

ANTIGUA AND BARBUDA



**THE CIVIL AVIATION (AERONAUTICAL TELECOMMUNICATIONS)
REGULATIONS, 2024**

STATUTORY INSTRUMENT

No. 20 of 2024

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REGULATIONS

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PART I

PRELIMINARY

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

1. Short title

These Regulations may be cited as the Civil Aviation (Aeronautical Telecommunications) Regulations 2024.

2. Application of Regulations

These Regulations prescribe:

- (a) operating and technical standards for Aeronautical Telecommunications Services and Facilities;
- (b) rules governing the continuing operation, surveillance, inspections, audits and tests of organizations providing aeronautical telecommunication services in support of Instrument Flight Rule operations or air traffic services;
- (c) the mandatory requirements applicable to persons providing or operating aeronautical telecommunications services or facilities;
- (d) requirements that must be read in partnership with ICAO Annex 10 Volumes I to V inclusive and ICAO Doc 8071 Volumes I to III inclusive: Manual on Testing of Radio Navigational Aids. The standards of Annex 10 Volumes I to V are applicable when providing aeronautical telecommunications systems and aeronautical radio-navigation services.

3. Interpretation

In these Regulations-

“**Act**” means the Civil Aviation Act of Antigua and Barbuda.

“**Applicant**” means a person who has applied to the Authority for approval to operate an Aeronautical Telecommunication Service;

“**Aeronautical Information Publication**” or “**AIP**” means a publication issued by or with the authority of a State and containing aeronautical information of a lasting character essential to air navigation;

“**Aeronautical Information Service**” or “**AIS**” means a service established with the defined area of coverage for the provision of aeronautical information/data necessary for the safety, regularity and efficiency of air navigation;

“**Aeronautical Station**” means a land station in the aeronautical mobile service which may, in certain instances, be located on board a ship or a platform at sea;

“**Aeronautical Telecommunication Equipment**” means any equipment used to support an aeronautical telecommunication service;

“**Aeronautical Telecommunication Service**” means:

(a) a telecommunication service provided to support the following services as they are defined in ICAO Annex 10, Volume II, Chapter 1:

- (i) an aeronautical broadcasting service;
- (ii) an aeronautical fixed service;
- (iii) an aeronautical mobile service;
- (iv) an aeronautical radio navigation service; or

(b) any other telecommunication service provided to support aviation.

(c) The following list below gives the facilities used for the provision of aeronautical (or facilitating) telecommunications services and aeronautical radio navigational services:

- VHF air-ground voice communication facilities;
- HF air-ground voice communication facilities;
- Instrument Landing System (ILS) facilities;

- Distance Measuring Equipment (DME);
- VHF Omni-range (VOR) facilities;
- Non-directional beacons (NDB);
- Flight data processing facilities;
- Flight information facilities;
- Radar Data Processing facilities;
- Primary Surveillance Radar facilities;
- Secondary surveillance radar facilities;
- Automatic Dependent Surveillance Broadcast (ADS-B) facilities;
- Voice Control System (VCS);
- ATS point to point communication facilities;
- Air-ground data links;
- Ground to ground data inter-change networks;
- Human Machine Interface systems, including Tower Consoles, ATS Work Stations, and display facilities;
- Uninterruptible and emergency power supplies;
- Essential services in buildings and in equipment shelters housing facilities (electrical power supplies, air-conditioning, and security facilities);
- Global Navigation Satellite System Time Generators;
- Ground based augmentation stations or facilities;
- Aeronautical databases used in or by a facility;
- Voice and Data Recording facilities;
- Any other facilities supporting ATS provided.

“Agreement” means the Agreement establishing the Eastern Caribbean Civil Aviation Authority made on the 21st day of October 2003, and to which the Government of Antigua and Barbuda is a signatory;

“Air Traffic Service” or “ATS” includes flight information service, alerting service, air traffic advisory service, air traffic control service (area control service, approach control service or aerodrome control service).

“Authority” means the Eastern Caribbean Civil Aviation Authority as established by Article 3 of the Agreement;

“Director General” means the Director General of Civil Aviation appointed under Article 11 of the Agreement;

“ECTEL” means the Eastern Caribbean Telecommunications Authority established by Agreement dated 4th May 2000;

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

“NOTAM” means a notice distributed by means of telecommunication containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations.

PART II

APPROVAL FOR ESTABLISHMENT OF AERONAUTICAL TELECOMMUNICATION SERVICE

4. Establishment of Aeronautical Telecommunication Service

(1) A person shall not cause or permit any aeronautical telecommunication service to be established in Antigua and Barbuda, otherwise than under and in accordance with an approval granted by the Authority to the person in charge of the aeronautical telecommunication service.

(2) An approval shall be granted under sub-regulation (1) upon the Authority being satisfied:

- (a) as to the intended purpose of the aeronautical telecommunication service;
- (b) that the aeronautical telecommunication service is fit for its intended purpose; and
- (c) that the person is competent to provide the aeronautical telecommunication service.

(3) The operator of an aeronautical telecommunication service at an aerodrome shall cause to be notified in relation to that aeronautical telecommunication service the type and availability of operation of any service that is available for use by any aircraft.

