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

**CIVIL AVIATION (FOREIGN OPERATOR)
REGULATIONS, 2007**

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**Civil Aviation Act
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**CIVIL AVIATION (FOREIGN OPERATOR)
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The Minister in exercise of the powers conferred on him by section 10 of the *Civil Aviation Act*, makes the following Regulations:

PART I

Preliminary

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

2. In these Regulations, Interpreta-
tion.

“aeronautical information services” means services established within a defined area of responsibility for the provision of aeronautical information necessary for the safe regulation and efficiency of air navigation;

“civilian aircraft” means any aircraft not used for military, customs or police operations;

“foreign air operator” means an operator not being a Barbados air operator, who does not hold an air operator certificate issued by the Director and who undertakes whether directly, indirectly, by lease or any other arrangement to engage in commercial air transport operations within the airspace of Barbados, whether on a scheduled or charter basis;

“foreign authority” means the Civil Aviation Authority that issued an air operator certificate to a foreign air operator who does not hold an air operator certificate issued by the Director;

“foreign operator” means an operator not being a Barbados operator, who undertakes whether directly, indirectly, by lease or any other arrangement to engage in air transport operations within the airspace of Barbados;

“munitions of war” means any weapon, ammunition or other article containing an explosive or any noxious liquid, gas or anything which is designed or made for use in warfare or against persons, including parts whether components or accessories for such weapons, ammunition or articles.

Applicability of Regulations.

3. (1) These Regulations apply to the operations of a civil aircraft within Barbados for

- (a) the purpose of commercial air transport operations by an air operator whose air operator certificate was issued by a foreign authority; and
- (b) general aviation operations of a foreign operator.

(2) These Regulations shall not apply to operations of aircraft used by the military, customs and police.

PART II

General Requirements

General applicability of this Part.

4. This Part prescribes the requirements for the application, issue and continued validity of a foreign air operator’s operations specifications.

General requirements.

5. (1) An air operator who does not hold an air operator’s certificate issued by the Director shall not operate an aircraft in Barbados unless he holds operations specifications issued to him by the Director.

(2) Where an air operator referred to in paragraph (1), wishes to operate in Barbados he shall

- (a) make such application to the Director in the form and manner prescribed; and

- (b) pay the prescribed fee.
- (3) An application made in paragraph (2), shall be accompanied by
- (a) a copy of
 - (i) a valid air operator's certificate or equivalent document issued by a foreign authority;
 - (ii) the licence or authorisation granted to the air operator by the appropriate authority of the State of the air operator, to operate an air transport service to and from Barbados;
 - (iii) a company operations manual including the cabin attendants manual where it is published as a separate document;
 - (iv) the approval page for a minimum equipment list for each aircraft type intended to be operated by the air operator in Barbados;
 - (v) a valid certificate of airworthiness for each aircraft type intended to be operated by the foreign air operator in Barbados;
 - (vi) a certificate of registration issued for the aircraft types proposed to be operated by the air operator in Barbados;
 - (vii) a document identifying the maintenance checks that are required to be carried out for the aircraft of the air operator while the aircraft is operated in Barbados;
 - (viii) the maintenance contract between the air operator and the approved maintenance organisation, where the maintenance referred to in paragraph (vii), is carried out by an approved maintenance organisation approved by the foreign authority;

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- (ix) the lease agreement for any aircraft operated by the air operator who does not hold an air operator's certificate issued by the Director which is not registered by the foreign authority;
- (x) any equivalent operations specifications issued by the foreign authority for any specialized flight operations specifications requested by the foreign air operator for operations in Barbados;
- (b) a proposed aircraft operator security programme for the foreign air operator who does not hold an air operator certificate issued by the Director which meets the requirements of the *Civil Aviation (Aviation Security) Regulations, 2007*, for the acceptance and subsequent approval of the Director; and
- (c) any other document the Director considers necessary to ensure that the intended operations will be conducted safely.

