

**ANTIGUA AND BARBUDA**



**THE CIVIL AVIATION (SECURITY) REGULATIONS, 2012**

**STATUTORY INSTRUMENT**

**2012, No. 22**

*[ Published in the Official Gazette Vol. XXXII No. 63  
dated 15th November, 2012. ]*

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Printed at the Government Printing Office, Antigua and Barbuda,  
by Ralph George, Acting Government Printer  
— by Authority, 2012.

800—11.12

*[ Price \$22.90 ]*



**THE CIVIL AVIATION (SECURITY) REGULATIONS, 2012****ARRANGEMENT****Regulations**

1. Short title
2. Interpretation
3. Purpose of these Regulations

**PART II****SECURITY AUTHORITY AND NATIONAL CIVIL AVIATION SECURITY****PROGRAMME**

4. Appropriate Authority
5. Coordinator for National Civil Aviation Security
6. Responsibilities of the Eastern Caribbean Civil Aviation Authority
7. Aviation Security Inspectorate
8. National Civil Aviation Security Committee
9. National Civil Aviation Security Programme
10. National Civil Aviation Security Quality Control Programme
11. National Civil Aviation Security Training Programme

**PART III****SECURITY PROGRAMMES**

12. Security Programmes
13. Additional requirements for applications
14. Approval of a proposed security programme
15. Contents of an Aerodrome Operator Security Programme
16. Development of Aerodrome Operator Security Programme
17. Approval of Aerodrome Operator Security Programme
18. Development of security measures for aircraft operators
19. Contents of Aircraft Operator Security Programme

20. Approval and implementation of Aircraft Operator Security Programme
21. Contents of a Regulated Agent Security Programme
22. Approval of Regulated Agent Security Programme
23. Contents of a Catering Operator Security Programme
24. Acceptance of Catering Operator Security Programme
25. Changed conditions affecting security
26. Amendment of approved security programme
27. Amendment to approved security programme upon request by the Authority

#### **PART IV**

##### **AERODROME SECURITY**

28. General responsibilities of aerodrome operator
29. Aerodrome security committee
30. Aerodrome operator to provide security and screening officers
31. Employer's responsibility for aviation security officers and aviation screening officers
32. Use of members of the Police Force
33. Requirement to screen persons, carry-on baggage, goods and vehicles
34. Procedure on refusal of person to submit to screening
35. Treatment of unaccompanied goods
36. Security measures of an aerodrome tenant
37. False statements, entries or unauthorised reproductions
38. Access control system
39. Aerodrome operators to establish and use aerodrome identification media system
40. Security of air operations area
41. Aerodrome operator to keep records
42. Evidence of compliance
43. Designation of Aerodrome Security Manager
44. Aerodrome operator to keep map of aerodrome
45. Aerodrome operator to provide Authority and Coordinator with information and map of aerodrome
46. Persons authorised to carry weapons in restricted areas

#### **PART V**

##### **AIRCRAFT OPERATOR SECURITY**

47. Aircraft Operator Security Programme
48. Pre-flight security check or search
49. Screening of passengers and baggage
50. Refusal to submit to screening
51. Separation of passengers
52. Items on board aircraft at transit stops

53. Protection of hold baggage
54. Reconciliation of hold baggage
55. Cargo, mail and other goods
56. Procedures for the carriage of passengers in the custody of escort officers
57. In-Flight Security Officers
58. Carriage of weapons
59. Ground security co-ordinator
60. Training
61. Authority or Coordinator may request information

#### **PART VI**

##### **REGULATED AGENT SECURITY**

62. Responsibilities of a regulated agent
63. Responsibility of the aircraft operator receiving goods from a regulated agent
64. Inspection of goods offered for transport by regulated agent

#### **PART VII**

##### **CATERING OPERATOR SECURITY**

65. Responsibilities of a catering operator
66. Responsibility of the aircraft operator receiving goods from a catering operator
67. Screening of catering supplies and stores offered for transport by air

#### **PART VIII**

##### **SCREENING STANDARDS, EQUIPMENT AND SECURITY CONTROLS**

68. Aviation Security Instructor
69. Aviation Screener Certificate
70. Screener Certification Programme
71. Content of Screener Certification Programme
72. Approved Training Programme
73. Qualifications of screening personnel
74. Internal quality control of screening functions
75. Security controls other than screening
76. Use of X-Ray Systems
77. Use of Explosive Detection System to screen checked baggage
78. Equipment, research and development
79. Prohibited items list
80. Exemption from screening
81. Screening of diplomats and their baggage

**PART IX**

**MANAGEMENT OF RESPONSE TO ACTS OF UNLAWFUL INTERFERENCE**

- 82. Aircraft Operator Contingency Plans
- 83. Aerodrome Operators Contingency Plans
- 84. Approval of Contingency Plans
- 85. Testing of Contingency Plans
- 86. Response to security incidents during screening
- 87. Reporting of security incidents

**PART X**

**MISCELLANEOUS**

- 88. Security risk assessment
- 89. Domestic operations
- 90. Implementing standards
- 91. Security directives
- 92. Confidential security information
- 93. Confidential reporting of security information
- 94. General security compliance
- 95. Offence of non-compliance with Regulations
- 96. Designated provision procedure
- 97. Transitional provisions

**ANTIGUA AND BARBUDA****THE CIVIL AVIATION (SECURITY) REGULATIONS, 2012****2012, No. 22**

**THE CIVIL AVIATION (SECURITY) REGULATIONS** made in exercise of the powers contained in section 49 of the Civil Aviation Act, 2003, No. 25 of 2003.

**1. Short title**

These Regulations may be cited as the Civil Aviation (Security) Regulations, 2012.

**2. Interpretation**

(1) In these Regulations—

“Act” Means the Civil Aviation Act 2003 No. 25 of 2003;

“act of unlawful interference” means an act which seeks to or jeopardizes the safety of civil aviation and air transport, including but not limited to—

- (a) unlawful seizure of an aircraft;
- (b) destruction of an aircraft in service;
- (c) hostage taking on board an aircraft or at an airport;
- (d) forcible intrusion on board an aircraft at an airport or at the premises of an aeronautical facility;
- (e) introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes;
- (f) use of an aircraft in service for the purpose of causing death, serious injury or serious damage to property or the environment; or
- (g) communication of false information so as to jeopardize the safety of aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility;

“aerial work” means the use of an aircraft for any purpose other than commercial air transport, for which an aircraft is flown for hire or reward in respect of the business or purpose of the flight;

“aeronautical facility” means any facility associated with air navigation;

“aircraft operator” means a person that operates an aircraft in commercial air transport service;

“Aircraft Operator Security Programme” means an Aircraft Operator Security Programme established pursuant to regulation 12 (2);

“aircraft operator’s stores” means all items, other than catering supplies, associated with an air carrier’s passenger in-flight services, including newspapers, magazines, headphones, audio and video tapes, pillows and blankets and amenity kits;

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

“aerodrome” means any area of land, water or other supporting surface used, designed, prepared, equipped or set apart for use or designated either in whole or in part for the arrival, departure and surface movement of aircraft and includes any buildings, installations and equipment situated thereon or associated therewith;

“aerodrome operator” means a person who operates an aerodrome in Antigua and Barbuda, holding an aerodrome certificate or other authorization issued pursuant to the Act and regularly serving scheduled, non-scheduled passenger operations, or cargo operations;

“Aerodrome Operator Security Programme” means an Aerodrome Operator Security Programme established pursuant to regulation 12(1);

“aerodrome tenant” means any enterprise that is resident at an aerodrome;

“Aircraft security check” means an inspection of the interior of an aircraft to which passengers may have had access and an inspection of the hold for the purposes of discovering suspicious objects, weapons, explosives or other dangerous devices, articles and substances;

“Aircraft security search” means a thorough inspection of the interior and exterior of the aircraft for the purpose of discovering suspicious objects, weapons, explosives or other dangerous devices, articles or substances;

“Agreement” means the Agreement establishing the Eastern Caribbean Civil Aviation Authority made on the 21st day of October 2003, the text of which is set out in the Eastern Caribbean Civil Aviation Agreement Act 2003, No. 24 of 2003;

“apron” means a defined area, on an aerodrome, intended to accommodate aircraft for the purposes of loading or unloading passengers, mail or cargo, fuelling, parking or maintenance;



“Authority” means the Eastern Caribbean Civil Aviation Authority;

“authorized search” means a search carried out on persons or goods destined to or within a restricted area of an aerodrome, or on board an aircraft, by a designated security officer in such manner and under such circumstances as may be prescribed by existing regulations or by regulations made under the authority of the Act;

“aviation screening officer” means a person who by virtue of his or her training is employed by the aerodrome operator or aircraft operator to carry out aviation security screening duties;

“background check” means a check of a person’s identity and previous experience, including where legally permissible, any criminal history, as part of the assessment of a person’s suitability to implement a security control or for unescorted access to a security restricted area;

“baggage” means personal property of passengers or crew carried on an aircraft by agreement with the aircraft operator;

“cargo” means any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage;

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

“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;

“Coordinator” means the person designated to be the Coordinator for National Civil Aviation Security pursuant to regulation 5 (1);

“commercial air transport” means an undertaking whose business includes the carriage by air of passengers or cargo for remuneration, hire or reward that is not considered aerial work;

“diplomatic bag” means a properly documented sealed bag, briefcase, envelope or other container used to transmit official correspondence, documents, publications and other articles for official use by a state and its diplomatic missions

“Director-General” means the Director-General of Civil Aviation appointed under Article 10 of the Agreement.

