where a catering or equivalent document did not provide an accurate record of the catering supplies and stores being offered for air transport.

(6) An aircraft operator, except as provided in the Technical Instructions, shall not place in an aircraft any catering supplies and stores that are not acceptable.

(7) An aircraft operator shall preserve for not less than one year any record of acceptance checklists and inspections carried out under this Part.

Inspection
of catering
supplies and
stores
offered for
transport
by air.

68. (1) An aircraft operator may inspect any catering supplies and stores or any package, or container having catering supplies and stores offered for transport by air by an approved catering operator.

(2) Where an inspection is conducted pursuant to paragraph (1), a catering operator or a representative of the catering operator may observe the inspection.

(3) In the absence of a catering operator, or a representative of a catering operator, an aircraft operator may use such force as is necessary to access the contents of any package or container containing catering supplies and stores offered for transport by air by such catering operator, or representative of a catering operator.

(4) Where an inspection is conducted by an aircraft operator pursuant to paragraph (3), the package, container or catering supplies and stores shall remain in possession of the national aircraft operator until after the inspection is complete.

(5) Where an inspection of catering supplies and stores under this regulation provides evidence of a breach of this Part, the national aircraft operator shall maintain possession of the catering supplies and stores offered for air transport by a catering operator and catering document and inform the Director in the prescribed form.

PART VIII

Miscellaneous

Procedure
for the
protection
of sensitive
security
information.

69. (1) For the purpose of these Regulations the following information and records containing such information constitute sensitive security information:

- (a) an approved security programme for an aircraft operator, airport operator, regulated agent or catering operator, any security programme that relates to transportation by air and any comments, instructions or implementing guidance pertaining thereto;

- (b) security directives, information circulars and any comments, instructions or implementing guidance pertaining thereto;
- (c) any profile used in any security screening process, including for persons, baggage or cargo;
- (d) any security contingency plan or information and any comments, instructions, or implementing guidance pertaining thereto;
- (e) technical specifications of any device used for the detection of any deadly or dangerous weapon, explosive, incendiary, or destructive substance;
- (f) a description of, or technical specifications of, objects used to test screening equipment;
- (g) communication procedures and technical specifications of any security communication equipment;
- (h) any information that the Director has determined may reveal a systemic vulnerability of the aviation system or a vulnerability of aviation facilities, to attack;
- (i) information concerning threats against civil aviation released by the Director;
- (j) specific details of aviation security measures whether applied directly by the Director or regulated parties and includes, but is not limited to, information concerning specific numbers of aviation security officers and aviation security officers, deployments or missions, and the methods involved in such operations;
- (k) any other information, the disclosure of which the Director has prohibited; and
- (l) any draft, proposed or recommended change to the information and records identified in these Regulations.

Director to
prescribe
Aviation
Security
Standards.

70. For the purposes of protecting passengers, crew members, aircraft, goods on board aircraft and airports facilities, preventing unlawful interference with civil aviation and ensuring that appropriate action is taken where that interference is likely to occur, the Director may prescribe Aviation Security Standards applicable to

- (a) airport operators;
- (b) aircraft operators;
- (c) regulated agents;
- (d) catering operator;
- (e) persons who provide a service to a national aircraft operator that is related to the transport of passengers and goods;
- (f) persons who provide security services at airports;
- (g) an airport tenant, or any other person conducting a commercial activity at an airport;
- (h) ground personnel; and
- (i) the general public.

Issue of
security
directive or
information
circular.

71. (1) The Director may issue a security directive or information circular to an airport operator, aircraft operator, catering operator or regulated agent where necessary.

(2) An airport operator, aircraft operator, catering operator or regulated agent shall comply with all security directives issued by the Director within the time frame prescribed for compliance.

(3) An airport operator, aircraft operator, catering operator or regulated agent who receives a security directive shall

- (a) no later than 24 hours after delivery by the Director or within the time prescribed in the security directive, acknowledge receipt of such security directive;
- (b) within the time prescribed in such security directive, specify the method by which the airport operator, aircraft operator, catering operator or regulated agent has implemented or plans to implement the measures in the security directive; and
- (c) ensure that information regarding the security directive and measures implemented in response to such security directive are distributed to specified personnel as prescribed in the security directive and to other personnel who require to have such information for the performance of their functions.

(4) In the event that an airport operator, aircraft operator, catering operator or regulated agent is unable to implement the measures contained in the security directive, received in paragraph (3), he shall submit proposed alternative measures, and the basis for submitting the alternative measures, to the Director within the time frame for compliance prescribed in the security directive.

(5) The Director shall review alternative measures submitted by the airport operator, aircraft operator, catering operator or regulated agent, referred to in paragraph (4), and where he is satisfied that they meet the requirements of the security directive, he may approve such alternative measures.

