

ANTIGUA AND BARBUDA



**THE CIVIL AVIATION (CERTIFICATE OF AIR NAVIGATION SERVICES)
REGULATIONS, 2024**

STATUTORY INSTRUMENT

No. 10 of 2024

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PART I

PRELIMINARY

IN EXERCISE of the powers conferred by section 49 of the Civil Aviation Act of Antigua and Barbuda, the Director General responsible for Civil Aviation makes the following Regulations:

1. Short title

These Regulations may be cited as the Civil Aviation (Certification of Air Navigation Services) Regulations, 2024.

2. Application of Regulations

These Regulations apply to a person or entity who provides air navigation services within a designated airspace and at aerodromes.

3. Interpretation

In these Regulations unless the context otherwise requires—

“Act” means the Civil Aviation Authority Act 2003.

“Aerodrome” means a defined area on land or water including buildings, installations and equipment intended to be used either wholly or in part for the arrival, departure, and surface movement of aircraft.

“Aeronautical information” means information resulting from the assembly, analysis, and formatting of aeronautical data.

“Aeronautical Information Service (AIS)” means a service established within the defined area of coverage responsible for the provision of aeronautical information or data necessary for the safety, regularity, and efficiency of air navigation.

“Aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface.

“Air navigation service” means services provided to air traffic during all phases of operation including air traffic management, communication, navigation and surveillance, meteorological services for air navigation, search and rescue, aeronautical information services and construction of instrument flight procedures.

“Air navigation services facility” means a facility used, available for use, or designed for use in aid of navigation of aircraft, including airports, landing fields, any structures, mechanisms, lights, beacons, marks, communication systems, or other instruments or devices used or useful as an aid to the safe taking off, navigation, and landing of aircraft and any combination of such facilities.

“Air navigation services provider (ANSP)” means the entity responsible for the provision of air navigation services.

“Air traffic” means all aircraft in flight or operating on the manoeuvring area of an aerodrome.

“Air traffic control service” means a service provided for the purposes of—

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

“Air traffic service” means flight information service, alerting service, air traffic advisory service, air traffic control service, area control service, approach control service or aerodrome control service.

“Authority” means the Eastern Caribbean Civil Aviation Authority established under Part 3 section 8 of the Act.

“Certificate” means the air navigation service provider certificate issued by the Authority under these Regulations.

“Controlled aerodrome” means an aerodrome from which air traffic control service is provided to aerodrome traffic.

“Manual of Air Navigation Services Operations (MANSOPS)” means a document that contains all information and instructions necessary to enable the personnel of the ANSP perform their duties.

“Safety Management System (SMS)” means a systematic approach to managing safety, including the necessary organizational structures, accountabilities, policies, and procedures.

“Search” means an operation normally co-coordinated by a rescue co-ordination centre or rescue sub-centre using available personnel and facilities to locate persons in distress.

PART II—CERTIFICATION OF AIR NAVIGATION SERVICE PROVIDER

4. Requirements for provision of air navigation services

(1) A person or entity shall not provide air navigation services unless the person or entity holds a certificate issued by the Authority under these Regulations.

- (2) Subject to sub-regulation (1), a provider of—
- (a) air traffic services;
 - (b) communication, navigation and surveillance systems;
 - (c) meteorological services for air navigation;
 - (d) aeronautical search and rescue coordination services;
 - (e) aeronautical information services;
 - (f) aeronautical charts; or
 - (g) construction of instrument flight procedures;

shall be issued with certificates in accordance with these Regulations.

- (3) The air navigation services shall be provided in accordance with—
- (a) the requirements in these Regulations;
 - (b) the procedures specified in the MANSOPS; and
 - (c) any other requirements issued by the authority for the safety of air navigation services.

5. Application for certificate

(1) An application for an ANSP certificate shall be made to the Authority twelve months, but no later than eighteen months, after the publication of these regulations.

(2) An application for an ANSP certificate shall be made to the Authority using the

ANSP application form set out in Schedule 1 of these Regulations.