“Eastern Caribbean Civil Aviation Authority” means the Eastern Caribbean Civil Aviation Authority (ECCAA) established pursuant to the Agreement establishing the Eastern Caribbean Civil Aviation Authority made on the 21st day of October 2003, the text of which is set out in the Eastern Caribbean Civil Aviation Agreement Act 2003, No. 24 of 2003;

“escort officer” means a person authorized by a State who is trained to accompany persons being removed from that State’s territory;

“exclusive area agreement” means a written agreement between an airport operator and an aircraft operator in which the aircraft operator undertakes to exercise exclusive security responsibility under a security programme for part of an air operations area;

“firearm” has the meaning given to it in the Firearms Act Cap 171;

“foreign aircraft operator” means a person whose air operator certificate is issued and controlled by a civil aviation authority in a State other than Antigua and Barbuda;

“general aviation” means any aircraft flight operation other than for the purpose of business or commercial air transport or aerial work;

“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;

“Implementing Standards” means standards which provide detailed requirements that support the intent of a regulation presented in a Part and, by reference, have the force and effect of the governing regulations;

“in-flight security officer” means a person who is employed and trained by the government of the State of the subject aircraft operator or by the government of another State to travel on an aircraft with the purpose of protecting that aircraft and its occupants against acts of unlawful interference and excludes persons employed to provide exclusive personal protection for one or more specific people travelling on the aircraft, such as personal bodyguards;

“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;

“known consignor” means a consignor who originates cargo or mail for its own account and whose procedures meet common security rules and standards sufficient to allow the carriage of cargo or mail on any aircraft;

“mail” means dispatches of correspondence and other items tendered by and intended for delivery to postal services in accordance with the rules of the Universal Postal Union (UPU);

“mishandled baggage” means baggage involuntarily, or inadvertently, separated from passengers or crew;

“National Civil Aviation Security Programme” means the National Civil Aviation Security Programme established pursuant to regulation 9(1);

“national programme” means the National Civil Aviation Security Programme, National Civil Aviation Training Programme, National Civil Aviation Security Quality Control Programme, where applicable;

“notice to captain” or “NOTOC” means a written notice or a verbal notice which is confirmed in writing to the pilot-in-command, providing information on any passenger, escort officer, in-flight security officer, firearm, or, other person or thing embarked or to be embarked aboard the aircraft under his command, which could present a safety risk;

“participating State” means a State which is party to the Agreement Establishing the Eastern Caribbean Civil Aviation Authority;

“person” means an individual, corporation, company, association, firm, partnership, society, joint-stock company and includes a trustee, receiver, assignee, successor or similar representative of any of them;

“Police Force” means the Royal Police Force of Antigua and Barbuda;

“prohibited item” means an item declared to be prohibited from carriage on commercial air transport aircraft in either—

- (a) carry-on baggage or in the possession of the aircraft’s passengers or crew; or
- (b) checked baggage or cargo;
- (c) pursuant to the Implementing Standards;

“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 authorized by the Authority in respect of cargo, courier and express parcels or mail;

“restricted area” means any area of an aerodrome that is identified as an area to which access is restricted to authorized persons and includes any aircraft or vehicle on that aerodrome;

“scheduled passenger operations” means the provision of a commercial air transport 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;

“security audit” means an in-depth compliance examination of all aspects of the implementation of the National Civil Aviation Security Programme;

“security equipment” means devices of a specialized nature for use, individually or as part of a system, in the prevention or detection of acts of unlawful interference with civil aviation and its facilities;

“security inspection” means an examination of the implementation of relevant National Civil Aviation Security Programme requirements by an aircraft operator, airport operator or other entity involved in security;

“security programme” means an Aerodrome 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;

“security sensitive information” means information related to civil aviation security the disclosure of which would result in an unwarranted invasion of personal privacy; reveal a trade secret or privileged or confidential commercial or financial information; or be detrimental to the security of civil aviation;

“security screening checkpoint” means all points from which access to restricted areas may be gained;

“security survey” means an evaluation of security needs including the identification of vulnerabilities which could be exploited to carry out acts of unlawful interference, and the recommendation of corrective actions;

“security test” means a covert or overt trial of an aviation security measure which simulates an attempt to commit an unlawful act;

“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 III, IV, V and X of these Regulations;
- (b) a facility within a restricted area of an aerodrome accessible to screened persons and set apart to facilitate security control of persons embarking and disembarking aircraft;

“Technical Instructions” means the International Civil Aviation Organization Instructions for the transport of Dangerous Goods by air;

“transfer passenger” means a passenger making direct connection between two different flights;

“unaccompanied baggage” means baggage which is transported as cargo and may or may not be carried on the same aircraft with the person to whom it belongs; and

“unidentified baggage” means baggage at an airport, with or without a tag, which is not picked up or identified with a passenger;

“weapon” means any thing designed, used or capable of inflicting bodily harm or death, and includes a firearm.

(2) In these Regulations words other than the words defined pursuant to sub-regulation (1) have the same meaning as that given to them in the Act.

### **3. Purpose of these Regulations**

(1) The main purpose of the Regulations is to establish a regulatory framework safeguard against unlawful interference with aviation.

(2) These Regulations establish minimum security requirements for civil aviation in Antigua and Barbuda by imposing obligations on persons engaged in civil aviation related activities. In particular, it obliges certain aviation industry participants to develop, and comply with, aviation security programs.

(3) Another purpose of these Regulations is to meet Antigua and Barbuda’s obligations under the Convention on International Aviation (also known as the Chicago Convention).

## **PART II**

### **SECURITY AUTHORITY AND NATIONAL CIVIL AVIATION SECURITY PROGRAMME**

#### **4. Appropriate authority**

(1) The Minister shall be the appropriate authority responsible for the development, maintenance and implementation of the National Civil Aviation Security Programme of Antigua and Barbuda and shall be responsible, *inter alia*, for —

- (a) defining and allocating tasks and coordinating activities between the departments, agencies and other organizations in Antigua and Barbuda, aerodrome and aircraft operators,

- and other entities concerned with or responsible for the implementation of various aspects of the National Civil Aviation Security Programme;
- (b) the implementation of the National Civil Aviation Security Programme by the Government agencies and bodies to which responsibilities have been assigned by the National Civil Aviation Security Programme;
- (c) liaising with the National Civil Aviation Security Committee on all matters of civil aviation security and taking adequate measures to respond to different levels of threats;
- (d) ensuring that the aerodromes have the supporting resources and facilities required for each aerodrome serving civil aviation;
- (e) establishing and implementing procedures to share relevant threat information with other States;
- (f) establishing and implementing procedures to exchange information concerning National Civil Aviation Programmes, training programmes and quality control programmes and other security information with other States in ensuring that inappropriate use or disclosure of such information is avoided.

#### **5. Coordinator for National Civil Aviation Security**

(1) The Minister shall designate a public officer to be Coordinator for National Civil Aviation Security who shall be a person with training or experience in aviation security.

(2) The Coordinator shall assist the Minister in the performance of his functions and shall—

- (a) advise the Minister and the National Civil Aviation Security Committee on matters relating to aviation security;
- (b) subject to the approval of the Minister, develop, maintain and implement the National Civil Aviation Security Programme and the National Civil Aviation Security Training Programme;
- (c) coordinate security measures and procedures with appropriate organizations and agencies; and
- (d) notify the Authority of breaches of these Regulations or non-compliance with approved security programmes.

(3) The Coordinator shall in accordance with these Regulations report on his activities to the Minister and to the Authority.

(4) The Coordinator shall have access to all areas of any aerodrome which is under the control of the Government or a statutory body.

## **6. Responsibilities of the Eastern Caribbean Civil Aviation Authority**

The Authority shall have such functions and powers as may be conferred or imposed on it by the Act or these Regulations and without limiting such functions and powers shall have the power to—

- (a) develop Implementing Standards;
- (b) develop and establish training standards applicable to persons implementing security controls at aerodromes or on behalf of aircraft operators including the screener certification programme;
- (c) conduct security audit tests, surveys and inspections on a regular basis in Antigua and Barbuda and verify compliance with these Regulations and the National Civil Aviation Security Programme to provide for the rapid and effective rectification of any deficiencies;
- (d) enforce the provisions of these Regulations;
- (e) continuously liaise with international regulatory agencies to determine new requirements, threats and preventative security measures for civil aviation; and
- (f) review and approve security programmes in accordance with Part III of these Regulations.

## **7. Aviation Security Inspectorate**

(1) The Authority shall establish an Aviation Security Inspectorate comprised of qualified aviation security inspectors who shall conduct security tests, surveys and inspections in Antigua and Barbuda on a regular basis.

(2) The Aviation Security Inspectorate shall be headed by the Director of Air Navigation Services Division who shall have the delegated authority to issue any certificate, approval or other written document in support of the functions assigned to it and to perform such acts on behalf of the Director General pursuant to these Regulations.

(3) An aviation security inspector shall have all the powers of an inspector appointed pursuant to section 12 of the Act.

(4) Notwithstanding any other requirement governing access control, upon presentation of the appropriate credential, an inspector shall have unrestricted access to any aerodrome, aircraft, or aviation facility located on an aerodrome.

(5) The Authority shall ensure that aviation security inspectors are trained to the appropriate standard in accordance with the National Civil Aviation Security Quality Control Programme.

#### **8. National Civil Aviation Security Committee**

(1) There shall be a National Civil Aviation Security Committee for the purposes of—

- (a) advising Government and the aviation industry on Aviation Security measures required to meet threats to civil aviation and its facilities;
- (b) assigning responsibilities for the implementation of the National Civil Aviation Security Programme and establishing the means of ensuring coordination between the Ministries, Government departments and other relevant agencies for that purpose;
- (c) reviewing and maintaining the effectiveness of the National Civil Aviation Security Programme, the National Civil Aviation Security Quality Control Programme and the National Civil Aviation Security Training Programme including re-evaluating security measures and procedures following an act of unlawful interference and taking such action as may be necessary to remedy weaknesses or vulnerabilities and prevent recurrence of any act of unlawful interference;
- (d) considering recommendations made by the Aerodrome Security Committee relating to a designated aerodrome in Antigua and Barbuda and, where appropriate, recommending changes to the Authority;
- (e) coordinating the exchange and dissemination of information on incidents, threats and appropriate countermeasures relating to aviation security, and
- (f) promoting security consideration in the design of new Aerodromes or the expansion of existing facilities

(2) The National Civil Aviation Security Committee may issue advice not inconsistent with these Regulations to the Minister, and the Minister shall consider and implement such advice where necessary.

