

ANTIGUA AND BARBUDA



THE CIVIL AVIATION (SECURITY) REGULATIONS, 2021

STATUTORY INSTRUMENT

2021 No. 9

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ANTIGUA AND BARBUDA
THE CIVIL AVIATION (SECURITY) REGULATIONS, 2021

No. 9 of 2021

PART I
PRELIMINARY

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

1. Short title

These Regulations may be cited as the Civil Aviation (Security) Regulations, 2021.

2. Application of Regulations

These Regulations shall apply to all civil aviation security matters in the State of Antigua and Barbuda.

3. Purpose of Regulations

The purpose of these Regulations is—

- (a.) to safeguard and enhance aviation security against acts of violence or unlawful interference by providing for the protection of—
 - (i) aircraft used for civil aviation, and persons and property on board such aircraft;
 - (ii) airports, and persons and property at airports;
 - (iii) air navigation installations which are not part of airports;
- (b.) to regulate the conduct of persons at airports, and persons on board aircraft for the purposes of civil aviation security.
- (c.) to establish a regulatory framework to safeguard against unlawful interference with aviation;

- (d.) to 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 programmes; and
- (e.) to meet Antigua and Barbuda's obligations under the Convention on International Aviation (also known as the Chicago Convention).

4. Definitions

For the purpose of these Regulations, the following definitions shall apply—

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

“act of unlawful interference” means an act or attempted act such as to jeopardize the safety of civil aviation and air transport, including but not limited to—

- (a) unlawful seizure of an aircraft in flight or on the ground;
- (b) destruction of an aircraft in service;
- (c) hostage-taking on board an aircraft or on an aerodrome;
- (a) forcible intrusion on board an aircraft, at an airport or on 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;
- (j) use of an aircraft in service for the purpose of causing death, serious bodily injury, or serious damage to property or the environment;
- (g) communication of false information such as to jeopardize the safety of an 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 an aircraft operation in which an aircraft is used for specialized services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement;

“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 13(1) of these Regulations;

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

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

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

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

"aircraft" means any machine that is capable of deriving support in the atmosphere from reactions of the air, other than a machine designed to derive support in the atmosphere from reactions against the earth's surface (of air expelled from the machine, and includes a rocket or such machine to travel into outer space);

“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 13(2) of these Regulations;

“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;

“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;

"airport" means any area in a participating State which is open for commercial aircraft operations;

“airside” means the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is controlled;

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

“Authority” means the Eastern Caribbean Civil Aviation Authority established under Article 3 of the Eastern Caribbean Civil Aviation Authority Agreement Act, No. 24 of 2003 of Antigua and Barbuda;

“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 an individual’s suitability to implement a security control and/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;

“behaviour detection”, within an aviation security environment, means the application of techniques involving the recognition of behavioural characteristics, including but not limited to, physiological or gestural signs indicative of anomalous behaviour to identify persons who may pose a threat to civil aviation;

“bomb alert” means a status of alert put in place by competent authorities to activate an intervention plan intended to counter the possible consequences arising from a communicated threat, anonymous or otherwise, or arising from the discovery of a suspect device or other suspect item on an aircraft, at an airport or in any civil aviation facility;

“Bomb threat” means a communicated threat, anonymous or otherwise, which suggests, or infers, whether true or false, that the safety of an aircraft in flight or on the ground, or any airport or civil aviation facility or any person may be in danger from an explosive or other item or device;

“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;

"Chicago Convention" means the International Civil Aviation Convention signed at Chicago on 7th December 1944 and the protocols amending the Convention;

“Co-ordinator” means the person designated to be the Co-ordinator for National Civil Aviation Security pursuant to Regulation 6(1);

“commercial air transport” means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;

“Dangerous goods” means articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods which are classified according to those Technical Instructions, document 9284 published by ICAO;

“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 Eastern Caribbean Civil Aviation Authority Agreement Act No. 24 of 2003 of Antigua and Barbuda;

“disruptive passenger” means a passenger who fails to respect the rules of conduct at an airport or on board an aircraft or to follow the instructions of the airport staff or crew members and thereby disturbs the good order and discipline at an airport or on board the aircraft.

“ETD” means Explosive Trace Detection;

“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 of Antigua and Barbuda;

“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;

“Explosive Detection System” or EDS means a technology system or combination of different technologies which has the ability to detect, and so to indicate by means of an alarm, explosive material contained in baggage or other articles, irrespective of the material from which the bag is made;

“Explosive Device Detection System” or EDDS means a technology system or combination of different technologies which has the ability to detect, and so to indicate by means of an alarm, an explosive device by detecting one or more components of such a device contained in baggage or other articles, irrespective of the material from which the bag or article is made;

“Explosive substance” means a solid or liquid substance (or a mixture of substances) which is in itself capable, by chemical reaction, of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings. Included are pyrotechnic substances even when they do not evolve gases. A substance which is not itself an explosive, but which can form an explosive atmosphere of gas, vapour or dust is not included.

“firearm” has the meaning given to it in the Firearms Act CAP 171 of Antigua and Barbuda;

“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 operation” means any aircraft operation other than a commercial air transport operation or an aerial work operation;

“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;

“High-risk cargo or mail”: Cargo or mail presented by an unknown entity or showing signs of tampering shall be considered high risk if, in addition, it meets one of the following criteria –

- (a) specific intelligence indicates that the cargo or mail poses a threat to civil aviation;
or
 - (b) the cargo or mail shows anomalies that give rise to suspicion; or
 - (c) the nature of the cargo or mail is such that baseline security measures alone are unlikely to detect prohibited items that could endanger the aircraft;
- (a) regardless of whether the cargo or mail (a) comes from a known or unknown entity, a State’s specific intelligence about a consignment may render it as high risk;

"hire or reward" means any payment, consideration, gratuity or benefit, directly or indirectly charged, demanded, received or collected by any person for the use of an aircraft – either scheduled or non-scheduled;

"Human Factors principles" means principles which apply to design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human performance;

"Human performance" means human capabilities and limitations which have an impact on the safety, security and efficiency of aeronautical operations;

"ICAO" means the International Civil Aviation Organisation;

"in-flight security officer" means a person who is authorized by the government of the State of the Operator and the government of the State of Registration to be deployed on an aircraft with the purpose of protecting that aircraft and its occupants against acts of unlawful interference. This 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;

"Landside" means those parts of an airport, adjacent terrain and buildings or portions thereof that are not airside, as identified by States and relevant entities in their security programmes;

"MANPAD" means Man-Portable Air Defence Systems;

"mail" means all postal items tendered by and intended for delivery to designated postal operators to operate the postal service in accordance with the Universal Postal Union Acts;

"Minister" means the Minister responsible for the regulation of Civil Aviation;

"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 10(1) of these Regulations;

“national programme” means the National Civil Aviation Security Programme, National Civil Aviation Security Training Programme, National Civil Aviation Security Quality Control Programme, National Air Transport Facilitataion 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;

“pilot-in-command” means the pilot designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of a flight.