(4) An applicant under these Regulations shall apply for the initial issue of operations specifications for a foreign air operator at least 90 days before the date of commencement of intended operation.

Conditions
for issue of
specifica-
tions.

6. (1) The Director may issue operations specifications to an air operator who does not hold an air operator's certificate issued by the Director to conduct commercial air operations in Barbados where he is satisfied that the air operator

- (a) has a valid air operator's certificate issued by a foreign authority;
- (b) has had his aircraft operator security programme approved under the *Civil Aviation (Aviation Security) Regulations, 2007*;
- (c) meets the applicable requirements of the *Civil Aviation (Aircraft Operations) Regulations, 2007*, the *Civil Aviation (Airworthiness) Regulations, 2007*, and the *Civil Aviation (Instruments and Equipment) Regulations, 2007*;

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- (d) meets the Standards contained in Parts I and III of Annex 6 and Annex 8 of the Chicago Convention;
- (e) has sufficient financial resources to conduct safe operations; and
- (f) meets the requirements of these Regulations.

(2) Where operations specifications are issued under this regulation to an air operator who does not hold an air operator's certificate issued by the Director, that foreign air operator may commence commercial air transport operations in and to Barbados.

7. (1) Operations specifications issued in regulation 6 shall specify which operations are authorised, prohibited, limited or subject to certain conditions in the interest of public safety.

Opera-
tions
specifica-
tions.

(2) Operations specifications issued in paragraph (1), shall contain details of the following:

- (a) the purpose of issuance;
- (b) application and duration;
- (c) limitations to, or actions required by, the operator;
- (d) general provisions;
- (e) en-route authorisation and limitations;
- (f) airport authorisations and limitations;
- (g) maintenance;
- (h) mass and balance;
- (i) interchange of equipment operations; and

(j) aircraft leasing operations.

(3) The operations specifications issued to a foreign air operator by the Director shall be supplementary to these Regulations.

Continued
validity of
operations
specifica-
tions.

8. A foreign air operator shall, when conducting operations in and to Barbados, ensure that he complies at all times with the requirements of

(a) his operations specifications;

(b) his approved aircraft operator security programme; and

(c) the security requirements for aircraft operators set out in the *Civil Aviation (Aviation Security) Regulations, 2007*.

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Aircraft
technical
log.

9. A foreign air operator shall, when conducting operations in Barbados, use an aircraft technical log that contains the following information in respect of each aircraft:

(a) information about each flight necessary to ensure continued flight safety;

(b) the current certificate of release to service the aircraft;

(c) the current maintenance statement giving the aircraft maintenance status of what scheduled and out of phase maintenance is next due, unless the Director agrees to the maintenance statement being kept elsewhere;

(d) all outstanding deferred defects that affect the operation of the aircraft; and

(e) any necessary guidance instructions on maintenance support.

10. A foreign air operator shall ensure that the following are carried on each flight, when conducting operations in Barbados: Documents required to be carried by foreign air operator.

- (a) the current parts of the operations manual relevant to the duties of the crew;
- (b) those parts of the operations manual which are required for the conduct of a flight;
- (c) the current approved aircraft flight manual for the type of aircraft being flown;
- (d) the current certificate of registration, and airworthiness certificate in force in respect of the aircraft;
- (e) the appropriate licences of the members of the flight crew;
- (f) the mass and balance document for the aircraft certifying that the load carried is properly distributed and safely secured; and
- (g) appropriate approval for radio operation.

11. (1) A foreign air operator shall ensure that, in addition to the documents and manuals required by regulations 9 and 10, the following information and forms relevant to the type and area of operation are carried on each flight conducted in Barbados: Additional information and forms.

- (a) an operational flight plan;
- (b) the aircraft technical log containing at least the information required in regulation 9;
- (c) appropriate notices to airmen and aeronautical information services briefing documentation;
- (d) appropriate meteorological information;

- (e) a copy of applicable operations specifications required under these Regulations;
- (f) notification of special loads including any dangerous goods; and
- (g) current maps and charts for the area of operation.