(3) The National Civil Aviation Security Committee shall consist of the following members or their designate—

- (a) Permanent Secretary of the Ministry responsible for Civil Aviation as the Chairman;
- (b) the Coordinator for National Civil Aviation Security as Deputy-Chairman;



- (c) the Attorney-General;
- (d) the Commissioner of Police;
- (e) the Comptroller of Customs;
- (f) the Chief Fire Officer;
- (g) the Chief Immigration Officer;
- (h) the Director of the ONDCP;
- (i) the Commander of the Antigua and Barbuda Defence Force;
- (j) a representative nominated by the Airport Authority; and
- (k) a representative nominated by the airline industry.

(4) An official mentioned in sub-regulation (3) shall notify the Chairman in writing of an alternate who shall attend meetings of the National Civil Aviation Security Committee when that official is unable to attend.

(5) The Chairman may invite any other person with specialized knowledge of a matter under consideration by the National Civil Aviation Security Committee to be present at any meeting of the Committee.

(6) Subject to sub-regulation (7) the Committee shall regulate its own procedure.

(7) No less than six members or their representatives of the National Civil Aviation Security Committee, including not less than five of the members referred to in paragraphs (a), (b), (c), (d), (f), and (j) of sub-regulation (3), shall constitute a quorum.

## **9. National Civil Aviation Security Programme**

(1) The Coordinator shall with the approval of the Minister, subject to sub-regulations (2) and (3), establish and implement a National Civil Aviation Security Programme.

(2) A National Civil Aviation Security Programme established pursuant to this regulation shall—

- (a) set out the Government's security policy in respect of civil aviation within Antigua and Barbuda and for aircraft registered in Antigua and Barbuda and provide, through standards and guidelines, the necessary safeguards against acts of unlawful interference;

(b) define and allocate tasks and coordinate activities relating to civil aviation security between the departments, agencies and other organizations of the State, aerodrome operators, air operators and air carriers and other entities concerned with or responsible for responding to threats or acts of unlawful interference within Antigua and Barbuda;

(c) be set out in the manner prescribed in the Implementing Standards.

(3) The Coordinator shall submit a draft National Civil Aviation Security Programme to the Authority for review, prior to submission to the Minister for approval in accordance with sub-regulation (1).

(4) The Coordinator shall make the National Civil Security Programme or relevant parts of the National Civil Aviation Security Programme available to Aerodrome operators, air operators, and other persons as the Coordinator may determine.

#### **10. National Civil Aviation Security Quality Control Programme**

(1) The Coordinator shall with the approval of the Minister, subject to sub-regulations (2) and (3), establish and implement a National Civil Aviation Security Quality Control Programme.

(2) The National Civil Aviation Security Quality Control Programme established pursuant to this Regulation shall be used to determine compliance with and validate the effectiveness of the National Civil Aviation Security Programme and these Regulations.

(3) The National Civil Aviation Security Quality Control Programme shall be set out in the manner prescribed in the Implementing Standards.

#### **11. National Civil Aviation Security Training Programme**

(1) The Coordinator shall, with the approval of the Minister, subject to sub-regulations (2) and (3), establish and implement a National Civil Aviation Security Training Programme.

(2) The National Civil Aviation Security Training Programme established pursuant to this regulation shall ensure that personnel of all entities involved with or responsible for the implementation of various aspects of the National Civil Aviation Security Programme receive training in accordance with standards contained in the programme.

(3) The Coordinator shall submit a draft National Civil Aviation Security Training Programme to the Authority for review, prior to submission to the Minister for approval in accordance with sub-regulation (1)

(4) The National Civil Aviation Security Training Programme shall be set out in the manner prescribed in the Implementing Standards.

**PART III****SECURITY PROGRAMMES****12. Security programmes**

(1) Any person intending to operate an Aerodrome serving international civil aviation in Antigua and Barbuda, after having obtained an Aerodrome certificate, shall first submit for such aerodrome a proposed Aerodrome Operator Security Programme which meets the requirements of these Regulations for acceptance and subsequent approval by the Authority, before operations of such aerodrome may commence.

(2) Any person intending to commercially operate an aircraft registered in Antigua and Barbuda within Antigua and Barbuda or internationally shall first submit to the Authority for its acceptance and subsequent approval a proposed Aircraft Operator Security Programme in respect of the operations, before such operations may commence.

(3) The Air Transport Licensing Board shall submit to the Authority for its acceptance and subsequent approval the relevant parts of the Aircraft Operator Security Programme of an operator applying for an Air Transport Licence pursuant to Part IV of the Act or a Foreign Operator Specific Operating Provision pursuant to the Civil Aviation Regulations before such operations may commence.

(4) Any person intending to operate as a Regulated Agent in Antigua and Barbuda shall first submit to the Authority for acceptance and subsequent approval a proposed Regulated Agent Security Programme before such operations commence.

(5) Any person intending to operate an enterprise or an organisation the purpose of which is the provision of catering supplies and stores for use in commercial air transport, within and through Antigua and Barbuda, shall first submit to the Authority for acceptance and subsequent approval a proposed Catering Operator Security Programme for the operations, before such operations may commence.

(6) The Authority shall submit a Security Programme to the Coordinator for review and recommendations prior to final approval.

(7) A person who wishes the proposed Security Programme under this regulation to be reviewed and accepted by the Authority 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.

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

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

against acts of unlawful interference.

(9) A person shall not operate an Aerodrome, aircraft in commercial air transport or operate as a regulated agent or catering operator under these Regulations unless its Security Programme has been—

- (a) assessed by the Coordinator; and
- (b) approved by the Authority.

### **13. Additional requirements for applications**

(1) Where a person, in accordance with regulation 12, submits a security programme as part of the application for—

- (a) an Aerodrome certificate or other authorisation under the Act or Regulations;
- (b) an air operator certificate; or
- (c) an Air Transport Service Licence or foreign air operator Specific Operating Provision,

That person shall, in addition to meeting the requirements for certification or other authorisation, meet the requirements for the Security Programme under these Regulations.

(2) For the purpose of these Regulations a Security Programme shall be assessed by the Coordinator for adequacy, prior to approval by the Authority.

### **14. Approval of a proposed security programme**

(1) Where the Coordinator is satisfied that a proposed security programme submitted in accordance with regulation 12 meets the requirements of these Regulations and does not conflict with the

National Civil Aviation Security Programme, he may recommend the approval of the proposed security programme to the Authority.

(2) Where the Authority determines that a proposed security programme submitted in accordance with regulation 12, requires modification it may direct the applicant to modify and re-submit the proposed security programme for acceptance by the Authority.

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

### **15. Contents of an Aerodrome Operator Security Programme**

(1) An Aerodrome Operator Security Programme required under regulations 12 and 13 in respect of a certified aerodrome shall be designed to safeguard against acts of unlawful interference and shall include—

- (a) the objective of the security programme;
- (b) a description of the Aerodrome, including a description of the air operations area, the restricted area, and the sterile area of the aerodrome;
- (c) the composition and responsibilities of the Aerodrome security committee;
- (d) details of the security measures at the Aerodrome, including access control systems and perimeter security;
- (e) the duties and responsibilities of persons who are required by the nature of their duties to be resident at the Aerodrome;
- (f) details of the provision of adequate law enforcement support and response;
- (g) details of the aerodrome operator's credentialing and background checks of persons who will have unescorted access privileges to the restricted area of the Aerodrome;
- (h) a description of the security and communication procedures;
- (i) details of the procedures to be followed in response to acts of unlawful interference;
- (j) details of security training for staff;
- (k) the recruitment of staff;

- (1) security measures and procedures for the Air Traffic Control Services at the aerodrome;
- (m) such other matters as may be required by the Authority.

(2) An Aerodrome Operator Security Programme referred to in sub-regulation (1), shall be accompanied by a current scale map of the Aerodrome referred to in regulation 44.

(3) An Aerodrome Operator Security Programme referred to in sub-regulation (1) shall be in the form set out in the Implementing Standards

#### **16. Development of Aerodrome Operator Security Programme.**

In developing an Aerodrome Operator Security Programme referred to in regulation 15, an aerodrome operator shall take into consideration—

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

#### **17. Approval of Aerodrome Operator Security Programme**

(1) Where the Authority accepts a proposed Aerodrome Operator Security Programme in accordance with these Regulations an aerodrome operator shall within 30 days of such acceptance ensure that such Aerodrome Operator Security Programme is implemented and in full operation.

(2) Where an aerodrome operator has implemented the accepted Aerodrome Operator Security Programme, he shall submit a copy of the Security Programme to the Authority and notify the Authority that —

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

(3) Where the Authority is satisfied that the programme implemented in the operations at the Aerodrome and the accepted programme of the aerodrome operator are identical, the programme shall be approved for full operation in commercial air transport operations.

(4) Notwithstanding sub-regulation (3), where the programme implemented in the operations of the aerodrome operator and the accepted programme are not identical, but the differences are within an acceptable level as determined by the Coordinator, the Coordinator may approve such programme subject to a limitation and amendment.

## **18. Development of security measures for aircraft operators**

A proposed Aircraft Operator Security Programme referred to in regulations 12 and 13 shall meet the requirements of the National Civil Aviation Security Programme and shall contain measures to ensure that—

- (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) prohibited items, such as 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 checkpoints at Aerodromes 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 Aerodrome or elsewhere, until it is placed on board an aircraft;
- (i) the baggage of passengers who are not on board the aircraft are not transported unless such baggage are subjected to appropriate security controls, which may include additional screening;
- (j) storage areas are established at Aerodromes 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.

### **19. Contents of Aircraft Operator Security Programme**

(1) In addition to the matters set out in regulation 17 an aircraft operator shall ensure that the Aircraft Operator Security Programme required under regulation 12 contains provisions to meet—

- (a) international obligations; and
- (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 sub-regulation (1), a national aircraft operator shall ensure that its 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; and
  - (ii) the security of crew and crew carry-on and checked baggage;
- (b) procedures for—
  - (i) passenger and checked baggage reconciliation;
  - (ii) ensuring security of the aircraft;
  - (iii) airline catering, stores and supplies;



- (iv) aircraft cleaning operations;
  - (v) cargo, courier, express parcels and mail;
  - (vi) recruitment of staff;
  - (vii) training of staff; and
  - (viii) incident reporting;
- (c) details of contingency planning;
- (d) if performing screening operations, the procedures for screening, the methods and means of performing such screening, and other specifications as required under these Regulations; and
- (e) supervision and performance monitoring procedures to meet the security requirements for aerodrome through which the operator conducts business.