“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;

“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;

“sabotage” means an act or omission, intended to cause malicious or wanton destruction of property, endangering or resulting in unlawful interference with civil aviation and its facilities;

“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 identify and/or detect weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference;

"search" means a search carried out under the Act for the purpose of aviation security in such a manner and such circumstances as may be prescribed by regulations;

"Security" means safeguarding civil aviation against acts of unlawful interference. This objective is achieved by a combination of measures and human and material resources;

"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 written measures adopted to safeguard international civil aviation against acts of unlawful interference;

"Security restricted area" means those areas of the airside of an airport which are identified as priority risk areas where, in addition to access control, other security controls are applied. Such areas will normally include, inter alia, all commercial aviation passenger departure areas between the screening checkpoint and the aircraft, the ramp, baggage make-up areas, including those where aircraft are being brought into service and screened baggage and cargo are present, cargo sheds, mail centres, airside catering and aircraft cleaning premises;

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

"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 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 the area between any passenger inspection or screening checkpoint and aircraft into which access is strictly controlled;

“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 baggage tag, which is not picked up by or identified with a passenger;

“unpredictability” means the implementation of security measures in order to increase their deterrent effect and their efficiency, by applying them at irregular frequencies, different locations and/or with varying means, in accordance with a defined framework;

“unruly passenger” means a person who commits, on board a civil aircraft, from the moment when the aircraft door is closed prior to take-off to the moment when it is reopened after landing, an act of—

- (a) assault, intimidation, menace or willful recklessness which endangers good order or the safety of property or persons;
- (b) assault, intimidation, menace or interference with a crew member in the performance of duties or which lessens the ability to perform duties;
- (c) willful recklessness or damage to an aircraft, its equipment, or attendant structures and equipment such as to endanger good order and the safety of the aircraft or its occupants;
- (a) communication of information, which is known to be false, thereby endangering the safety of an aircraft in flight; and
- (e) disobedience of lawful commands or instructions for safe, orderly or efficient operations;

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

PART II**SECURITY AUTHORITY AND NATIONAL CIVIL AVIATION SECURITY PROGRAMME****5. Appropriate authority**

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;
- (a) ensuring that the aerodromes have the supporting resources and facilities required for each aerodrome serving civil aviation;
- (e) establishing and implementing policies and procedures to adjust relevant elements of Antigua and Barbuda National Civil Aviation Security Programme, based upon a security risk assessment carried out by the relevant national authorities;
- (j) ensuring that the level and nature of threats to civil aviation within Antigua and Barbuda is kept under constant review;
- (g) 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;
- (h) ensuring in accordance with the security risk assessments carried out by the Co-ordinator and appropriate organizations and agencies to include but not limited to law enforcement agencies in Antigua and Barbuda) that appropriate measures are developed in Antigua and Barbuda to protect the confidentiality, integrity and

availability of critical information and communications technology systems and data used for civil aviation purposes from interference that may jeopardize the safety of civil aviation; and

- (i) ensuring that the entities involved with or responsible for the implementation of various aspects of the National Civil Aviation Security Programme in Antigua and Barbuda identify their critical information and communications technology systems and data, including threats and vulnerabilities thereto, and develop and implement protective measures to include security by design, supply chain security, network separation, and remote access control, as appropriate.

6. Co-ordinator for National Civil Aviation Security

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

(2) The Co-ordinator 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, the National Civil Aviation Security Training Programme, the National Air Transport Facilitation Programme and the National Civil Aviation Quality Control Programme;
- (c) co-ordinate security measures and procedures with appropriate organizations and agencies;
- (a) carry out security risk assessments with appropriate organizations and agencies to include but not limited to law enforcement agencies;
- (e) notify the Authority of breaches of these Regulations or non-compliance with approved security programmes;
- (j) be responsible for the certification of aviation security screeners; and
- (g) be responsible for ensuring that any person who performs screening operations or any person who supervises screening operations is a holder of a valid aviation screener certificate;
- (h) conduct security quality control through audits, tests, 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.

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

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

7. Responsibilities of The Eastern Caribbean Civil Aviation Authority

(1) 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 and establish training standards applicable to persons implementing security controls at aerodromes or on behalf of aircraft operators excluding the screener certification programme which said screener certification programme the Authority shall only be responsible to review and approve as is necessary;
- (b) conduct security oversight through audits, tests, and inspections on a regular basis in Antigua and Barbuda and verify compliance with these Regulations and the National Civil Aviation Security Programme;
- (c) carry out monitoring activities in Antigua and Barbuda and to exercise enforcement powers so in order to ensure compliance with aviation security legislation, monitor the effectiveness of the National Civil Aviation Security Programme, and to verify that corrective actions rectify identified deficiencies;
- (a) continuously liaise with international regulatory agencies to determine new requirements, threats and preventative security measures for civil aviation; and
- (e) review and approve security programmes in accordance with Part III of these Regulations.

(2) The Authority shall be responsible for the certification of aviation security instructors.

(3) The Authority shall provide civil aviation security oversight of Antigua and Barbuda so that quality control mechanisms are effective and consistently implemented to ensure the continued proficiency of certified aviation security instructors.

(4) The Authority shall be responsible for the approval of security screening equipment in Antigua and Barbuda.

8. Aviation Security Inspectorate

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

(2) 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.

(3) 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.

(4) Save and except the enforcement powers of the Director General, which powers by virtue of section 13(2) of the Act shall be incapable of delegation, the Director of Air Navigation Services Division shall have the power to perform such acts on behalf of the Director General pursuant to these Regulations including the power to appoint aviation security inspectors.