- (3) An application for an ANSP certificate shall be accompanied by—
 - (a) a MANSOPS of the applicant;
 - (b) a written statement setting out the air navigation services and locations from which the services shall be provided;
 - (c) the safety management system manual of the applicant;
 - (d) the quality management system manual of the applicant; and
 - (e) evidence of payment of the prescribed fees by the applicant.

6. Issuance of certificate

- (1) The Authority shall, before issuing a certificate of air navigation, satisfy itself that the—
 - (a) applicant has an adequate number of personnel with the requisite competences to provide the air navigation services that the applicant is applying for;
 - (b) MANSOPS accompanying the application contains all the required information;
 - (c) facilities, services and equipment of the applicant conform to these Regulations and meet the requirements set out in other applicable Civil Aviation Regulations;
 - (d) operating procedures of the applicant contain sufficient provisions for the safety of an aircraft;
 - (e) applicant has an appropriate safety management system;
 - (f) applicant has an approved quality management system;
 - (g) applicant complies with the requirements of the Civil Aviation (Security) Regulations
- (2) The Authority may set other conditions deemed necessary.
 - (a) The Authority may refuse to grant a certificate to an applicant if it finds that the applicant does not meet the requirements of these Regulations.
- (3) Where the Authority refuses to grant a certificate to an applicant, the Authority

shall inform the applicant of the reasons for the refusal in writing.

7. Contents of certificate

The ANSP certificate issued under these Regulations shall contain—

- (a) the name, mailing address and principal place of business of the service provider;
- (b) the type of services to be provided by the service provider;
- (c) the location of services to be provided;
- (d) the portion of the aerodrome and the airspace where the services are to be provided;
- (e) any other conditions upon which approval of the certificate is to be based; and
- (f) the commencement and expiry dates of the certificate.

8. Validity of certificate

A certificate issued under these Regulations shall be valid for a period of two (2) years from the date of issuance, unless the certificate is surrendered, amended, suspended, or cancelled in accordance with these Regulations.

9. Renewal of certificate

(1) The holder of a certificate of air navigation services may apply to the Authority, for renewal of the certificate using the ANSP application form set out in Schedule 1 of these Regulations.

(2) An application for renewal of the certificate shall be submitted to the Authority not later than ninety (90) days before the expiry of the certificate.

- (3) The application for renewal of the certificate shall be accompanied by—
 - (a) the most current version of the MANSOPS; and
 - (b) evidence of payment of the prescribed fees.
- (4) The renewal of an ANSP certificate shall be subject to compliance with these

Regulations and any other conditions specified and notified by the Authority.

10. Surrender of certificate

(1) The holder of a certificate may surrender the certificate to the Authority, subject to sub-regulation (2) and any conditions set by the Authority.

(2) The holder of a certificate who wishes to surrender the certificate shall notify the Authority in writing, within not less than one hundred eighty (180) days from the date on which the certificate is to be surrendered.

The ANSP shall cease to provide the services set out in the certificate unless authorised to continue providing the services by the Authority in writing, upon expiry of the period referred to in sub-regulation (2).

11. Amendment of certificate

(1) The Authority may amend or modify a certificate—

- (a) to correct errors or omissions;
- (b) upon request made by the holder of a certificate; or
- (c) where the Authority deems it necessary;

(2) The holder of a certificate shall for the purpose of sub-regulation (1) (a) make an application to the Authority using the ANSP application form specified in Schedule 1 and shall—

- (a) attach two copies of the proposed amendments to the MANSOPS; and
- (b) attach evidence of payment of the prescribed fees.

(3) Where the amendment to the certificate is initiated by the Authority, the Authority shall inform the holder of the certificate about the amendment and the holder of the certificate shall make the necessary amendments in the MANSOPS within the time specified by the Authority.

12. Display of certificate

(1) The holder of a certificate shall display the certificate, or a copy of the certificate, in a conspicuous place, accessible to the public at his or her principal place of business.

(2) Where a copy of the certificate is displayed under sub-regulation (1), the holder of the certificate shall whenever required show the original certificate to the Authority.

13. Transfer of certificate

A certificate issued under these Regulations shall not be transferrable.

14. Suspension, variation and cancellation of certificate

(1) The Authority may, upon the completion of an investigation vary or cancel the ANSP certificate issued under these Regulations.