(2) The Director may authorise the information detailed under paragraph (1) or parts thereof to be presented in a form other than on printed paper provided the information is accessible for inspection.

Inspection
by
Authority.

12. A foreign air operator shall ensure that any person authorised by the Director is permitted at any time, without prior notice, to

- (a) board any of his aircraft operated for commercial air transportation in Barbados;
- (b) inspect the documents and manuals required by regulations 9, 10 and 11; and
- (c) carry out inspections required by regulation 18, and such other inspections as are deemed necessary under the Chicago Convention.

Requirement
to produce
documenta-
tion,
manuals and
records
when
requested.

13. (1) A foreign air operator shall

- (a) give any person authorised by the Director access to any documents, manuals and records which are related to flight operations and maintenance; and
- (b) produce all such documents, manuals and records, when requested to do so by the Director, within a reasonable period of time.

(2) The pilot in command of an aircraft of a foreign air operator shall, when requested to do so by a person authorised by the Director, produce to that person the documentation, manuals and records required to be carried on board the aircraft.

14. Following an accident or incident in Barbados involving an aircraft of a foreign air operator, or when the Director so directs, the foreign air operator of an aircraft on which a flight recorder is carried shall preserve the original recorded data for a period of 60 days unless otherwise directed by the Director.

Preservation of flight data recorder recordings.

15. (1) A foreign air operator conducting operations in Barbados shall compute the mass of passengers and checked baggage using the

Requirement to compute passenger and baggage weights.

- (a) actual mass of each person and the actual mass of baggage; or
- (b) standard mass values specified by the foreign authority.

(2) The Director may require a foreign air operator conducting operations in Barbados to produce evidence validating any standard mass values used.

16. A foreign air operator conducting operations in Barbados shall not operate a single-engine aircraft

Restriction on the operations of single-engine aircraft by foreign air operator.

- (a) at night; or
- (b) in instrument meteorological conditions except under special visual flight rules.

17. Before initiating an approach to land in Barbados, the pilot in command of an aircraft of a foreign air operator, shall determine from the information available

Required procedures for approach and landing conditions.

- (a) the weather at the airport and whether the conditions of the runway are safe for the approach and landing; and
- (b) in the case of missed approach, whether he will be able to meet the performance requirements contained in the operations manual.

Foreign air operator to give Director access to aircraft and associated facilities.

- 18.** A foreign air operator, when conducting operations in Barbados, shall
- (a) give any person authorised by the Director access to his aircraft and associated facilities to inspect to determine compliance with these Regulations;
 - (b) satisfactorily respond to findings arising in paragraph (a), prior to further flight in the case of finding prejudicing safe flight and for all the findings within reasonable time but no more than 3 days.

PART III

Security

Applicability of this Part.

- 19.** This Part prescribes the security requirements for a foreign air operator operating in Barbados.

Prohibition against the carriage of weapons.

- 20.** (1) A foreign air operator conducting commercial air transportation operations to Barbados shall
- (a) not transport weapons of war and munitions of war by air unless an approval to do so has been granted by the Director;
 - (b) ensure that when approval referred to in paragraph (a) is granted, weapons of war and munitions of war are
 - (i) stowed in the aircraft in a place which is inaccessible to passengers during flight;
 - (ii) in the case of firearms, unloaded, unless before the commencement of the flight, an approval has been granted by the Director that such firearms may be carried in circumstances that differ in part or in total from those indicated in this sub-paragraph;

- (c) ensure that the pilot in command is notified before the flight begins of the details and location on board the aircraft of any weapons of war and munitions of war that are intended to be carried.

(2) Paragraph (1)(b)(ii) does not apply to a foreign air operator that has been approved to transport an air marshal under an approved programme.