(3) An Aircraft Operator Security Programme referred to in sub-regulation (1) shall include details of how the aircraft operator plans to meet the requirements set out in the Implementing Standards.

## **20. Approval and implementation of aircraft operator security programme**

(1) Upon a proposed Aircraft Operator Security Programme being accepted by the Authority in regulation 12, 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 its accepted Aircraft Operator Security Programme, it shall submit a copy of the Security Programme to the Authority and notify the Authority that it—

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

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

(4) Notwithstanding sub-regulation (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 as determined by the Authority, the Authority may approve such programme subject to a limitation and amendment.

## **21. Contents of a Regulated Agent Security Programme**

(1) A regulated agent shall ensure that the Regulated Agent Security Programme, as required under regulation 12, contains—

- (a) provisions to meet its international obligations;
- (b) provisions to meet the requirement of the National Civil Aviation Security Programme and national obligations under the Act or Regulations made thereunder;
- (c) details concerning meeting the requirements set out in the Implementing Standards in the manner set out therein; and
- (d) procedures for—
  - (i) ensuring the security of its 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 sub-regulation (1), shall be set out in the form specified in the Implementing Standards.

## **22. Approval of Regulated Agent Security Programme**

(1) Upon the Authority accepting the Regulated Agent Security Programme required under regulation 12 the regulated agent shall within 30 days of such acceptance ensure that such programme is implemented and in full operation.

(2) Where the regulated agent has implemented the accepted programme in accordance with sub-regulation (1), it shall—

- (a) submit a copy of the Security Programme to the Authority and notify the Authority that it has implemented the accepted programme; and
- (b) commence operations under such implemented programme once it is approved by the Authority.

(3) Where the Authority is satisfied that the programme implemented in the operations of the regulated agent and the accepted Regulated Agent Security Programme are identical, it 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 sub-regulation (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 as determined by the Authority, the Authority may approve such programme subject to limitations and amendment.

### **23. Contents of a catering operator security programme**

(1) A catering operator shall ensure that the Catering Operator Security Programme, required under regulation 12, contains—

- (a) provisions to meet its international obligations;
- (b) provisions to meet the requirement of the National Civil Aviation Security Programme and the national obligations under the Act or Regulations made thereunder; and
- (c) details of how he plans to meet the requirements set out in the Implementing Standards in the manner set out therein;
- (d) procedures for—
  - (i) ensuring the security of its 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 sub-regulation (1), shall be set out in the manner specified in the Implementing Standards.

### **24. Acceptance of catering operator security programme**

(1) Upon the Authority accepting the Catering Operator Security Programme required under regulation 12, the catering operator shall within 30 days of such acceptance ensure that the programme is implemented and is in full operation.

(2) Where the catering operator has implemented the programme in accordance with sub-regulation (1), it shall notify the Authority that it has implemented the programme; and that it wishes to commence operations under such programme once it is approved by the Coordinator.

(3) Where the Authority is satisfied that the programme implemented in the operations of the catering operator and the accepted catering operator security programme are identical, it 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 sub-regulation (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 as determined by the Authority, the Authority may approve such Catering Operator Security Programme subject to a limitation and amendment.

## **25. Changed conditions affecting security**

(1) Where a Security Programme has been approved in accordance with these Regulations (hereinafter referred to as “an approved Security Programme”), the aerodrome operator, aircraft operator, regulated agent or catering operator where applicable shall follow the procedures set out in sub-regulation (2), where it is determined—

- (a) in respect of an aerodrome operator—
  - (i) any description of the aerodrome area set out in such Aerodrome Operator Security Programme is no longer accurate;
  - (ii) there are changes to the designation of the Aerodrome security manager or the composition of the Aerodrome Security Committee required by these Regulations;
- (b) that any description of its operations no longer accurately describes the procedures, facilities and equipment described in such programme; that the location of equipment and facilities has been changed; or that the procedures, facilities and equipment are no longer adequate.

(2) Whenever a condition described in sub-regulation (1) occurs, the aerodrome operator, aircraft operator, regulated agent or catering operator where applicable shall—

- (a) immediately notify the Authority in writing 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 Authority in accordance with sub-regulation (2)(a), submit for approval in accordance with regulation 26, an amendment to the security programme to bring it into compliance with these Regulations.

## **26. Amendment of approved security programme**

(1) Where an aerodrome operator, aircraft operator, regulated agent or catering operator wishes to amend an approved security programme, the operator shall submit the request for such amendment to the Authority for review at least 30 days before the proposed effective date of intended implementation of the amended approved security programme.

(2) When the Authority is satisfied that the proposed amendment to the security programme provides the level of security required by these Regulations it may approve the proposed amendment.

(3) The Authority shall notify the Coordinator of any proposed amendment to an approved security programme prior to granting approval.

## **27. Amendment of approved security programme by the Authority**

(1) The Authority may require an aerodrome operator, aircraft operator, regulated agent or catering operator to amend its approved security programme, where it is determined that safety and the public interest require the amendment.

(2) Except in an emergency as provided in sub-regulation (5), where the Authority requires an aerodrome operator, aircraft operator, regulated agent or catering operator to amend its approved security programme referred to in sub-regulation (1), the Authority shall notify the aerodrome 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 aerodrome operator, aircraft operator, regulated agent or catering operator.

(3) Subject to sub-regulation (4), following the 30 day notice period and after considering any written responses received during that period, the Authority will issue a final amendment to the aerodrome operator, aircraft operator, regulated agent or catering operator, as appropriate.

(4) Upon receipt of a notice of a proposed amendment under sub-regulation (2), the aerodrome operator, aircraft operator, regulated agent or catering operator may submit an alternative amendment to the approved security programme which meets the intent of the required amendment referred to in sub-regulation (2) for consideration by the Authority.

(5) When the Authority is satisfied that the alternative amendment submitted in sub-regulation (3) would provide an overall level of security equal to that required, it may approve the alternative amendment to the approved security programme.

(6) Where the Authority determines that an emergency exists which requires immediate action that makes the procedure in sub-regulations (2) and (3) impracticable or contrary to the public interest and safety, it may direct the aerodrome operator, aircraft operator, regulated agent or catering operator to deviate in a specified manner from the approved security programme in the area of concern for a period not exceeding thirty days.

(7) The Authority shall notify the Coordinator whenever it requires an airport operator, aircraft operator, regulated agent or catering operator to amend an approved security programme except in the case of an emergency as provided in sub-regulation (6).

## PART IV

### AERODROME SECURITY

#### 28. General responsibilities of aerodrome operator

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

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

#### 29. Aerodrome security committee

(1) An aerodrome operator shall establish an Aerodrome Security Committee to ensure the implementation of any national civil aviation security initiatives that may be required by the Coordinator from time to time.

(2) The terms of reference for the Aerodrome Security Committee shall be as set out in the Implementing Standards.

#### 30. Aerodrome operator to provide aviation security and screening officers

(1) An aerodrome operator shall provide aviation security officers and aviation screening officers, in the number and in a manner adequate to support and carry out the requirements of—

- (a) the Aerodrome Operator Security Programme; and
- (b) each passenger screening system required under these Regulations.

(2) An aerodrome operator shall ensure that each aviation security officer or aviation screening officer who it employs—

- (a) abstains from the consumption of alcoholic beverages or other intoxicating or controlled substances that may impair judgment, vision, cognition, or mobility while on duty at the Aerodrome;
- (b) is readily identifiable by uniform, or displays or carries a badge or other identification of his authority while on duty;

- (c) has completed a training programme that meets the requirements in sub-regulation (7); and
- (d) is certified in accordance with the provisions of Part VIII of these Regulations.

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

(4) An aerodrome operator may request permission from [the Commissioner of Police/the Authority] for an aviation security officer to carry firearms while on duty at the Aerodrome.

(5) An aviation security officer shall, while on duty at an Aerodrome, 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 such offence has been committed.

(6) The training programme referred to in sub-regulation (2) (c) must be approved by the Authority, shall outline training in the subjects specified in sub-regulation (7) and shall meet the training requirements as set out in the Implementing Standards.

(7) The training programme referred to in sub-regulation (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 Police Force under the approved Aerodrome Operator Security Programme; and
- (c) any other area the Authority determines to be necessary.

### **31. Employer responsibility for aviation security officers and aviation screening officers**

(1) An aerodrome operator shall not employ any person as an aviation security officer or aviation screening officer unless that person—

- (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, cargo, and mail; and
- (c) is approved by the aerodrome operator where he is employed by an Aerodrome tenant as an aviation security officer.

(2) An aerodrome 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 office in its employ.

(3) An aerodrome 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 its employ for the duration of the employment and thereafter for a period of one year and shall make available such records for inspection and copying to the Coordinator and the Authority upon request.

### **32. Use of members of the Police Force.**

(1) In cases of emergency where it may be necessary to replace or supplement the number of Aviation Security Officers at an Aerodrome with members of the Police Force or similar entities, the aerodrome operator must ensure that the replacing officers are suitably trained and qualified to perform the duties and functions they are expected to perform.

(2) For the purposes of sub-regulation (1) the Coordinator may make a request to the Commissioner of Police, or other appropriate entity, to approve the assignment of members of the Police Force or other security personnel, as the case may be, to the Aerodrome.

### **33. Requirement to screen persons, carry-on baggage, goods and vehicles**

An aviation security officer or an aviation screening officer shall screen—

- (a) every person seeking entry into the restricted or sterile area of the Aerodrome;
- (b) the carry-on baggage and goods of every person entering the restricted or sterile area of the Aerodrome; and
- (c) every vehicle driven by a person who enters or leaves a restricted or sterile area of the Aerodrome.