(5) Aviation security inspectors shall be appointed by the Authority for the purpose of conducting such security audits, tests and inspections.

(6) A person authorized in writing by the Authority to conduct such security audits, tests and inspections may, at any reasonable time, and upon presentation of the appropriate credentials issued by the Authority, shall have free, unrestricted and uninterrupted access to any aerodrome, aircraft, or aviation facility located on an aerodrome, or any land and area outside the airport used by businesses that operate outside the airport.

(7) Aviation security inspectors shall have the right of access at all reasonable times—

- (a) to any aerodrome for the purpose of inspecting the aerodrome or any aircraft on the aerodrome or any document which the Director General may, in terms of these Regulations, demand, or for the purpose of detaining the aircraft;
- (b) to any place, whether public or private, where an aircraft is located for the purpose of inspecting the aircraft or any document which it or such person has power, in terms of these Regulations, to demand or for the purpose of detaining the aircraft;
- (c) to any aircraft, for the purpose of checking, whilst in flight, the performance of the aircraft or any of its equipment and the efficiency of flight crew members in the performance of their duties.
- (a) to take into an airport, airside area, any designated security restricted area or any businesses and use any equipment necessary to carry out their duties, including radios, cameras, recording devices (both audio and video) and specially authorized

restricted or prohibited articles, such as replica weapons or simulated explosive devices.

(8) An aviation security inspector may inspect and copy any document issued pursuant to the Civil Aviation Regulations.

(9) A person shall not obstruct, impede or otherwise interfere with the copying of the documents referred to in sub-regulation (8) by an aviation security inspector.

(10) A person involved or participating in an aviation activity shall, within a specific time after being instructed to do so by an aviation security inspector, cause to be produced to the inspector the documents which he is required to have, carry, complete or preserve during the course of his activities.

(11) The holder of a civil aviation document issued under the Civil Aviation Regulations shall, within a reasonable time after being requested to do so by an aviation security inspector, cause the document to be produced to the inspector.

9. 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;
- (a) 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

- (j) 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.) the Permanent Secretary as the Chairman;
- (b.) the Co-ordinator 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.) a representative nominated by the airline industry; and
- (i.) the managers of aerodromes serving civil aviation.

(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), (e), (h), and (i) of sub-regulation (3), shall constitute a quorum.

10. National Civil Aviation Security Programme

(1) The Co-ordinator 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 ICAO Aviation Security Manual, Doc 8973.

(3) The Co-ordinator 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 Co-ordinator 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 Co-ordinator may determine.

11. National Civil Aviation Security Quality Control Programme

(1) The Co-ordinator 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 these Regulations 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 ICAO Aviation Security Manual, Doc 8973.

12. National Civil Aviation Security Training Programme

(1) The Co-ordinator 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 these Regulations 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 Co-ordinator shall submit a draft National Civil Aviation Security Training Programme to the Authority for review and recommendations, 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 ICAO Aviation Security Manual, Doc 8973.

PART III

SECURITY PROGRAMMES

13. Security Programmes

(1) Any person intending to operate an Aerodrome serving 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 the Authority's 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 review a Security Programme submitted by the Co-ordinator and shall give its recommendations relating to such Programme which said recommendations shall be complied with, before any final approval may be granted by the Authority.

(7) A person who wishes the proposed Security Programme under these Regulations to be reviewed and accepted by the Authority shall—

- (a) submit such Security Programme in writing at least ninety (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 and sabotage.

(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 Co-ordinator; and
- (b) approved by the Authority.

14. Additional requirements for applications

(1) Where a person, in accordance with Regulation 13, submits a security programme as part of the application for—

- (a) an Aerodrome Certificate or other authorisation under the Act or Regulations; or
- (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 Co-ordinator for adequacy, prior to approval by the Authority.

15. Approval of a proposed security programme

(1) Where the Co-ordinator is satisfied that a proposed security programme submitted in accordance with Regulation 13 meets the requirements of these Regulations and does not conflict with the National Civil Aviation Security Programme, he shall 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 13 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 these Regulations 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.

16. Contents of an Aerodrome Operator Security Programme

(1) An Aerodrome Operator Security Programme required under regulations 13 and 14 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;

- (a) details of the security measures at the aerodrome, including access control systems and perimeter security;
- (c) the duties and responsibilities of persons who are required by the nature of their duties to be resident at the aerodrome;
- (j) 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;
- (l) 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 47.

(3) An Aerodrome Operator Security Programme referred to in sub-regulation (1) shall be in the form set out in the ICAO Aviation Security Manual, Doc 8973.

17. Development of an Aerodrome Operator Security Programme

In developing an Aerodrome Operator Security Programme referred to in regulation 16, 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.

18. Approval of an 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 thirty (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 security 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 Authority, the Authority shall review the programme and may approve it, subject to a limitation and amendment.

19. Development of security measures for aircraft operators

A proposed Aircraft Operator Security Programme referred to in regulations 13 and 14 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;

- (a) 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;
- (c) adequate measures are taken to ensure that during flight unauthorised persons are prevented from entering the flight crew compartment;
- (j) 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;
- (i) 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.

20. Contents of Aircraft Operator Security Programme

(1) In addition to the matters set out in regulation 18, an aircraft operator shall ensure that the Aircraft Operator Security Programme required under regulation 13 contains provisions to meet—

- (a) international obligations;
- (b) the provisions of the ICAO Aviation Security Manual, Doc 8973; and
- (c) 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;
- (a) 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.

21. Approval and implementation of Aircraft Operator Security Programme

(1) Upon a proposed Aircraft Operator Security Programme being accepted by the Authority in regulation 13, the aircraft operator shall, within thirty (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, the Authority 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.

22. Contents of a Regulated Agent Security Programme

(1) A regulated agent shall ensure that the Regulated Agent Security Programme, as required under regulation 13, 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; and

- (c) details concerning meeting the requirements set out in the Implementing Standards in the manner set out therein;
- (a) 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.

23. Approval of a Regulated Agent Security Programme

(1) Upon the Authority accepting the Regulated Agent Security Programme required under regulation 13, 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, the Authority 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.