(2) Subject to sub-regulation (1), the Authority may suspend a certificate issued under these regulations for a period not exceeding sixty days.

(3) The Authority may suspend a certificate issued under these Regulations, where the Authority considers that—

- (a) a provision of the Act or these Regulations, or a condition in the certificate, has not been complied with;
- (b) false or materially incorrect information was given to the Authority in the application for the certificate; or
- (c) it is in the public interest to do so.

(4) A holder of an ANSP certificate who has been notified of a suspension under sub-regulation (1) may submit a response in writing within fourteen (14) days from the date of the suspension.

(5) Notwithstanding sub-regulation (2), the Authority may suspend any or all of the operations of the holder of the ANSP certificate pending receipt of a response from the holder of the certificate.

(6) A holder of a certificate or any person who is in possession or custody of the certificate which has been suspended or cancelled under these Regulations shall surrender the certificate to the Authority within fourteen (14) days from the date of suspension or cancellation.

15. Register of certificate holders

- (1) The Authority shall keep and maintain a register showing—
 - (a) the name of the holder of the certificate;
 - (b) the physical and postal address of the holder of the certificate;
 - (c) the date of issue or renewal of the certificate as the case may be;
 - (d) the type of service offered by the holder of the certificate;
 - (e) the expiry date of the certificate;
 - (f) the date of variation, suspension or cancellation of the certificate, as the case may be and
 - (g) any other particulars requested by the authority.
- (2) The Authority shall enter in the register all the changes in the particulars of the certificate referred to in sub-regulation (1).
- (3) The register shall be a public document and any person may obtain the information entered in the register with the approval of the Authority.

PART III—MANUAL OF AIR NAVIGATION SERVICES OPERATIONS

16. Requirements for MANSOPS

- (1) The MANSOPS submitted to the Authority under these Regulations shall be—
 - (a) type written;
 - (b) signed by the service provider;
 - (c) in a format that is easy to review and shall include a list of the amended pages;
and
 - (d) organised in a manner that facilitates the evaluation and approval process.

The holder of a certificate shall keep not less than one approved copy of the MANSOPS at his or her principal place of business.

17. Contents of MANSOPS

Every MANSOPS shall contain all the information and instructions that are necessary to enable the personnel of the ANSP perform their respective duties and shall include—

- (a) a list of the services to be provided by the ANSP;
- (b) the responsibilities of the personnel of the ANSP;
- (c) information about performance assessment and training of the staff of the ANSP and how that information is tracked;
- (d) the safety management system and quality management system of the service provider as applicable;
- (e) the contingency plans to be used in case of development of part or total system failure;
- (f) a statement about compliance with the Civil Aviation (Security) Regulations, by the ANSP;
- (g) the facilities and equipment of the ANSP and how the facilities and equipment are installed and maintained;
- (h) the procedure for reporting faults and defects;
- (i) a system for maintenance of the documents and records of the service provider;
- (j) the search and rescue responsibilities, co-ordination, operations, plans and procedures;
- (k) the proposed hours of service;
- (l) systems and procedures for the provision of air navigation services; and
- (m) any other information requested by the Authority.

18. Amendment of MANSOPS

- (1) For the purposes of maintenance of accurate information in the MANSOPS—

- (a) the holder of the certificate shall whenever necessary, amend the manual; and
 - (b) the Authority may issue a written directive that requires the holder of a certificate to amend the MANSOPS.
- (2) Notwithstanding sub-regulation (1), the holder of the certificate shall submit the proposed amendment to the Authority for approval, before effecting the amendment in the MANSOPS.

19. Continued compliance

A holder of a certificate shall—

- (a) maintain at every office listed in the certificate, a copy of the MANSOPS;
- (b) make available to all his or her personnel parts of the MANSOPS that are relevant to their respective duties;
- (c) comply with all the procedures and processes detailed in the MANSOPS;
- (d) notify the Authority of any change of address for service, telephone number, email or facsimile number within twenty eight (28) days from the date on which the change was made; and
- (e) comply with these Regulations and any other conditions deemed necessary and specified by the safety inspections or audits of the Authority.