### **34. Procedure on refusal of person to submit to screening**

(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.



(2) Where a person refuses to be screened in accordance with sub-regulation (1) that person shall not be permitted to enter the restricted or sterile area, 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.

### **35. Treatment of unaccompanied goods**

Where goods are received at an Aerodrome 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.

### **36. Security measures of an aerodrome tenant**

(1) An Aerodrome tenant shall develop security measures to manage access to restricted areas under its control in accordance with the Aerodrome Operator Security Programme and shall submit the details in writing for the approval of the aerodrome operator. Such security measures shall become part of the Aerodrome Operator Security Programme

(2) An Aerodrome tenant shall ensure that its personnel receive Aerodrome security training or security awareness training as appropriate, in accordance with the approved Aerodrome Operator Security Programme.

(3) An Aerodrome tenant shall not use a person as an aviation security officer unless the person has been subject to a background check as required under regulation 31, received appropriate training as required under regulations 30 and 31, and the employment of such person has been approved by the aerodrome operator.

### **37. False statements, entries or unauthorised reproduction**

A person shall not make, or cause to be made—

- (a) a fraudulent or intentionally false statement in any Aerodrome 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 these Regulations; or
  - (ii) exercise any privileges under these Regulations; and
- (c) a reproduction or alteration of any report, record, security programme, access medium or identification medium issued pursuant to these Regulations without the approval of the aerodrome operator.

### **38. Access control system**

(1) An aerodrome operator shall ensure that the location and function of restricted areas at the Aerodrome are designated and properly defined.

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

(3) An aerodrome operator shall include in his approved Aerodrome 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 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 in the restricted or sterile area of the Aerodrome is required to have on display on his person a valid Aerodrome 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 sub-regulation (e) shall be to the same standard as that required for passengers, pursuant to these Regulations; and
- (g) persons at an Aerodrome are aware of what areas are restricted or sterile areas.

(4) Notwithstanding the screening requirements referred to in sub-regulation (3)(e), the aerodrome operator 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 Aerodrome Operator Security Programme.

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

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

### **39. Aerodrome operators to establish and use aerodrome identification media system**

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

(2) An aerodrome operator shall ensure that all persons working at his aerodrome are issued with an Aerodrome 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 in the restricted or sterile area of the Aerodrome.

(3) An aviation operator shall not issue to any person any identification badge that provides unescorted access to a restricted area unless the person has successfully completed a background check required under regulation 31 and appropriate training in accordance with a curriculum specified in the approved Security Programme of the aerodrome operator.

(4) The curriculum referred to in sub-regulation (3), shall detail the methods of instruction and shall include—

- (a) control, use and display of approved Aerodrome security identification information;
- (b) procedures by aviation security officers, aviation screening officers and members of the Police Force 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 Aerodrome security system or any security system of an Aerodrome tenant to unauthorised persons; and
- (e) any other topic deemed necessary by the aerodrome operator or the Coordinator.

(5) A person shall not use an Aerodrome 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 aerodrome operator.

(6) An aerodrome 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.

(7) The aerodrome operator shall have in place, as part of its approved Security Programme, a system for conducting periodic audits of identification media issued by the Aerodrome operator, a process for tracking lost or stolen identification media, and procedures for control, reissuance and validation of identification media.

#### **40. Security of air operations area**

(1) An operator of an aerodrome serving scheduled passenger operations shall perform the following control functions—

- (a) control the access to each air operations area, including methods for preventing the entry of unauthorised persons and ground vehicles;
- (b) control the movement of persons and ground vehicles within each air operations area including when appropriate, requirements for the display of security identification; and
- (c) detect and take action to control each entry, or attempted entry to an air operations area by a person whose entry is not authorised under its approved Aerodrome Operator Security Programme.

(2) An aerodrome operator is not required to comply with sub-regulation (1), with respect to an exclusive area under the control of the aircraft operator, where the aerodrome operator has established an Exclusive Area Agreement with the aircraft operator when the aerodrome operator is satisfied that the aircraft operator has included the following in his approved aircraft operator security programme—

- (a) a description of the procedure to satisfy the control functions referred to in sub-regulation (1);
- (b) a description of the facilities and equipment, used by the aircraft operator to perform the control functions described in sub-regulation (1); and
- (c) procedures by which the aircraft operator will notify the aerodrome operator when his procedures, facilities, and equipment are not adequate to perform the control functions described in sub-regulation (1).

(3) The Exclusive Area Agreement shall become a part of the Aerodrome Operator Security Programme, and the aerodrome operator is responsible for ensuring that the aircraft operator carries out the requirements for maintaining security as set out in the Exclusive Area Agreement.

**41. Aerodrome operator to keep records**

(1) An aerodrome operator shall ensure that a record is kept of every security incident at its aerodrome.

(2) A record required to be kept in sub-regulation (1), shall—

- (a) be kept for a minimum of 90 days;
- (b) be made available to the Authority or the Coordinator upon request; and
- (c) include the number-
  - (i) and type of prohibited item, such as weapons and incendiary devices, discovered during any 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 Aerodrome;
  - (iv) of actual bombings at the Aerodrome; and
  - (v) of detentions and arrests and the immediate disposition of each person detained or arrested.

**42. Evidence of compliance**

On the request of the Authority an aerodrome operator shall provide evidence of compliance with this Part and its approved Aerodrome Operator Security Programme.

**43. Designation of Aerodrome Security Manager**

(1) An aerodrome operator shall in accordance with his approved Aerodrome Operator Security Programme, designate an officer in its organisation as the Aerodrome Security Manager.

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

(3) An Aerodrome Security Manager shall serve as the primary contact of the aerodrome operator for security-related activities and communications with the Authority and the Coordinator as set forth in the approved Aerodrome Operator Security Programme.

#### **44. Aerodrome operator to keep map of aerodrome**

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

#### **45. Aerodrome operator to provide Authority and the Coordinator with information and map of aerodrome**

(1) The aerodrome operator shall provide the Authority and the Coordinator, on reasonable notice given by the Authority or the Coordinator, with written or electronic records or other information relevant to the security of the Aerodrome, including

- (a) information concerning the method of implementing the security measures that apply to the Aerodrome; and
- (b) a copy of the scale map referred to in regulation 44.

(2) An aerodrome operator shall provide the Authority and the Coordinator with written notice of any new commercial air transportation service that is to commence operations at the Aerodrome no less than 30 days prior to the proposed commencement of service.

#### **46. Persons authorised to carry weapons in restricted areas**

(1) The following persons are authorised to carry a weapon into a restricted area—

- (a) a person performing screening functions on duty who has detected a weapon during screening;
- (b) an aviation security officer if—
  - (i) the weapon has been surrendered for the purpose of being carried in the hold of the aircraft;
  - (ii) the aircraft operator has agreed to carry the weapon in the hold of the aircraft; and
  - (iii) the weapon is carried in such a way that its presence is not apparent to members of the public;
- (c) an aviation security inspector on duty who is lawfully testing the screening system;

- (d) a person who with the written consent of the airport operator, is engaged in controlling wildlife or other animals on the Aerodrome; and
- (e) an aviation security officer or a member of the police force or defence force on duty at the Aerodrome.

## PART V

### AIRCRAFT OPERATOR SECURITY

#### 47. Aircraft operator security programme

An aircraft operator having an approved Aircraft Operator Security Programme shall—

- (a) maintain one complete copy of the approved Aircraft Operator Security Programme at its principal business office in Antigua and Barbuda;
- (b) maintain a complete copy or the pertinent portions of the approved Aircraft Operator Security Programme at each Aerodrome where security screening is being conducted;
- (c) make the documents referred to in paragraphs (a) and (b), available for, inspection upon request by the Authority or the Coordinator; and
- (d) restrict the distribution, disclosure, and availability of security sensitive information only to persons who by their defined roles in the programme are required to have such information for the performance of their functions.

#### 48. Pre-flight security check or search

(1) Before conducting a flight, an aircraft operator must ensure that an aircraft security check of the aircraft is carried out in accordance with sub-regulations (2), (3), (4) and (5)—

- (a) if the flight is the aircraft's first flight since returning to service after maintenance carried out outside the restricted areas of an aerodrome; or
- (b) unless, since the aircraft's previous flight, it has been continuously protected, in the way set out in the Aircraft Operator's Security Programme from unauthorised access.

(2) The checks must include—

- (a) a comprehensive inspection of the interior of the aircraft, including the passenger cabin, seats, overhead baggage lockers, toilets, catering and food preparation areas, flight deck and crew rest stations, and cargo hold;

- (b) an inspection of any unlocked storage facilities in a part of the aircraft mentioned in paragraph (a); and
  - (c) an inspection of the parts of the aircraft's exterior that are reasonably accessible.
- (3) The check of the cargo holds must be done before any cargo is loaded.
- (4) The check of the passenger cabin must be done before any passenger boards the aircraft.
- (5) The check of the baggage compartments must be done before any baggage is loaded.
- (6) Notwithstanding sub-regulations (4) to (5) the Coordinator or the aircraft operator may direct that an aircraft security search instead of a check be carried out if—
- (a) a security risk assessment undertaken by the Coordinator reveals an increased likelihood of an act of unlawful interference being perpetrated upon the aircraft operator or at the Aerodrome;
  - (b) the Coordinator or the aircraft operator has received information of credible threat to aviation security; or
  - (c) the threat level in Antigua and Barbuda has been raised by the Minister.
- (7) An aircraft security search shall require a thorough inspection of the interior and exterior of the aircraft including areas not normally accessible to passengers.
- (8) An aircraft which has been the subject of an aircraft security check or search shall be protected from unauthorised access until its departure.

#### **49. Screening of passengers and baggage**

- (1) An aircraft operator shall conduct screening of—
- (a) originating passengers, transit passengers, transfer passengers and crew travelling on its aircraft;
  - (b) the carry-on baggage belonging to persons referred to in sub-regulation (a);
  - (c) the hold baggage of persons referred to in sub-regulation (a); and
  - (d) any other goods in the hold of the aircraft.