21. (1) The carriage of sporting weapons and ammunition by a foreign air operator conducting commercial air transportation shall be in accordance with the procedures and requirements of the approved dangerous goods programme approved by the foreign authority.

Carriage of sporting weapons and ammunition.

(2) A foreign air operator conducting commercial air transportation operations in Barbados shall take all measures necessary to ensure that where a sporting weapon is offered for transport by air, such transportation is reported to him.

(3) A foreign air operator accepting the transport of a sporting weapon shall ensure that the sporting weapon is

- (a) stowed in the aircraft, in which he conducts or intends to conduct operations, in a place which is inaccessible to passengers during flight unless the Director has determined that compliance is impracticable and has approved other procedures; and
- (b) in the case of a firearm or other weapon that can contain ammunition, is unloaded.

(4) A foreign air operator may allow a passenger to carry ammunition for a sporting weapon in his checked baggage, as approved by the foreign authority.

22. A foreign air operator shall ensure that where a person submits a firearm for transport by air on his aircraft to Barbados, that person shall hold a firearm import permit issued in accordance with the *Firearms Act*.

Requirement to hold firearm import licence. Cap. 179.

Security programme for foreign air operator.

- 23.** A foreign air operator shall
- (a) ensure that all appropriate personnel are familiar and comply with the relevant requirements of the national security programmes of Barbados;
 - (b) establish, maintain and conduct approved training programmes which enable the personnel of the foreign air operator to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of aircraft and to minimize the consequences of such events should they occur;
 - (c) along with the pilot in command or in his absence a flight crew member of a foreign air operator, following an act of unlawful interference on board an aircraft, shall submit without delay a report of the act to the designated local authority and the Director;
 - (d) ensure that all aircraft carry a checklist of the procedures to be followed for that aircraft type in searching for concealed weapons, explosives or other dangerous devices; and
 - (e) ensure that the flight crew compartment door of all aircraft is installed and where such aircraft is operated for the purpose of carrying passengers, the compartment door is capable of being locked from within the compartment in order to prevent unauthorised access.

Un- authorised carriage.

- 24.** A foreign air operator shall take measures to ensure that no person conceals himself or cargo on board an aircraft.

PART IV

Dangerous Goods

Applicability of this Part.

- 25.** This Part prescribes the requirements for the transport of dangerous goods by air, by a foreign air operator.

26. (1) A foreign air operator shall not accept dangerous goods for transport by air in Barbados unless he has

Transportation of dangerous goods by air.

- (a) been authorised to do so by the foreign authority;
- (b) conducted the required personnel training; and
- (c) provided a copy of his approved dangerous goods programme to the Director.

(2) A foreign air operator shall properly classify, document, certify, describe, package, mark, label and put in a fit condition for transport, dangerous goods as required by the dangerous goods programme of the foreign air operator as approved by the foreign authority.

(3) The foreign air operator shall state in his operations specifications required in regulation 7 whether or not he has been authorised to accept dangerous goods by the foreign authority.

(4) Where the foreign operator has been granted authority to accept dangerous goods, and has an approved dangerous goods programme authorised by the foreign authority, the foreign operator shall provide a copy of such dangerous goods programme to the Director.

27. (1) The operations specifications requirements under these Regulations, in respect of a foreign air operator shall come into effect 6 months from the date of publication of these Regulations.

Transitional provisions.

(2) Notwithstanding paragraph (1), on the commencement of these Regulations a foreign air operator who wishes to apply for operations specifications to operate in Barbados shall meet the requirements of these Regulations.

(3) A foreign air operator who holds a valid licence issued by the Air Transport Licensing Authority to operate in Barbados, and who continues to operate under his existing licence, on the commencement of these Regulations shall apply to the Authority for operations specifications and

satisfy the requirements of these Regulations for the issue of such operations specifications within the 6 months period provided in paragraph (1).

Director
may make
Standards or
amend
Standards.

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

(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 28(2) and 28(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.