24. Contents of a Catering Operator Security Programme

(1) A catering operator shall ensure that the Catering Operator Security Programme, required under regulation 13, contains—

- (a.) provisions to meet its international obligations;
- (b.) provisions to meet the requirements of the National Civil Aviation Security Programme and the national obligations under the Act or Regulations made thereunder;
- (c.) details of how he plans to meet 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 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.

25. Acceptance of Catering Operator Security Programme

(1) Upon the Authority accepting the Catering Operator Security Programme required under regulation 13, the catering operator shall within thirty (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 Co-ordinator.

(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.

26. Air Navigation Service Providers Security programme.

An Air Navigation Service Provider shall—

- (a) develop, implement and maintain a security programme on the security of their facilities;
- (b) train staff in response to acts of unlawful interference in accordance with the National Civil Aviation Security Programme and the ICAO Doc 9985-Air Traffic Management Security Manual;
- (c) submit the security programme to the authority for approval; and
- (a) review the security programme once every two years and submit the revised programme to the authority for approval prior to implementation.

27. Contents of an Air Navigation Service Provider Security Programme

(1) An Air Navigation Service Provider Security Programme required under part III shall include the provisions to meet—

- (a) its international obligations;
- (b) national obligations under the Act or Regulations made thereunder;
- (c) the requirement of the National Civil Aviation Security Programme;
- (a) develop measures in order to protect information and communication technology systems used for civil aviation purposes from interference that may jeopardize the safety of civil aviation under Regulation 97.

(2) An air navigation services provider shall within thirty days of approval of its security programme ensure that the programme is implemented and in full operation.

28. 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 director 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;
 - (c) that the location of equipment and facilities has been changed; or
 - (a) 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 thirty (30) days after notifying the Authority in accordance with sub-regulation (2)(a), submit for approval in accordance with regulation 27, an amendment to the security programme to bring it into compliance with these Regulations.

29. Amendment of an 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 thirty (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 Co-ordinator of any proposed amendment to an approved security programme, prior to granting approval.

30. Amendment of an 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 in writing notify the aerodrome operator, aircraft operator, regulated agent, or catering agent of the required amendment and allow a period of thirty (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 thirty (30) day notice period and after considering any written responses received during that period, the Authority shall 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 (4) 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 (30) days.

(7) The Authority shall notify the Co-ordinator, 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****31. General responsibilities of an 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 Co-ordinator 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 in order to assess the adequacy of the security measures.

32. 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 Co-ordinator from time to time.

(2) The terms of reference for the Aerodrome Security Committee shall be as set out in the ICAO Aviation Security Manual, Doc 8973.

33. 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

(a) 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 for a duly certified 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 and 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.

34. 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 Co-ordinator and the Authority upon request.

35. 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 shall 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 Co-ordinator 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.

36. 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.

37. 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—

- (i) not be permitted to enter the restricted or sterile area;
- (ii) be ordered to leave the restricted or sterile area; and
- (iii) 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—

- (i) order that person to disembark the aircraft; and
- (ii) remove the carry-on baggage, goods or checked baggage belonging to that person.

38. Treatment of unaccompanied baggage

(1) Baggage accepted as cargo by the aircraft operator shall be treated as unsecure cargo, transported with an air waybill, and shall be subjected to appropriate security controls, which shall include (but not be limited to) screening, prior to loading.

(2) All unidentified baggage shall be treated as suspect and handled in accordance with the procedures established in the National Civil Aviation Security Programme.

(3) No unidentified baggage shall be transported by air, unless—

- (a) a definite link can be established with a passenger who travelled and has made a missing baggage claim; and
- (b) the baggage has been subjected to appropriate screening. Such screening shall include security controls designed to ensure that the baggage has not been tampered with and that no unauthorized access occurred from the time it was originally screened to the time it was recovered.

(4) If a passenger fails to board a flight, or disembarks before departure, the passenger's baggage shall be offloaded from the aircraft and either—

- (a) directed to another flight on which the passenger is scheduled to travel, thereby re-establishing its status as accompanied baggage; or
- (b) subjected to appropriate screening before carriage, provided the offloading was a consequence beyond the passenger's control.

(5) If a passenger travels as intended, but his baggage fails to make the flight because of a major disruption to airport operations or an unplanned operational constraint, and becomes unaccompanied, the history of the baggage from the point of check-in (that is to say, its provenance) may constitute an acceptable means of security control.

(6) Provenance shall only be considered an acceptable means of security control, in circumstances where—

- (a) appropriate security measures are in place; and
- (b) when the known circumstances are clearly beyond a passenger's control such as where—
 - (i) the baggage missed the intended flight because of an unforeseen delay during its transfer between flights or a technical factor such as the breakdown of the baggage system or a handling error; or
 - (ii) the baggage was inadvertently placed on the wrong aircraft by the aircraft operator's ground crew or its ground handling agent; or
 - (iii) a passenger was denied boarding because of overbooking by the aircraft operator, but not a passenger who volunteered to give up his seat as a result of overbooking; or
 - (iv) a passenger was repositioned on another flight by the aircraft operator as a result of a major disruption to operations caused by a natural event such as adverse weather conditions.

(7) If an aircraft operator is able to establish the precise circumstances behind the unaccompanied baggage and can ascertain that there is no possibility that the separation was contrived by the passenger or an accomplice, the application of provenance may be appropriate.

(8) In applying provenance as a security control, the aircraft operator shall establish that the passenger did in fact travel on the flight for which he checked in or, alternatively, was repositioned on a different flight or re-routed solely at the prerogative of the aircraft operator and not at the passenger's request.

(9) The circumstances pertaining to unaccompanied baggage shall be recorded in an audit trail by a trained and authorized employee of the aircraft operator or its contracted agent, before the baggage is loaded onto an aircraft.

(10) An aircraft operator accepting unaccompanied baggage from another operator shall first obtain a written record of the security controls and screening applied to the transferred baggage, and a history of the passenger's travel itinerary and baggage claim report, before accepting it for onward carriage.

(11) Unless unaccompanied baggage has been previously screened to the required standard and has become separated from its owner as a result of factors clearly beyond the passenger's control, all unaccompanied hold baggage (both originating and transfer) shall be screened by one of the following methods—

- (a) EDS;
- (b) advanced technology, where the images of all baggage are viewed by an X-ray operator;
- (c) conventional X-ray equipment, with each item of baggage viewed from two different angles by the same operator at the same screening checkpoint;
- (a) manual search, supplemented by the use of ETD equipment on open baggage; or
- (e) other methods approved by the Authority, such as a canine team.

