

**ANTIGUA AND BARBUDA**



**THE CIVIL AVIATION (ROUTE CHARGES FOR NAVIGATION AND FACILITY  
SERVICES) REGULATIONS, 2017**

**STATUTORY INSTRUMENT**

**2017, No. 33**

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**STATUTORY INSTRUMENTS**

**2017, No. 33**

**THE CIVIL AVIATION (ROUTE CHARGES FOR NAVIGATION AND FACILITY SERVICES) REGULATIONS made in exercise of the powers contained in section 50 of the Civil Aviation Act, 2003 No. 25 of 2003.**

**1. Short title**

These Regulations may be cited as the Civil Aviation (Route Charges for Navigation and Facility Services) Regulations, 2017.

**2. Interpretation**

In these Regulations—

“Eastern Caribbean AIP” means a document in force in Antigua and Barbuda at the date of the making of these regulations entitled "Eastern Caribbean Aeronautical Information Publication published by the Department of Civil Aviation;

“Minister” means the Minister for the time being with responsibility for Civil Aviation;

“Ministry” means the Ministry of Civil Aviation;

“TMA” means Terminal Control Area;

“specified airspace” means the airspace of the Antigua and Barbuda V. C. Bird TMA as described in the Eastern Caribbean AIP.

**3. Route Charge**

(1) Subject to the provisions of these regulations, the operator of an aircraft shall pay a route charge, hereinafter referred to as "the charge", in respect of flights performed by his aircraft in the specified airspace in accordance with the procedures laid down in application of the Standards and Recommended Practices of the International Civil Aviation Organization.

(2) The charge shall constitute remuneration for the costs incurred by Antigua and Barbuda Air Traffic Services in respect of en route air navigation facilities and services and the operation of the Route Charges System.

(3) An entity designated by the Minister shall assess and collect the charge due and pay to the Ministry in accordance with the applicable law.

(4) If the Ministry is unable, after taking reasonable steps, to ascertain who is the operator, it may give notice to the owner of the aircraft that it will treat him as the operator until he establishes to the reasonable satisfaction of the Ministry that some other person is the operator; and from the time when the notice is given the Ministry shall be entitled, for so long as the owner is unable to establish as aforesaid that some other person is the operator, to treat the owner as if he were the operator, and for that purpose the provisions of these regulations other than this sub-regulation, shall apply to the owner of the aircraft.

#### **4. Calculation of the charge.**

(1) En-route air navigation services provided within the V.C. Bird TMA are priced at the following rates for track miles in excess of 20 Nautical Miles (NM).

(2) Maximum Take-off Weight Per thousand pounds or parts thereof prices are in USD

<b>up to 5,000</b>	<b>\$ 25.00</b>
<b>5001 – 10,000</b>	<b>\$ 35.00</b>
<b>10,001 – 15,000</b>	<b>\$ 45.00</b>
<b>15,001-25,000</b>	<b>\$ 55.00</b>
<b>25,001-50,000</b>	<b>\$ 65.00</b>
<b>50,001-100,000</b>	<b>\$ 80.00</b>
<b>100,001-200,000</b>	<b>\$ 95.00</b>
<b>200,001-300,000</b>	<b>\$ 110.00</b>
<b>300,001 and over</b>	<b>\$ 125.00</b>

- (3) The distance for calculation charges represents track miles flown within the V.C. Bird TMA; route segments shorter than 20 Nautical Miles (NM) shall not be taken into account.
- (4) The entry and exit points shall be the points at which the lateral limits of the specified airspace are crossed by the route described in the flight plan. This incorporates any changes made by the operator to the original flight plan filed as well as any changes approved by the operator resulting from air traffic flow management measures. Charges are per flight.
- (5) Where the maximum certificated take-off weight of the aircraft is not known to the bodies responsible for the collection of the charge, the weight factor shall be calculated by taking the heaviest aircraft of the same type known to exist.
- (6) Where an aircraft has multiple certificated maximum takeoff weights, the weight factor shall be established on the basis of the highest maximum take-off weight authorized for the aircraft by its State of registration.
- (7) Where an operator has indicated to the bodies for the collection of the charge that he operates two or more aircraft which are different versions of the same type, the average of the maximum take-off weights of all his aircraft of that type shall be taken for the calculation of the weight factor for each aircraft of that type. The calculation of this factor per aircraft type and per operator shall be effected at least once a year.

## **5. Payment.**

- (1) The amount of the charge shall be paid in USD.
- (2) The amount of the charge is due on the date of the performance of the flight. The latest value date by which payment is to be received shall be shown on the bill and shall be thirty days from the date of the bill.
- (3) Payment shall be deemed to have been received on the value date on which the amount due is credited into a designated account. The value date shall be the date on which the Ministry can use the funds.
- (4) Any charge which has not been paid by the latest date for payment shall be increased by the addition thereto of interest at the rate specified in the Second Schedule. Such interest, entitled Interest on Late Payment, shall be simple interest calculated from day to day on the unpaid overdue amount, and shall be calculated and billed in USD.
- (5) Where a charge remains unpaid, measures may be taken to enforce recovery.
- (6) Without prejudice to any existing rule of law relating to the payment, under an order of the court, of a debt, the amount of the charge may be recovered in any court of competent jurisdiction in the State of Antigua and Barbuda.
- (7) The Ministry shall consider payment into the accounts opened in its name with banking establishments in Antigua and Barbuda designated by the competent bodies of the Route Charges System as a discharge of the payer's liability.

(8) Any aircraft operator who is a national of Antigua and Barbuda may, whenever payment is made by him into a designated banking establishment situated in Antigua and Barbuda, discharge the debt in the equivalent Eastern Caribbean Dollars (XCD).

(9) Where an aircraft operator avails himself of the facility referred to in the foregoing sub-regulation, the conversion into XCD currency of the USD amount shall be effected at the exchange rate used in Antigua and Barbuda for commercial transactions.

## **6. Claims.**

(1) Claims against bills must be submitted to the Minister in writing or by an electronic medium previously approved by the Ministry. They must be detailed and should be accompanied by any relevant supporting evidence.

(2) The latest date by which claims must be received by shall be shown on the bill and is sixty days from the date of the bill. The date of submission of claims shall be the date on which the claims are received by.

(3) Submission of a claim by a user shall not entitle him to make any deduction from the relevant bill unless so authorized by the Minister.

## **7. Exempt flights.**

These regulations shall not apply to the following flights—

- (i) flights by military aircraft of any State;
- (ii) flights authorized by a competent Search and Rescue body for search and rescue operations;
- (iii) flights performed solely for the transportation of Heads of State, Heads of Government, and Government Ministers. In all cases, this must be substantiated by the appropriate status indicator or remark on the flight plan;
- (iv) training flights performed exclusively for the purpose of obtaining a licence, or a rating in the case of cockpit flight crew, and where this is substantiated by an appropriate remark on the flight plan. Flights must be performed solely within the specified airspace and must not serve for the transport of passengers and/or cargo, nor for positioning or ferrying of the aircraft;
- (v) humanitarian flights authorized by the appropriate competent body;
- (vi) flights performed exclusively for the purpose of checking or testing equipment used or intended to be used as ground aids to air navigation, excluding positioning flights by the aircraft concerned;

- (vii) flights performed by customs and police aircraft;

Made this 10th day of May, 2017.

**Hon. Robin K.M. Yearwood**  
*Minister with responsibility  
For Aviation.*