(6) The airport operator, aircraft operator, catering operator or regulated agent shall implement any alternative measures approved by the Director referred to in paragraph (3).

(7) An airport operator, aircraft operator, catering operator or regulated agent who receives a security directive or information circular, referred to in paragraph (1), and each person who receives information from a security directive or information circular from the airport operator, aircraft operator, catering operator or regulated agent in respect of his duties, shall

- (a) restrict the availability of the security directive or information circular and information therein to those persons who require such information for the performance of their functions; and
- (b) refuse to release the security directive or information circular and information regarding the security directive or information circular to other persons without the prior written consent of the Director.

Search of
persons and
goods.

72. (1) A person who, prior to entering a restricted or sterile area is required by an aviation security officer or aviation screening officer

- (a) to submit to a search of his person;
- (b) to permit a search to be carried out of the goods that the person intends to take or have placed on board an aircraft or take into a restricted or sterile area; or
- (c) to submit to a search of a vehicle or other means of conveyance, under his control,

shall not board and shall not be allowed to board the aircraft, or enter the restricted or sterile area unless he, his goods, vehicle or other means of conveyance submit to a search or permits a search to be carried out, as the case may be.

(2) Where a person is given an order by an aviation security officer or aviation screening officer pursuant to paragraph (1), the person shall thereupon leave the restricted or sterile area immediately and remove the goods, vehicle or means of conveyance in his possession from the restricted or sterile area.

(3) A person referred to in paragraph (1) or (2) who is requested to leave a restricted or sterile area shall be escorted out of such restricted or sterile area by an aviation security officer or aviation screening officer.

73. (1) No person shall carry, or attempt to carry, any prohibited items or dangerous goods not authorised for transport under the *Civil Aviation (Aircraft Operations) Regulations, 2007*, in carry-on baggage on board an aircraft.

Restriction imposed on passengers. S.I. 2007 No. 174.

(2) No person shall offer for air transport, as goods or in checked baggage a weapon, incendiary device or any other dangerous device.

(3) No person shall submit to screening of his person or of his carry-on baggage while in possession of a weapon, incendiary device, or any other dangerous device.

(4) No person shall make a false statement to an aviation security officer, a customs officer, an aircraft operator, or a member of the Royal Barbados Police Force assigned to airport duties, in regard to possession of a weapon, incendiary device or any other dangerous device.

(5) No person shall enter or remain in any part of an airport that is not a public area where a notice is given orally by the airport operator, airport tenant, aircraft operator or by posted sign stating that trespassing is prohibited, or that entry is restricted to unauthorised persons.

(6) Where a person has been ordered to disembark an aircraft in accordance with regulation 29 or 60, he shall disembark the aircraft.

(7) A person who acts in contravention of this Regulation commits an offence and shall be liable on summary conviction to a fine of \$4 000 and to imprisonment for 6 months.

(8) A person referred to in paragraph (3) shall upon a request to disembark, shall so disembark the aircraft and remove his carry-on baggage and have his checked baggage removed from the aircraft.

(9) A person who refuses the screening of goods that he intends to have transported on an aircraft or intends to take into a restricted or sterile area, shall not

- (a) place or attempt to place such goods; or
- (b) cause the goods to be placed

on board the aircraft, or taken into a restricted or sterile area.

Access to
restricted
areas.

74. (1) No person shall access or attempt to access a restricted area of an airport unless the airport operator has granted him a restricted area pass and is gaining access to the restricted area in accordance with the provisions of such restricted area pass.

(2) A person who has been granted access to a restricted area of an airport, shall only access or attempt to access such restricted area at a restricted area access point.

(3) Subject to paragraph (4), a person shall not

- (a) provide another person with physical access to a restricted area where the latter has not been issued with a restricted area pass; or
- (b) assist another person in gaining physical access to a restricted area where the latter has been issued a restricted area pass but does not have such restricted area pass in his possession.

(4) Notwithstanding paragraph (3), a person may enter certain restricted areas of an airport where such person

- (a) has a valid boarding pass issued by an aircraft operator, is proceeding to the assigned gate for the purpose of boarding an aircraft and has been subject to the screening requirements of these Regulations; or
- (b) he is identified in the emergency response plan of the airport operator and is attending to an airport emergency.

75. No person shall enter a sterile area unless he has been screened and cleared for entry by an aviation security officer or aviation screening officer.

Restriction on entry into sterile area.

76. No person shall enter a sterile area without submitting to the screening of his person and property in accordance with the procedures being applied to control access to that area referred to in regulation 35.

Submission to screening.

77. (1) The Director may make Standards or amend Standards and incorporate them by reference into these Regulations.

Director may make Standards or amend Standards.

(2) The Director shall not make a Standard or an amendment to a Standard unless the Director 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 without regard to regulations 77(2) and 77(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.