(12) The most commonly used and recommended screening methods for air cargo and mail shall also be considered when unaccompanied baggage is to be subjected to screening; such screening methods shall include—

- (a) visual check (VCK);
- (b) physical inspection/hand search (PHS);
- (c) conventional X-ray (XRY)—
 - (i) single view;

- (ii) multi view; and
- (iii) neutron scanner;
- (a) algorithm-based X-ray (EDS)—
 - (i) single view;
 - (ii) multi view;
 - (iii) computed tomography; and
 - (iv) diffraction;
- (e) cargo metal detection (CMD);
- (j) explosives trace detection (ETD)—
 - (i) particles; and
 - (ii) vapour; and
- (g) explosives detection dogs (EDD);
- (h) free running (FREDD); and
- (i) remote explosives scent tracing (REST).

39. 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 34, received appropriate training as required under regulations 33 and 34, and the employment of such person has been approved by the aerodrome operator.

40. 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.

41. 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;
- (a) 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 the areas that 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 and unpredictable basis depending on the risk assessment, 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.

42. 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 carry and display such identification permit on their person at all times while in the restricted or sterile area of the aerodrome.

(3) An aerodrome 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 34, and appropriate training in accordance with a curriculum specified in the approved Aerodrome Operator 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;
- (a) 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 Co-ordinator.

(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 six (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.

43. Landside security & security of operations area

(1) The Minister shall ensure that landside areas of Antigua and Barbuda airports are properly identified and shall establish and implement security measures for those areas in order to mitigate the risk of and to prevent acts of unlawful interference and sabotage, in accordance with risk assessments.

(2) The Minister shall ensure that the security measures established and implemented, pursuant to sub-regulation (1), are effected through co-ordination (initial and continued) between relevant departments, agencies, other organizations of Antigua and Barbuda and other entities and shall identify appropriate responsibilities for landside security in Antigua and Barbuda National Civil Aviation Security Programme.

(3) 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.

(4) An aerodrome operator shall not be required to comply with sub-regulation (3), 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 (3);
- (b) a description of the facilities and equipment, used by the aircraft operator to perform the control functions described in sub-regulation (3); 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 (3).

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

44. 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 ninety (90) days;
- (b) be made available to the Authority or the Co-ordinator 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.

45. 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.

46. Designation of Aerodrome Director of Security

(1) An aerodrome operator shall, in accordance with his approved aerodrome operator security programme, designate an officer in its organisation as the Aerodrome Director of Security.

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

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

47. 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.

48. Aerodrome operator to provide authority and the co-ordinator with information

(1) The aerodrome operator shall provide the Authority and the Co-ordinator, 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 47.

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

49. Persons authorised to carry weapons into restricted areas

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;
- (a) a person who, with the written consent of the airport operator, is engaged in controlling wildlife or other animals at the aerodrome; and
- (e) a duly certified aviation security officer pursuant to these Regulations or a member of the Police Force, Defence Force, ONDCP, Customs, Immigration or any other Law Enforcement Agencies on duty at the aerodrome.

PART V

AIRCRAFT OPERATOR SECURITY

50. 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 Co-ordinator; and
- (a) 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.

51. Pre-flight security check or search

(1) Before conducting a flight, an aircraft operator shall 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 shall 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 shall be done before any cargo is loaded.

(4) The check of the passenger cabin shall be done before any passenger boards the aircraft.

(5) The check of the baggage compartments shall be done before any baggage is loaded.

(6) Notwithstanding sub-regulations (4) and (5), the Co-ordinator 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 Co-ordinator reveals an increased likelihood of an act of unlawful interference being perpetrated upon the aircraft operator or at the aerodrome;
- (b) the Co-ordinator 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.

52. 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 paragraph (a);
- (c) the hold baggage of persons referred to in paragraph (a); and
- (a) 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.

53. 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 52.

(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

(*t*) 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 served with properly trained supervisory and non-supervisory personnel in adequate numbers and in accordance with the standards specified in the Aircraft Operator Security Programme.

54. 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.

55. 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.

56. 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 re-screen all hold baggage if it is known or suspected that the integrity of such baggage has been jeopardized by unauthorized access.

57. 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 52.

(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.

58. 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 re-screen all cargo, courier consignments and express parcels and mail, if it known or suspected that their integrity has been jeopardized by unauthorized access.

59. 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
- (a) 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.

60. In-Flight Security Officers

(1) The Minister may authorise the appointment of members of the Police Force or Antigua and Barbuda Defence 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 Co-ordinator, 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.

61. 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 60.

(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 shall 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
- (a) 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 a police 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 and the police 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.

62. 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.

63. Training

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

64. Authority or Co-ordinator may request information

An aircraft operator or a foreign aircraft operator shall, where the Authority or the Co-ordinator provides reasonable notice, provide the Authority or the Co-ordinator 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

65. 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;
- (a) 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;

- (j) 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 Co-ordinator, on demand, shipping documents, records of goods accepted and offered for air transport, employee training records and airway bills.

66. Responsibilities 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 documentation stating that the goods 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 twelve (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 Co-ordinator 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 Co-ordinator and the Authority upon request.

(8) An aircraft operator shall preserve for not less than one (1) year any record of acceptance checklists and inspections carried out under this regulation and make such records available to the Co-ordinator and the Authority upon request.

67. Screening 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 Co-ordinator in the prescribed form.

PART VII

CATERING OPERATOR SECURITY

68. 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;
- (a) 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
- (j) 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 Co-ordinator, 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.

69. Responsibilities 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 twelve (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 Co-ordinator 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) An aircraft operator, except as provided in the Technical Instructions, shall not place in an aircraft any catering supplies and stores that are not acceptable.

(7) An aircraft operator shall 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 Co-ordinator and the Authority upon request.

(8) An aircraft operator shall preserve, for not less than one (1) year, any record of acceptance checklists and inspections carried out under this Part and make such records available to the Co-ordinator and the Authority upon request.

70. Screening of catering supplies and stores

(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 Co-ordinator in the prescribed form.