(2) Notwithstanding sub-regulation (1), an aircraft operator may, in writing, authorise the aerodrome operator of the aerodrome from which it operates or any other person to conduct the screening functions set out in its approved Aircraft Operator Security Programme.

(3) In giving an authorisation to an aerodrome operator or any other person referred to in sub-regulation (2), the aircraft operator shall, in writing further instruct such aerodrome operator or person to prohibit any passenger refusing to be screened from entry onto any of its aircraft.

(4) An aircraft operator or an authorised person in sub-regulation (1), shall use the procedures, the facilities and equipment described in its Aircraft Operator Security Programme—

- (a) to prevent or deter the carriage of any prohibited item, such as a weapon or incendiary device, on or about the person or in that person's carry-on baggage and prevent the carriage of any unauthorised prohibited item in checked baggage on aircraft;
- (b) to detect the existence of a prohibited item, such as a weapon or incendiary device, to inspect each person entering a sterile area at each pre-boarding screening checkpoint 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 hold baggage carried on board the aircraft are handled in a manner that prohibits unauthorised access;
  - (iv) conduct additional screening of all unidentified or unaccompanied baggage prior to transport; and
  - (v) conduct an aircraft security check of the aircraft before placing it in service and after it has been left unattended.

## **50. Refusal to submit to screening**

(1) 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 its 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 regulation 49.

(2) A foreign aircraft operator shall not conduct a flight—

- (a) within Antigua and Barbuda 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.

(3) 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 these Regulations, the pilot in command shall—

- (a) refuse to transport such person;
- (b) order that person to disembark the aircraft; and
- (c) order that the hold and cabin baggage of such person be removed from the aircraft.

(4) An aircraft operator shall ensure that screening check point areas are properly secured with properly trained supervisory and non-supervisory personnel in adequate numbers and in accordance with the standards specified in the Aircraft Operator Security Programme.

## **51. Separation of passengers**

(1) Departing passengers screened pursuant to these Regulations shall not mix or come into contact with arriving passengers or other persons who may not have been screened in accordance with these Regulations and the Implementing Standards.

(2) If mixing or contact does take place contrary to sub-regulation (1), the passengers concerned and their cabin baggage shall be re-screened before boarding an aircraft.

## **52. Items on board aircraft at transit stops**

An aircraft operator shall establish measures to ensure disembarking passengers do not leave items on board an aircraft at transit stops.

**53. Protection of hold baggage**

(1) The aircraft operator shall protect hold baggage from unauthorized access from the point at which it is accepted into the care of the aircraft operator until departure of the aircraft on which it is to be carried.

(2) An aircraft operator shall rescreen all hold baggage if it is known or suspected that the integrity of such baggage has been jeopardized by unauthorized access.

**54. Reconciliation of hold baggage**

(1) Subject to sub-regulation (4) an aircraft operator shall not place hold baggage on board an aircraft unless the passenger has checked in and is on board the aircraft.

(2) The aircraft operator shall not place hold baggage on board an aircraft unless that baggage has been screened in accordance with regulation 49.

(3) The aircraft operator shall establish a secure storage area at the Aerodrome where mishandled baggage will be held until forwarded, claimed or disposed of.

(4) An aircraft operator shall not place mishandled baggage on an aircraft without subjecting such baggage to additional screening.

**55. Cargo, mail and other goods**

(1) An aircraft operator shall screen cargo, courier consignments, express parcels and mail intended for carriage on passenger aircraft in accordance with the Aircraft Operator's Security Programme.

(2) An aircraft operator may carry cargo, courier consignments and express parcels and mail on a passenger aircraft without additional security controls if satisfied that the cargo, courier consignments and express parcels or mail is tendered for carriage by a regulated agent in accordance with its approved security programme.

(3) An aircraft operator shall ensure that cargo, courier consignments and express parcels and mail intended to be carried on any passenger aircraft are protected from unauthorized access from the point at which they are accepted into the care of the aircraft operator until departure of the aircraft on which it is to be carried.

(4) An aircraft operator shall rescreen all cargo, courier consignments and express parcels and mail if it known or suspected that their integrity has been jeopardized by unauthorized access.

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

(1) An aircraft operator may carry a passenger who is required to travel in the custody of an escort officer on board an aircraft.

(2) An aircraft operator shall ensure that prior to departure—

- (a) the escort officer, referred to in sub-regulation (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 sub-regulation (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 Aerodrome 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 Aerodrome 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 sub-regulation (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 on board an aircraft pursuant to sub-regulation (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) This Regulation shall not apply to the carriage of passengers under voluntary protective escort.

(6) The pilot-in-command of the aircraft shall be notified of the presence of a passenger under the control of an escort officer on board the aircraft prior to departure by means of a Notice to Captain.

### **57. In-Flight Security Officers**

(1) The Minister may authorise the appointment of members of the Police Force or Defense Force as In-Flight Security Officers who shall receive training as specified in the National Civil Aviation Security Training Programme.

(2) An aircraft operator shall, where directed by the Coordinator, permit and facilitate the carriage of an In-Flight Security Officer on specific flights to prevent—

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

(3) The Minister may by agreement with another State permit the carriage of armed In-Flight Security Officers on board aircraft registered in that State travelling to or from Antigua and Barbuda.

(4) An In-Flight Security Officer under this regulation, where deployed on a flight, shall—

- (a) prevent unauthorised persons from gaining access to the flight deck and prevent hijackings and other acts of unlawful interference 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.

(5) The pilot-in-command shall be notified of the number and seat location of any In-Flight Security Officers on board the aircraft prior to departure by means of a Notice to Captain.

(6) Except as provided in these Regulations the deployment of an In-Flight Security Officer shall be kept confidential.

### **58. Carriage of weapons**

(1) An aircraft operator shall not permit any person to have on or about his person or property, a weapon, either concealed or unconcealed, accessible to him while on board an aircraft.

(2) Sub-regulation (1), shall not apply to In-Flight Security Officers deployed on flights as provided by regulation 57.

(3) A person shall not carry a weapon on or about his person, either concealed or unconcealed, while on board an aircraft operated by an aircraft operator.

(4) An aircraft operator shall not 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) An aircraft operator shall not knowingly permit any person to transport, nor may any person transport or tender for transport, any 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 firearm is in a hard-sided and locked container;
- (c) the hold 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 issued by the State of destination.

(7) The aircraft operator shall ensure that the firearm is inspected by an aviation security officer who is the holder of a firearms licence issued in Antigua and Barbuda to determine that the firearm is not loaded.

(8) The firearm shall be transported to the aircraft in the custody of the aviation security officer who inspected the firearm.

(9) The pilot-in-command of the aircraft shall be notified of the presence of a firearm on board the aircraft prior to departure through a Notice to Captain.

#### **59. Ground security co-ordinator**

(1) An aircraft operator shall assign an appropriately qualified and trained person as a ground security co-ordinator to co-ordinate the ground security duties specified in its approved Aircraft Operator Security Programme.



(2) In applying security measures for the prevention and management of acts of unlawful interference under these Regulations, both the aircraft operator and the aerodrome operator shall ensure that the items in the Implementing Standards and other items prescribed by the Authority from time to time are controlled in the manner specified therein.

#### **60. Training.**

(1) An aircraft operator shall not use any person as a ground security co-ordinator unless, within the preceding 12 months, that person has satisfactorily completed the required security training specified in its approved Aircraft Operator Security Programme.

(2) An 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 these Regulations as specified in its approved Aircraft Operator Security Programme.

#### **61. Authority or Coordinator may request information.**

An aircraft operator or a foreign aircraft operator shall, where the Authority or the Coordinator provides reasonable notice, provide the Authority or the Coordinator with a written or electronic record or other information relevant to the security of its operations, including—

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

### **PART VI**

#### **REGULATED AGENT SECURITY**

#### **62. Responsibilities of a regulated agent**

(1) In order to accept goods for transport on passenger aircraft, a regulated agent shall establish a known consignor programme

(2) A regulated agent prior to accepting goods for transport on board a passenger aircraft shall—

- (a) establish the identity of the known consignor;
- (b) establish the credentials of the person who delivers the goods as an agent of the consignor;



- (c) ensure on the basis of security screening that such goods do not contain any prohibited items;
- (d) ensure the safeguarding of such goods from unauthorised interference after acceptance until tendered to an aircraft operator for transport by air;
- (e) ensure the goods are received by staff who are properly recruited and trained;
- (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; and
  - (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 stating that the goods were screened and do not contain prohibited items of such shipment.

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

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

- (1) An aircraft operator accepting goods from a regulated agent for transport on its aircraft—
  - (a) may conduct screening of such shipments of goods; and
  - (b) shall ensure—
    - (i) the safeguarding of such goods against unlawful interference from the time of acceptance until such goods have been placed in the aircraft;
    - (ii) that the 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.

(2) An aircraft operator shall not accept any goods for transport by aircraft unless the documentation for such goods is examined for inconsistencies and is accompanied by a documentation stating that the goods were screened do not contain any prohibited items.

(3) An aircraft operator shall not 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 the facilities and security procedures of such regulated agent;
- (b) has issued a letter to the regulated agent either accepting or renewing its acceptance as a regulated agent for the purposes of the transport of goods through the aircraft operator; and
- (c) assures the security of the goods in accordance with the procedures approved by the aircraft operator.

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

(5) An aircraft operator shall submit to the Coordinator a report of any incident where an airway bill or equivalent document does not provide an accurate record of the goods being offered for air transport, or where other anomalies, inconsistencies, or suspicious conditions exist relating to a particular shipment.

(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 maintain a current list of its approved regulated agents and which contains a record of the requirements carried out under sub-regulation (3)(a)-(c), and make such list available to the Coordinator and the Authority upon request.

(8) An aircraft operator shall preserve for not less than one year any record of acceptance checklists and inspections carried out under this Part, and make such records available to the Coordinator and the Authority upon request.

#### **64. Inspection of goods offered for transport by regulated agent**

(1) An aircraft operator may screen 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 sub-regulation (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 aircraft operator.