PART IV—AIR NAVIGATION SERVICES

20. Air navigation services facilities and systems

A certified air ANSP shall—

- (a) provide facilities for the provision of air navigation services in the portion of air space and aerodromes designated for that purpose; and
- (b) adopt and put into operation appropriate systems, operational practices and procedures in accordance with the requirements for provision of air navigation services in regulation 4.

21. Safety inspections and audit of air navigation services

- (1) The Authority shall carry out safety inspections and audits of the air navigation

facilities, services, documents and records of the ANSP, for purposes of determining compliance with these Regulations.

(2) The Authority may impose operating restrictions or sanctions on the operations of the holder of a certificate, in the event of non-compliance with the requirements in the certificate or an unresolved safety concern.

22. Access to air navigation facilities

An inspector of the Authority shall have unrestricted access to the facilities, installations, records and documents of the ANSP, for the purpose of determining compliance with these Regulations.

23. Production of documents

The holder of a certificate shall, where requested by an authorised person, produce all the documents in his or her possession within seventy-two (72) hours from the time of receiving the request.

24. Air navigation services contingency plan

(1) The holder of a certificate shall develop and maintain a contingency plan, for use in the event of an actual disruption or potential disruption, of air navigation services in the airspace for which the holder of the certificate is responsible.

(2) The holder of a certificate shall, while developing the contingency plan liaise with other ANSPs in adjacent or contiguous airspaces.

(3) The contingency plan shall include—

- (a) the actions to be taken by the personnel of the certificate holder responsible for providing the service;
- (b) alternative arrangements for providing the service;
- (c) the arrangements for resuming normal operations of the service; and
- (d) any other conditions determined by the Authority.

(4) The contingency plan for air traffic services shall be developed in accordance with the Civil Aviation (Air Traffic Services) Regulations, 2024.

25. Designated alternative air navigation service provider

(1) The Authority may, where the Authority deems it necessary and in public interest, designate an alternative ANSP, for a specified period.

(2) The Authority shall designate an alternate ANSP in the case of surrender of the certificate by the holder, or suspension or cancellation of the certificate by the Authority.

PART V—GENERAL

26. Replacement of certificate and change of particulars of certificate

(1) The holder of a certificate issued under these Regulations may apply to the Authority for—

- (a) replacement of the certificate where the certificate is lost or destroyed;
- (b) change of name on the certificate; or
- (c) an endorsement on the certificate.

(2) The holder of a certificate shall, for purposes of sub-regulation (1) submit to the Authority—

- (a) the original certificate or a copy of the original certificate where the certificate is lost or destroyed; or
- (b) a court order, or other legal document authorising the change of name of the holder of the certificate.

(3) The Authority shall, where applicable, return to the holder of a certificate, the original certificate, with the appropriate modifications, and retain copies of the certificate.

27. Change of address

The holder of a certificate issued under these Regulations shall notify the Authority of any change in his or her physical and mailing address within twenty-eight (28) days from the date of occurrence of the change.

28. Personnel requirements

The ANSP shall—

- (a) ensure that all his or her personnel possess the requisite skills, knowledge and competences required to perform the services that he or she is applying for;
- (b) ensure that procedures are established to maintain the required proficiency of the personnel;

- (c) the Authority can access the testimonials of the personnel of the ANSP;
- (d) develop job descriptions for all technical staff involved in the provision of the air navigation services;
- (e) develop a training programme for all technical staff which covers initial, on the job, recurrent and specialised training;
- (f) develop annual training plans detailing and prioritising the type of training to be provided, covering recurrent training;
- (g) prior to assigning tasks and responsibilities to new technical staff, ensure that the new technical staff have completed the initial on-the-job training in accordance with the training programme; and
- (h) develop a system for the maintenance of training records for all the air navigation services technical staff.