PART VIII

SCREENING STANDARDS, EQUIPMENT AND SECURITY CONTROLS

71. Aviation security instructor

(1) Aviation security instructors shall be trained by the Authority.

(2) Prior to being authorized, through certification granted by the Authority, to give aviation security instruction, aviation security instructors shall obtain a certificate from the Authority as proof that they have obtained the necessary knowledge.

(3) 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—

(a) is the holder of a valid aviation security instructor certificate issued by the Authority pursuant to these Regulations; and

(b) the conditions subject to which the certificate was issued are complied with.

(4) 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.

(5) For a person to be deemed by the Authority as a suitable candidate to apply for an aviation security instructor certificate, that person shall possess—

(a) extensive knowledge of and experience in aviation security operations; and

(b) knowledge in one or more of the following areas—

(i) international, regional and national aviation security regulations;

(ii) security systems and access control;

(iii) ground and in-flight security;

(iv) pre-boarding screening;

(v) baggage and cargo security;

(vi) aircraft security and searches;

- (vii) restricted articles and prohibited items;
- (viii) emergency procedures;
- (ix) an overview of terrorism;
- (x) cyber security; and
- (xi) other areas and measures to enhance security awareness.

(6) An aviation security instructor certificate shall—

- (a) be in such form;
- (b) be subject to such conditions and limitations;
- (c) and contain such particulars as may be determined from time to time by the Authority by Implementing Standards.

(7) After certification as an aviation security instructor by the Authority, an aviation security instructor shall undergo recurrent training in aviation security and aviation security developments no less than every two (2) years.

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

72. 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 Co-ordinator, subject to the approval of the Minister.

(2) An aviation screener certificate shall be issued subject to such conditions as the Co-ordinator sees fit and upon the approval of the Minister and shall remain in force for a period of two (2) 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) The Co-ordinator, with the approval of the Minister, may—

- (a) suspend, cancel or refuse to renew an aviation screener certificate on the grounds that the holder of the certificate has contravened any provision of the Act or any regulation made thereunder;
- (b) suspend, cancel or refuse to renew an aviation screener certificate on the grounds that an immediate threat to aviation safety exists or is likely to occur as a result of an act or thing having been or proposed to be done under the authority of the certificate; or
- (c) suspend, cancel or refuse to renew an aviation screener certificate on the grounds that the holder of the certificate is incompetent or ceases to have the qualification necessary for the issue of the certificate or has failed to comply with the conditions for the issue of the certificate.

73. Screener Certification Programme

(1) The Co-ordinator 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
- (a) dealing with weapons and prohibited items that are detected or surrendered.

(2) The Co-ordinator shall ensure that suitably qualified persons conduct such examinations or assessments as may be prescribed in the Screener Certification Programme.

74. 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;
- (a) testing and evaluation methodology;
- (e) the retention of employment records including training records, competency testing and performance appraisals; and
- (j) the form of an aviation screening certificate.

(2) The Co-ordinator shall ensure that suitably qualified persons conduct such examinations or assessments as may be prescribed in the Screener Certification Programme.

(3) The Co-ordinator shall submit a draft Screener Certification Programme to the Authority for review and recommendations, prior to submission to the Minister for approval.

75. 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 Co-ordinator.

(2) Upon submission of the training programme to the Co-ordinator, the Co-ordinator shall, within seven (7) days of the receipt of the training programme, forward a copy of the programme to the Authority for review and recommendations of the Authority.

(3) Upon review and recommendations of the Authority, the Co-ordinator shall be guided by the Authority's review and recommendations and shall notify the applicant that the Authority's review and recommendations are to be complied with in order to facilitate the approval process.

(4) Upon the applicant's compliance with the Authority's review and recommendations, the Co-ordinator shall assess the training programme, and, if satisfied that the programme satisfies the requirements of the Screener Certification Programme, shall approve the programme.

(5) A person who—

- (a) has completed an approved training programme;
- (b) satisfies any tests or examinations specified by the Co-ordinator;

- (c) satisfies all applicable provisions of the Screener Certification Programme and these Regulations; and
- (a) has not been found to be a security risk based on the results of any background check—
- (e) shall be issued with an Aviation Screener Certificate.

76. 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 Co-ordinator in the Screener Certification Programme.

77. 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
- (a) 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.

78. 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—

- (i) the provisions of these Regulations and applicable security directives;
- (ii) elements of the approved security programme required for the performance of his functions; and
- (iii) 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.

79. 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 Co-ordinator 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.

80. 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.

81. 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 co-operate 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.

82. Prohibited items list

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

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

83. Exemption from screening

(1) The Minister may establish a list of persons or of categories of persons who are to be exempted from screening.

(2) The Co-ordinator 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) above are to be screened, if he determines that there is an increased threat to the civil aviation in Antigua and Barbuda.

84. 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 refused from being placed onboard, but shall not be screened, opened or detained.

PART IX**MANAGEMENT OF RESPONSE TO ACTS OF UNLAWFUL INTERFERENCE****85. Aircraft operator contingency plans**

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

86. Aerodrome operator contingency plans

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

87. 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 Co-ordinator for review prior to approval.

88. Testing of contingency plans

(1) The Co-ordinator shall arrange for tests of airport operator contingency plans which tests shall 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 Co-ordinator within thirty (30) days after the conclusion of the test.

89. 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; or
- (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 Co-ordinator 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.

90. Mandatory reporting of security incidents

(1) An aerodrome operator shall immediately notify the Co-ordinator, 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
- (a) the result of an accident, or an authorised excavation, demolition, or construction, or the authorised use of fireworks displays;

- (e) a specific threat against the aerodrome; or
- (j) an aviation security incident that involves a member of the Police Force anywhere at the aerodrome.

(2) An aircraft operator shall immediately notify the Co-ordinator, 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
- (a) incendiary device, other than an authorised explosive substance or
- (e) incendiary device allowed on board the aircraft by the aircraft operator;
- (j) an explosion on an aircraft; or
- (g) 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 officer 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 Co-ordinator 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 Co-ordinator shall, as soon as is reasonably practicable, report any incident described in sub-regulation (4) to the Authority.

PART X

MISCELLANEOUS

91. Security Risk Assessment

(1) The State shall follow the methodology for the carrying out of security risk assessments by the Co-ordinator and law enforcement agencies in Antigua and Barbuda using the recommendations set out in ICAO Aviation Security Manual, Doc 8973.