(4) Where an inspection is conducted by an aircraft operator pursuant to sub-regulation (1), the package, container or goods shall remain in possession of the 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 Coordinator in the prescribed form.

## **PART VII**

### **CATERING OPERATOR SECURITY**

#### **65. Responsibilities of a catering operator**

(1) A catering operator prior to accepting raw materials and equipment for preparation as catering supplies for transport by air shall—

- (a) verify and register the name and address of each supplier of such raw materials and equipment;
- (b) verify 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 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; and
- (f) designate a person to implement and supervise the screening process.

(2) A catering operator, before tendering catering stores and supplies to an aircraft operator for transport by air, shall—

- (a) ensure that all catering stores and supplies are not tendered for transport by air unless they have been subjected to screening; and

- (b) ensure that each shipment of catering stores and supplies is accompanied by documentation stating that the catering stores and supplies have been screened and do not contain any prohibited items.

(3) 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 Coordinator upon request, 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.

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

(1) An aircraft operator accepting catering stores and supplies for transport on its aircraft—

- (a) may conduct screening of such shipments of catering stores and supplies; and
- (b) shall ensure—
  - (i) that the catering stores and supplies are secured and have not been tampered with prior to acceptance;
  - (ii) the safeguarding of such catering supplies and stores against unlawful interference or unauthorised access until such catering supplies and stores have been placed in the aircraft;
  - (iii) that the shipments of catering supplies and stores are recorded; and
  - (iv) that whenever the catering supplies and stores are received, such catering supplies and stores are delivered by an authorised employee of the catering operator.

(2) An aircraft operator shall not 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 stating that the supplies and stores have been screened by the catering operator and do not contain prohibited items.

(3) An aircraft operator shall not 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 the facilities and security procedures of such catering operator;

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

(4) An aircraft operator shall require and ensure that its approved catering operator complies with the Technical Instructions.

(5) An aircraft operator shall submit to the Coordinator 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, or where other anomalies, inconsistencies, or suspicious conditions exist relating to particular supplies or stores.

(6) A. 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 maintain a current list of its approved catering operator which contains a record of the requirements carried out under sub-regulation (3)(a)-(c), and make such list available to the Coordinator and the Authority upon request.

(8) An aircraft operator shall preserve for not less than one year any record of acceptance checklists and inspections carried out under this Part, and make such records available to the Coordinator and the Authority upon request.

#### **67. Screening of catering supplies and stores offered for transport by air**

(1) An aircraft operator may screen 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 screening is conducted pursuant to sub-regulation (1), a catering operator or a representative of the catering operator may observe the screening.

(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 screening is conducted by an aircraft operator pursuant to sub-regulation (3), the package, container or catering supplies and stores shall remain in the possession of the aircraft operator until after the screening is complete.

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

## **PART VIII**

### **SCREENING STANDARDS, EQUIPMENT AND SECURITY CONTROLS**

#### **68. Aviation Security Instructor**

(1) A person shall not engage in any programme of aviation security training on behalf of a holder of an approved security programme issued pursuant to these Regulations unless that person is the holder of a valid aviation security instructor certificate issued by the Authority pursuant to these Regulations and any Implementing Standards and the conditions subject to which the certificate was issued are complied with.

(2) A person intending to engage, in any programme of aviation security training on behalf of a holder of an approved security programme issued pursuant to these Regulations may apply to the Authority for an aviation security instructor certificate.

(3) An aviation security instructor certificate shall be in such form, be subject to such conditions and limitations and contain such particulars as may be determined from time to time by the Authority by Implementing Standards.

(4) An aviation security instructor certificate may be suspended or cancelled pursuant to the provisions of Part VIII of the Act.

#### **69. Aviation Screener Certificate**

(1) A person shall not perform screening operations or supervise persons performing screening operations pursuant to an approved security programme unless that person is the holder of an aviation screener certificate issued by the holder of the approved security programme on behalf of the Authority.

(2) An aviation screener certificate shall be issued subject to such conditions as the Director-General sees fit and shall remain in force for the period of two years.

(3) Notwithstanding the provisions of sub-regulation (1) a person may perform screening operations during the on-the-job portion of training provided that the person is closely supervised by the holder of an aviation screener certificate and does not make any independent screening decisions.

(4) A person shall not perform a screening operation after that person has failed an operational test related to that operation, until such person has successfully completed the remedial training specified in the screening certification programme and has passed a re-test related to that operation.

(5) An Aviation Screener Certificate may be suspended or cancelled pursuant to the provisions of Part VIII of the Act.

#### **70. Screener Certification Programme**

The Director-General shall develop and maintain a Screener Certification programme to ensure that persons carrying out screening operations have received training designed to ensure competence in—

- (a) maintaining the integrity of a restricted area;
- (b) using screening equipment;
- (c) the methods and techniques to be used for screening persons, baggage and other goods; and
- (d) dealing with weapons and prohibited items that are detected or surrendered.

#### **71. Content of the Screener Certification Programme**

(1) The Screener Certification Programme shall be set out in the Implementing Standards and shall specify—

- (a) the recruitment, selection and hiring criteria for persons selected to perform screening;
- (b) the medical and physical requirements applicable to persons performing screening operations;
- (c) the requirements for initial and recurrent screener training;
- (d) testing and evaluation methodology;
- (e) the retention of employment records including training records, competency testing and performance appraisals; and
- (f) the form of an aviation screening certificate.

(2) The Authority shall designate suitably qualified persons to conduct such examinations or assessments as may be prescribed in the Screener Certification Programme.

#### **72. Approved Training Programme.**

(1) An applicant for approval of security programme pursuant to Part III of these Regulations who intends to hire, contract or otherwise engage persons to perform screening operations shall submit a training programme to the Director-General for approval.

(2) The Director-General shall assess the training programme and if satisfied that the programme satisfies the requirements of the Screener Certification Programme shall approve the programme.

(3) A person who—

- (a) has completed an approved training programme;
- (b) satisfies any tests or examinations specified by the Director-General;
- (c) satisfies all applicable provisions of the screener certification programme and these Regulations; and
- (d) has not been found to be a security risk based on the results of any background check; shall be issued with an aviation screener certificate.

### **73. Qualifications of screening personnel**

(1) A holder of an approved security programme conducting operations in Antigua and Barbuda shall not employ, contract or otherwise engage a person to perform screening functions unless that person is a citizen or lawful resident of Antigua and Barbuda.

(2) A holder of an approved security programme conducting operations in Antigua and Barbuda shall not use any person to perform any required screening function, unless that person has a combination of education and experience as specified by the Director-General in the Screener Certification Programme.

### **74. Internal quality control of screening functions**

(1) The holder of an approved security programme shall conduct annual evaluation of each person assigned screening duties to determine whether that 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;
- (c) demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions; and
- (d) has not been determined to pose a risk to security as based on the results of any background check.



(2) A person who does not satisfy the requirements of sub-regulation (1) shall not perform screening functions.

(3) At locations outside the participating States where the aircraft operator has operational control over a screening function, it may use aviation security screeners who do not hold an aviation security certificate issued pursuant to these Regulations, provided that the persons performing screening on the aircraft operator's behalf meet the minimum standards for the certification of screeners prescribed by that State.

(4) An aircraft operator shall ensure in locations outside the participating States 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.

#### **75. Security controls other than screening**

(1) The holder of a security programme approved pursuant to these Regulations shall ensure that a person authorised to perform and performing a security related function other than screening on his behalf has knowledge of—

- (a) the provisions of these Regulations and applicable security directives;
- (b) elements of the approved security programme required for the performance of his functions; and
- (c) has received training according to the standards contained in the National Civil Aviation Security Training Programme.

(2) The requirements referred to in sub-regulation (1), shall apply to all security-related functions performed for the holder of a security programme or whether by its employee or an employee of a contractor.

#### **76. Use of X-ray systems.**

(1) A holder of an approved security programme or person authorised to conduct screening on behalf the holder, shall not use an X-ray system within Antigua and Barbuda to inspect carry-on or hold baggage unless specifically authorised under an approved aircraft operator security programme or use such a system contrary to its approved security programme.

(2) A holder of an approved security programme may be authorised by the Coordinator to use X-ray systems for inspecting carry-on or checked baggage under an approved security programme where it shows that—

- (a) its X-ray system complies with the standards for X-ray systems designed primarily for the inspection of cargo, carry-on and hold baggage and meets the performance requirements set out in the Implementing 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 Implementing Standards.

(3) A holder of an approved security programme shall ensure that screening staff comply with the X-ray operator duty time limitations specified in its Aircraft Operator Security Programme.

#### **77. Use of explosive detection system to screen checked baggage.**

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

#### **78. Equipment, research, and development**

(1) The Authority shall continuously promote research and development of new security equipment, processes and procedures which will better achieve the objectives of the National Civil Aviation Security Programme and cooperate with other States in this matter.

(2) Where the Authority has recommended the adoption of new security equipment, processes and procedures in Antigua and Barbuda the Authority shall refer these recommendations to the Minister who may authorize the Director-General to develop new implementing standards, training standards or amendments to the screener certification programme as necessary.

(3) A holder of an approved security programme shall not implement new security equipment, processes and procedures without the prior written approval of the Authority.

#### **79. Prohibited items list**

(1) The Authority shall from time to time publish a list of items which are must never be carried in the cabin of an aircraft.

(2) The Coordinator shall ensure that the list of prohibited items is transmitted to all holders of security programmes in Antigua and Barbuda.

### **80. Exemption from Screening**

(1) The Minister may establish a list of persons or categories of persons who are to be afforded the option of private screening.

(2) The Coordinator shall transmit this list to the aerodrome operators and aircraft operators in Antigua and Barbuda.

(3) The Minister may direct that persons on the list created pursuant to sub-regulation (1) are to be screened if he determines that there is an increased threat to the civil aviation in Antigua and Barbuda.

### **81. Screening of Diplomats and their baggage.**

(1) Subject to the provisions of the Vienna Convention on Diplomatic Relations, diplomats and other privileged persons and their baggage, except for diplomatic bags, shall be subject to screening.