29. Use and retention of documents and records

- (1) A person shall not use a certificate or exemption—
 - (a) issued under these Regulations, that is forged, altered, suspended or cancelled or which he or she is not entitled to use;
 - (b) that is forged or altered or required under these Regulations;
 - (c) or lend a certificate or exemption issued or required under these Regulations to any other person; or
 - (d) that is mutilated, altered, rendered illegible or destroy any records or an entry made in the record, required to be maintained under these Regulations, or make, procure or assist in the making of, any false entry in such record, or omit to make a material entry in the record.
- (2) All records that require to be maintained under these Regulations shall be recorded in permanent and indelible material.
- (3) A person shall not issue the certificate or exemption under these Regulations unless the person is authorised to do so by the Authority.
- (4) A person authorised by the Authority to issue a certificate or exemption, shall not

issue the certificate unless he or she is satisfied that all the statements on the certificate or exemption are correct, and that the applicant is qualified to hold that certificate.

30. Report of violation

A person who has information on the violation of these Regulations shall report the violation to the Authority.

31. Failure to comply with directive.

A person who fails to comply with any directive given to him or her by the Authority or by an authorised officer under these Regulations shall be deemed, to have contravened these Regulations.

32. Aeronautical fees

- (1) The Authority shall issue a written notice of the fees to be charged—
 - (i) in connection with the issue, renewal or variation of the certificate, test, inspection or investigation required for the purposes of these Regulations; and
 - (ii) on all orders, notices or proclamations made under these Regulations.
- (2) The fees paid under these Regulations are not refundable.

Part VI—Offences and Penalties

33. Contravention of regulations

The Authority may suspend or cancel the certificate of a person who contravenes any provision of these Regulations.

Where any of these Regulations are contravened the Director General may, if the Director General thinks fit, provisionally and pending inquiry take action to enforce the Regulations that have been contravened, including (a) the re-examination of the original certification basis; (b) the imposition of monetary penalties for the contravention of Regulations made under section 51 of the Act; (c) the variation, suspension or revocation of a document.

34. Penalties

(1) A person who contravenes any provision of these Regulations, is upon conviction, liable to a fine not exceeding \$5000 Eastern Caribbean Dollars or to a term of imprisonment not exceeding six months or both, and in the case of a continuing contravention, each day of the contravention shall constitute a separate offence.

(2) Where it is proved that an act or omission of any person, which would otherwise have been a contravention of a provision of these Regulations by that person was due to a cause not avoidable by the exercise of reasonable care by that person, the act or omission shall be deemed not to be a contravention of that provision by that person.

35. Appeal

A person aggrieved by any decision made under these Regulations by the Director General or a person appointed by the Minister to conduct the review, shall have the right to appeal against in accordance with section 39 of the Civil Aviation Act.

SCHEDULE 1

Regulations 5, 9(1) and 11(2)

**DIRECTORATE OF SAFETY, SECURITY AND ECONOMIC REGULATION
AIR NAVIGATION SERVICE PROVIDER (ANSP) – APPLICATION FORM**

Section A: Particulars of the applicant

Name of Person/Organisation	
Address.....	
.....	
Location.....	Telephone
No.....	
Fax.....	
E-Mail.....	

Section B: Operational details

Location of proposed operation:	
Service(s) to be provided:	Location and coverage of each service:
Proposed commencement date:	
Daily hours of service:	
Manual of operations Provided <input type="checkbox"/> Yes <input type="checkbox"/> No	

Are facilities installed and operative?

Section C: Declaration

On behalf of

I hereby apply for ECCAA Certification as an ANSP.

Signed:

My authority to Act on behalf of the applicant is:.....

Name of person making the declaration:

Date:/...../.....

Note:

- 1. The application should be submitted to the Eastern Caribbean Civil Aviation Authority, headquarters.*
- 2. On submission of this application, a fee shall be paid to the authority to cover the cost of certification.*
- 3. Documentary evidence in support of all matters in this application may be requested.*

Cross references

Civil Aviation (Air Traffic Services) Regulations, 2024

Civil Aviation (Aeronautical Information Services) Regulations, 2024

Civil Aviation (Aeronautical Meteorology) Regulations, 2024

Civil Aviation (Aeronautical Telecommunications) Regulations, 2024

Civil Aviation (Aeronautical Search and Rescue) Regulations, 2024

Civil Aviation (Aeronautical Charts) Regulations, 2024

Civil Aviation (Construction of Instrument Flight Procedures) Regulations, 2024

Civil Aviation (Security) Regulations, 2021

Made this 26th day of February, 2024



Anthony Whittier
Director General