(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.

92. 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 Co-ordinator in writing at least ninety (90) days before the intended commencement of operations.

(2) The Co-ordinator 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).

93. 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.

94. Sensitive security information

(1) Only persons who have a need to know of 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 of 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;
- (a) 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;
- (j) 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;
- (i) 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.

95. 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.

96. 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.

97. Data security

(1) The authority shall, in accordance with the risk assessment carried out by the relevant national authorities, ensure that measures are developed in order to protect critical information technology and communication systems used for civil aviation purposes from acts of unlawful interference that may jeopardize the safety of civil aviation.

(2) The entities responsible for the implementation of various aspects of the National Civil Aviation Security Programme shall identify their critical information technology and communication systems, including threat and vulnerabilities and develop protective measures, including security by design, supply chain security, network separation, and remote access control, as appropriate.

PART XI—FACILITATION

98. Entering or departing aircraft.

The appropriate authority shall coordinate with other relevant authorities in the application of narcotics control measures and procedures aimed at the efficient clearance of—

- (a) entering or departing aircraft; and
- (b) border controls for passengers and crew.

99. Travel document coordination.

The Minister shall liaise with a competent authority with regard to the issuance of travel documents in accordance with the specifications of International Civil Aviation Organisation Doc 9303.

100. Inspection of travel documents.

The Minister shall ensure that—

- (a) aircraft operators conduct an evaluation of travel documents presented by passengers, in order to deter fraud and abuse; and
- (b) necessary precautions at the point of embarkation are carried out to ensure that persons are in possession of the documents prescribed by the competent authority and other relevant authorities of transit and destination for control purposes.

101. Entry procedures and responsibilities.

(1) The Minister shall where applicable, liaise with a competent authority to ensure the seizure of—

- (a) fraudulent, falsified or counterfeit travel documents; and
- (b) travel documents of a person impersonating the rightful holder of the travel documents.

(2) The documents referred to under sub regulation (1) shall be removed from circulation immediately and returned to the department of the State named as issuer or to the resident diplomatic mission of that State.

102. Advance passenger information.

The Minister shall ensure that internationally recognized standards for the transmission of advance passenger information are adhered to.

103. Identification and entry of crew and other aircraft operator personnel.

The Minister shall ensure that—

- (a) a crew member certificate is issued to a crew member after a background check has been carried out including—
 - (i) certification of the employment status of an applicant prior to issuance; and
 - (ii) the issuing personnel controls and accounts for blank card stock; and
- (b) adequate controls on the issuance of crew member certificates and other official crew identity documents are put in place to prevent fraud.

104. Entry and departure of cargo.

The Minister shall coordinate with the relevant authority to ensure—

- (a) the use of risk management to determine the extent of examination of goods;
- (b) that programmes for authorised economic operators include measures that enhance security to create an environment for facilitative customs control measures;
- (c) the establishment of agreements or arrangements for the mutual recognition of respective authorised economic operator or equivalent programmes with other States;
- (a) the use of the available advance cargo information in subsequent import, export or transit customs procedures for the release and clearance of the goods;
- (c) the introduction of arrangements to enable all parties involved in air cargo operations to submit all the information required by a competent authority, in connection with the arrival, stay and departure of an aircraft and air cargo, to a single window;

- (j) that all participants in the transport, handling and clearance of air cargo, simplify relevant procedures and documents and cooperate or participate directly in the development of electronic air cargo community systems using internationally agreed standards to enhance the exchange of information relating to traffic and assuring interoperability between the systems;
- (g) the establishment of special procedures for the expedited release of goods on arrival or departure of authorised persons meeting specified criteria, which may include an appropriate record of compliance with official requirements and a satisfactory system for managing their commercial records; and
- (h) that goods not-afforded the special procedures are released or cleared promptly on arrival, subject to compliance with customs and other requirements.

105. Inadmissible persons.

Where a competent authority has reason to believe that an inadmissible person might offer resistance to his or her removal, the competent authority shall inform the aircraft operator concerned in advance of the scheduled departure so that the aircraft operator can take precautions to ensure the safety of the flight.

106. Deportees.

(1) Where a competent authority removes a deportee from its territory, the competent authority shall assume all the obligations, responsibilities and costs associated with the removal.

(2) A competent authority shall, when making arrangements with an aircraft operator for the removal of a deportee, make available the following information within 24 hours before the scheduled time of departure of the flight—

- (a) a copy of the deportation order where applicable;
- (b) a risk assessment by the State or any other pertinent information that would help the aircraft operator assess the risk to the safety of the flight; and
- (c) the names and nationalities of any person escorting the deportee.

107. National Air Transport Facilitation Programme.

The Minister shall be responsible for the maintenance and implementation of the National Air Transport Facilitation Programme.

108. Composition of the National Air Transport Facilitation Committee.

(1) There is established a National Air Transport Facilitation Committee for the purpose of coordinating facilitation activities between departments, agencies and other organisations concerned with or responsible for various aspects of civil aviation operations.

(2) The National Air Transport Facilitation Committee shall be composed of senior officials representing the main interests involved in the various aspects of facilitation.

(3) The following persons from the entities specified below shall be members of the National Air Transport Facilitation Committee—

- (a) the ministry responsible for civil aviation;
- (b) the Permanent Secretary of Civil Aviation;
- (c) the Co-ordinator for National Civil Aviation Security
- (a) the ministry responsible for plant health, veterinary services and fisheries;
- (e) the department responsible for customs;
- (j) the department of immigration services;
- (g) the commissioner of Police
- (h) the ministry responsible for foreign affairs or protocol division;
- (i) the ministry responsible for health;
- (j) the ministry responsible for tourism;
- (k) ground handling agencies;
- (i) aircraft operators;
- (m) ONDCP;
- (n) the ministry responsible for defence; and
- (c) Antigua and Barbuda Airport Authority

109. Functions of the National Air Transport Facilitation Committee.

The functions of the National Air Transport Facilitation Committee shall include—

- (a) the implementation of the National Air Transport Facilitation Programme;
- (b) the facilitation of co-operation between all stakeholders in the airport environment;
- (c) the review of policy matters in relation to clearance formalities applied to international air transport services and ensuring that passengers and cargo are cleared through airports in accordance with best international practice;
- (a) the consideration of recommendations made by airport facilitation committees established at international airports;
- (e) making recommendations to the departments, relevant authorities and other organisations concerned with the National Air Transport Facilitation Programme;
- (j) keeping the departments, relevant authorities and other organisations concerned informed of significant developments in the field of international civil aviation, in so far as they affect operations into and out of a particular State;
- (g) addressing differences between national regulations and international standards of Annex 9-Facilitation;
- (h) advising on the use of new technology and integrating mechanisms to ensure the smooth passage of aircraft, passengers and cargo into and out of the State;
- (i) carrying out periodic inspection tours of airports to make assessment on facilitation matters; and
- (j) coordination with the National Civil Aviation Security Committee on security aspects of facilitation.