(2) Under normal conditions, diplomatic bags bearing visible external insignia of a State shall not be screened provided that they are sealed and the individual transporting the pouch produces appropriate diplomatic identification and official authorization from the Embassy, Consulate, Mission, International Organisation, or Legation tendering the diplomatic bag for transport.

(3) Where there is a reasonable doubt as to the validity of a diplomatic bag, an aviation security officer or an aviation screening officer may, prior to the carriage of the diplomatic bags on board an aircraft, request to screen a diplomatic bag but the diplomatic bag may be withdrawn from the system without having been screened.

## **PART IX**

### **MANAGEMENT OF RESPONSE TO ACTS OF UNLAWFUL INTERFERENCE**

#### **82. Aircraft Operator contingency plans.**

An aircraft operator shall establish contingency plans in accordance with the Implementing Standards to coordinate the response to threats or acts of unlawful interference of an aircraft at an Aerodrome or in flight.

#### **83. Aerodrome Operator contingency plans.**

An aerodrome operator shall establish contingency plans in accordance with the Implementing Standards to coordinate the response to threats or acts of unlawful interference occurring at an aerodrome or in its vicinity.

**84. Approval of Contingency Plans**

(1) Contingency plans shall be submitted to the Authority for approval.

(2) The Authority shall refer the draft contingency plan to the Coordinator for review prior to approval.

**85. Testing of Contingency Plans**

(1) The Coordinator shall arrange for tests of airport operator contingency plans to take place at regular intervals not exceeding two years.

(2) The tests shall be evaluated by the Authority who shall submit a written report to the Coordinator within thirty days after the conclusion of the test.

**86. Response to security incidents during screening.**

(1) A person authorized to conduct screening activities shall immediately notify the Aerodrome Security Manager or his designate if any of the following is detected at a restricted area access point or any other part of an aerodrome where screening of persons, carry-on baggage or other things in his possession or control, or vehicles under his care and control, is conducted—

- (a) a weapon, other than a firearm allowed pursuant to the powers of a police officer, escort officer or in-flight security officer to carry a firearm while on duty as prescribed in these Regulations;
- (b) an explosive substance, other than an authorised explosive substance or incendiary device allowed by the aerodrome operator and the aircraft operator.

(2) A person authorized to conduct screening activities shall immediately notify the appropriate aircraft operator, the aerodrome operator, the Police Force and the Coordinator when any of the following is detected in checked baggage—

- (a) a loaded firearm;
- (b) an explosive substance or ammunition; or
- (c) an incendiary device or the components.

**87. Mandatory Reporting of Security Incidents.**

(1) An aerodrome operator shall immediately notify the Coordinator when the following incidents occur, namely—

- (a) the discovery, at the aerodrome, of a weapon, other than a weapon or firearm allowed pursuant to the power of a police officer to carry a firearm while on duty;
- (b) the discovery, at the aerodrome, of an explosive substance or an incendiary device, other than an explosive substance or incendiary allowed by the aerodrome operator or the aircraft operator;
- (c) an explosion at the aerodrome, unless the explosion is known to be the result of an accident, or an authorised excavation, demolition, or construction, or the authorised use of fireworks displays;
- (d) a specific threat against the aerodrome; or
- (e) an aviation security incident that involves a member of the Police Force anywhere at the aerodrome.

(2) An Aircraft Operator shall immediately notify the Coordinator when there is—

- (a) a hijacking or attempted hijacking of an aircraft or other act of unlawful interference;
- (b) the discovery, on board an aircraft, of a weapon;
- (c) the discovery, on board an aircraft, of an explosive substance or an incendiary device, other than an authorised explosive substance or incendiary device allowed on board the aircraft by the Aircraft Operator;
- (d) an explosion on an aircraft; or
- (e) a specific threat against an aircraft, a flight or a facility or part of an aerodrome of which it becomes aware.

(3) An aircraft operator shall immediately notify the aerodrome operator when a weapon, other than a firearm allowed pursuant to the power of a police to carry a firearm, is detected in any part of the aerodrome under its control.

(4) The holder of any approved security programme shall inform the Coordinator of any act of unlawful interference or any instance of non-compliance with the approved security programme which is likely to endanger the public.

(5) The Coordinator shall as soon as is reasonably practicable report any incident described in sub-regulation (4) to the Authority.

**PART X****MISCELLANEOUS****88. Security Risk Assessment**

(1) The Authority shall develop and review a methodology for the carrying out of security risk assessments by the Coordinator and law enforcement agencies in Antigua and Barbuda.

(2) A security risk assessment referred to in sub-regulation (1) shall—

- (a) identify all potential security threats, vulnerabilities and exposures;
- (b) measure the degree of actual security risks applicable to each aspect of the proposed operation; and
- (c) make recommendations as to the measures to be employed to reduce such risks.

**89. Domestic Operations**

(1) Except as otherwise provided, these Regulations and Implementing Standards made pursuant to these Regulations shall apply to domestic Aerodromes provided that an aerodrome operator shall notify the Coordinator in writing at least 90 days before the intended commencement of operations.

(2) The Coordinator shall conduct a security risk assessment of the proposed operation to be undertaken in conjunction with all relevant law enforcement agencies in Antigua and Barbuda to determine reasonable measures which are necessary to ensure aviation security.

(3) A report of the risk assessment with recommendations shall be forwarded to the Authority who shall pursuant to section 55 of the Act exempt the proposed operation from such provisions, these Regulations, Implementing Standards or Security Directives as are reasonably practicable to ensure aviation security.

(4) The Authority shall forthwith inform the Minister of any exemption granted under sub-regulation (1).

**90. Implementing Standards.**

(1) The Director-General shall, from time to time, issue the Implementing Standards which are applicable to these Regulations.

(2) Implementing Standards issued pursuant to sub-regulation (1) are legally binding and a contravention of any provision of the Implementing Standards is a contravention of these Regulations.

### **91. Security Directives.**

(1) The Director-General may issue security directives where necessary.

(2) An aerodrome operator, aircraft operator, a regulated agent and catering operator shall comply with a security directive issued pursuant to sub-regulation (1) within the time specified in the directive.

### **92. Sensitive security information.**

(1) Only persons who have a need to know sensitive security information in order to carry out the functions of their employment may have access to sensitive security information, and only to the extent necessary to carry out such functions.

(2) A person may not disclose sensitive security information to persons who do not have a need to know the information.

(3) Each aerodrome operator, aircraft operator, regulated agent, and catering operator shall develop procedures, included in its Security Programme, for the marking, handling and protection of sensitive security information to safeguard such information from unauthorised disclosure.

(4) All employees, contractors, and agents of the aerodrome operator, aircraft operator, regulated agent, and catering operator shall be trained in the procedures for marking, handling and protecting sensitive security information.

(5) Sensitive security information includes —

- (a) an approved national programme and any comments, instructions or implementing guidance pertaining thereto;
- (b) an approved security programme and any comments, instructions or implementing guidance pertaining thereto;
- (c) security directives, information circulars and any comments, instructions or implementing guidance pertaining thereto;
- (d) any profile used in any security screening process, including for persons, baggage or cargo;
- (e) any security contingency plan or information and any comments, instructions, or implementing guidance pertaining thereto;

- (f) technical specifications of any device used for the detection of any deadly or dangerous weapon, explosive, incendiary, or destructive substance;
- (g) a description of, or technical specifications of, objects used to test screening equipment;
- (h) communication procedures and technical specifications of any security communication equipment;
- (j) information concerning threats against civil aviation released by the Authority;
- (j) specific details of aviation security measures whether applied directly by the Authority or the holder of an approved security programme and includes information concerning specific numbers of aviation security officers and aviation security officers, deployments or missions, and the methods involved in such operations;
- (k) any draft, proposed or recommended change to the information and records identified in these Regulations;
- (l) any information contained in a national programme or a security programme;
- (m) any other information, the disclosure of which the Authority has prohibited; and
- (n) any information that the Director-General has determined may reveal a systemic vulnerability of the aviation system or a vulnerability of aviation facilities, to attack.

### **93. Confidential Reporting of Security Information**

(1) The Authority shall establish a system designed to permit the reporting of breaches of these Regulations, threats or other information relevant to aviation security by members of the public including passengers, crew and ground personnel.

(2) The system shall be designed to permit reports to be submitted anonymously or to protect the identity of persons who submit such reports if their identity is known.

### **94. General security compliance.**

(1) A person shall not tamper or interfere with, compromise, modify or attempt to circumvent, or cause a person to tamper or interfere with, compromise, modify or attempt to circumvent any security system, measure, or procedure established under these Regulations.

(2) A person shall not interfere with an aviation security officer or aviation screening officer in the performance of their duties.



(3) A person shall not enter or be present in a restricted area, air operations area, or sterile area without complying with the systems, measures, or procedures being applied to control access to, or presence or movement in, such areas.

(4) A person who has been issued an identification medium issued by an aerodrome operator or other appropriate authority, which provides access to the restricted area or sterile area of an Aerodrome, shall not use such identification medium for any purpose other than to carry out the duties of his employment for which such person was issued the identification medium.

#### **95. Offence of non-compliance with Regulations.**

(1) A person who contravenes any of these Regulations commits an offence and is liable on summary conviction to imprisonment for six months or a fine of \$5000.

(2) Any holder of an approved Security Programme who wilfully or intentionally contravenes any of these Regulations, or who demonstrates an unwillingness or inability to adequately carry out the respective requirements of these Regulations or the holder's approved Security Programme, and whose continued operations are determined by the Authority as posing a threat to civil aviation security shall be subject to the suspension or revocation of the holder's Security Programme approval in accordance with the provisions of Part VIII of the Act.

#### **96. Designated Provision Procedure**

An offence under these Regulations shall be deemed to be a designated provision and may be dealt with in accordance with the procedure set out in section 43 of the Act.

#### **97. Transitional provision**

Notwithstanding any provision of these Regulations, compliance with the provisions of these Regulations shall be required within one hundred and twenty days of the commencement of these Regulations.

Made this 15th day of August, 2012

**Hon. John Maginley,**  
*Minister with responsibility  
for Aviation.*