PART XII**OFFENCES AND PENALTIES****110. Offences committed at aerodromes**

(1) A person commits an offence in circumstances where that person commits any of the following acts at an aerodrome or its related facilities—

- (a) assault, intimidation or threat, whether physical or verbal, against an aviation security officer or authorised person if the act interferes with the performance of the duties of the aviation security officer or authorised person or lessens the ability of the aviation security officer or authorised person to perform those duties;
- (b) refusal to follow a lawful instruction given by the airport operator or on behalf of the Authority by an aviation security officer or authorised person for the purpose of ensuring the safety at the airport or of any person or property at the airport or for the purpose of maintaining good order and discipline at the airport;
- (c) an act of physical violence against an aviation security officer or authorised person on duty; and
- (a) Intentionally causing damage to, or destruction of, property.

(2) A person who commits an offence under sub-regulation (1) is liable on summary conviction to imprisonment for twelve (12) months or to a fine not exceeding twenty thousand Eastern Caribbean Dollars (EC\$20,000) or both.

(3) An aerodrome operator who fails to notify the Co-ordinator of a threat under regulation 90 commits an offence and is liable on summary conviction to a fine not exceeding twenty thousand Eastern Caribbean Dollars (EC\$20,000) and shall also be liable for punitive action identified in Regulation 112.

111. Offences committed on board aircraft

(1) A person commits an offence in circumstances where that person commits any of the following acts on board an aircraft—

- (a) assault, intimidation or threat, whether physical or verbal, against a crew member if the act interferes with the performance of the duties of the crew member or lessens the ability of the crew member to perform his or her duties; and
- (b) refusal to follow a lawful instruction given by the pilot-in-command or on behalf of the pilot-in-command by a crew member, for the purpose of ensuring the safety of the aircraft or of any person or property on board or for the purpose of maintaining good order and discipline on board.
- (c) assaults, intimidates or threatens another person, whether physically or verbally;
- (a) engages in an act of physical violence against a person, sexual assault;
- (e) unlawfully seizes an aircraft in flight or on the ground;

- (j) or uses an aircraft for the purpose of causing death, serious bodily injury, or serious damage to property or the environment.

(2) A person who commits an offence under this regulation is liable—

- (a) for an offence committed under sub-regulation (1) (a.), (b.), (c.) and (d.) upon summary conviction to imprisonment of five (5) years and to a fine not exceeding fifty thousand (EC\$50,000) Eastern Caribbean Dollars or both
- (b) for an offence committed under sub-regulation (1) (e.) and (f.) upon conviction on indictment to imprisonment for ten (10) years to life or a fine not exceeding one million (EC\$1,000,000) Eastern Caribbean Dollars or both.

112. Offence of non-compliance with Regulations

(1) A person, who contravenes any of these Regulations, commits an offence and is liable and where no other penalty is provided for, on summary conviction to imprisonment for twelve (12) months or a fine not exceeding twenty thousand Eastern Caribbean Dollars (EC\$20,000) or both per offence.

(2) Where any of these Regulations is contravened, the Director General may, if the Director General thinks fit, provisionally and pending inquiry take action to enforce the Regulations that have been contravened, including—

- (a) the re-examination of the original certification basis or competence;
- (b) the imposition of monetary penalties for the contravention of Regulations;
- (c) the variation, suspension, cancellation or revocation of a civil aviation document or authorization;
- (a) the disbarment of the offender from participating in any aviation security programme.

(3) Any holder of an approved security programme, who wilfully or intentionally or otherwise howsoever 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, cancellation or revocation of the holder's security programme approval.

(4) The holder or any person having the possession or custody of any civil aviation document or authorization, which has been varied, suspended, cancelled or revoked pursuant to these Regulations shall surrender it to the Director General within the time specified by the Director General.

(5) Where a person who is assigned responsibility for a specific function or task within the National Civil Aviation Security Programme fails to carry out that function or task to the standard specified in the National Civil Aviation Security Programme, the Authority shall recommend the disbarment of that person from any further participation in National Civil Aviation Security Programme.

113. Offences relating to documents and records

(1) A person shall not—

- (a) use any certificate, authorization, approval, or other document issued or required by or under these Regulations which has been forged, altered, revoked or suspended, or to which he is not entitled; or
- (b) lend any certificate, authorization, approval, or other document issued or having effect or required by or under these Regulations to, or allow it to be used by, any other person; or
- (c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, authorization, approval, or other document.

(2) A person shall not intentionally—

- (a) damage, alter or render illegible any record; or
- (b) knowingly make, or procure or assist in the making of, any false entry in or material omission from a certificate, authorization, approval, or other document issued or required by or under these Regulations; or
- (c) destroy a record during the period for which it is required under these Regulations to be preserved.

(3) A person shall not issue or purport to issue any certificate, authorization, approval, or other document for the purposes of these Regulations or any directions made thereunder, unless that person is authorized to do so under these Regulations.

(4) In addition to the enforcement powers of the Director General in Regulation 112, a person, who contravenes any of the provisions of Regulation 113 commits an offence and is liable on summary conviction to imprisonment for six (6) months or a fine of five thousand Eastern Caribbean Dollars (EC\$5,000) or both per offence.

114. Repeals

The Civil Aviation (Security) Regulations 2012, No. 22 of 2012 are hereby repealed.

Made this 8th day of February, 2021

Hon. Sir Robin K. M. Yearwood,
Minister with responsibility for Aviation.