(4) An approval granted under sub-regulation (1) may include a condition requiring a person in charge of an aeronautical telecommunication service at any other aerodrome or place to cause the information specified in sub-regulation (3) to be notified.

(5) An approval granted under sub-regulation (1) may include a condition requiring the person in charge of the aeronautical telecommunication service to use a person approved by the Authority

under sub-regulation (6) for the provision of particular services in connection with the aeronautical telecommunication service and in particular, but without limitation, may include a condition requiring that any associated equipment be flight checked by such an approved person.

(6) The Authority may approve a person to provide particular services in connection with an approved aeronautical telecommunication service.

(7) For the purpose of sub-regulations (1) and (6) an approval may be granted in respect of one or more than one person or generally.

5. Application for approval

(1). An applicant for an Aeronautical Telecommunication Service approval shall apply to the Authority by:

- (a) submitting the Operations Manual written in English;
- (b) paying the prescribed fee; and
- (c) complying with the provisions of Part III of these Regulations.
- (d) completing the Application Form in Schedule 2 of The Civil Aviation (Certification of Air Navigation Services) Regulations, 2024;
- (e) submitting the Safety Management System Manual
- (f) submitting the Quality Management System Manual

(2) An Aeronautical Telecommunication Service shall not be provided in such a way that it is in any way available for use without the prior approval of the Authority.

(3) A certificate shall be granted to the applicant, the content shall be as specified in Regulation 7 of The Civil Aviation (Certification of Air Navigation Services) Regulations, 2024.

6. Application to be in English

All documentation, written communications and data (electronic or otherwise) for submission to the Authority in support of an application for an approval shall be provided in English.

7. Privileges of an Approval Holder

The approval document shall specify the Aeronautical Telecommunication Services and Aeronautical Telecommunication Equipment that the approval holder is approved to provide.

8. Duration of Approval

(1) An aeronautical telecommunication service approval may be granted or renewed for a period of 2 years, unless suspended or revoked pursuant to the Act.

(2) A change or variation of the details within the approval shall require a re-issue of the approval document.

9. Renewal of Approval

(1) An application for the renewal of an aeronautical telecommunication service approval shall be made to the Authority.

(2) The application for the renewal shall be submitted to the Authority not less than 30 days before the approval expires.

(3) The application for renewal shall be accompanied by payment of any prescribed fees.

10. Exemptions

(1) A person who operates Aeronautical Telecommunication Equipment is exempt from holding an approval if:

(a) the Aeronautical Telecommunication Equipment:

(i) is a radio communication transmitter that does not support an air traffic service;
and

(ii) the establishment and operation of the radio communications transmitter is notified to the Authority;

(b) the Aeronautical Telecommunication Equipment is operated in accordance with:

(i) the applicable system characteristics prescribed in ICAO Annex 10, Volume III, Part II, Chapter 2;

(ii) the applicable communication procedures prescribed in ICAO Annex 10, Volume II;

- (c) the Aeronautical Telecommunication Equipment does not interfere with any other Aeronautical Telecommunication Service, Aeronautical Telecommunication Equipment or air traffic service; and
- (d) the appropriate licence and frequency authorization use of the frequency has been granted by the Minister with responsibility for Telecommunications pursuant to the Telecommunications Act.

(2) No fees shall be payable upon application or renewal of an approval if the Aeronautical Telecommunications Service is operated by the Authority or subsidiary thereof.

11. Laws, Regulations and Procedures

(1) Each holder of an approval shall take reasonable care to ensure that all persons employed, engaged, or contracted (in relation to the provision of the approved service by the holder to perform safety-related activities) are familiar with the Act, these Regulations and any applicable conditions on the approval and the procedures specified in the approval holder's Operations Manual.

(2) Any approval granted pursuant to these Regulations shall not relieve an applicant from the requirement to obtain any licence or frequency authorization pursuant to the Telecommunications Act prior to commencing operation of an Aeronautical Telecommunication Service.

(3) The Authority and ECTEL shall consult, prior to the allocation of any frequency used to support aviation, in order to ensure compliance with the provisions of Annex 10 and the safety of aircraft.

12. Procedure, Standards and Requirements Compliance

Each person performing duties in relation to the approved Aeronautical Telecommunication Service shall conform to the applicable procedures, standards or other requirements specified in the Operations Manual of the approval holder, and any applicable national or international standards or requirements.

13. Power to Inspect

(1) Each holder of an approval shall ensure that any Inspector appointed pursuant to section 12 of the Act or any person delegated pursuant to section 13 of the Act by the Director General is

allowed access to the aeronautical stations, aeronautical telecommunication equipment or any other location otherwise related to the provision of the Aeronautical Telecommunication Service.

(2) Each holder of an approval shall ensure that any person authorised by the Authority shall have access to any documentation relating to the safety of aircraft in flight.

(3) If requested to do so by an authorised person, the holder of an approval shall be responsible for ensuring that documentation is produced within three (3) days of such request.

(4) The Authority shall carry out inspections and audits of the air navigation facilities, services, documents and records of the CNS Service Provider for purposes of determining compliance with these Regulations.

(5) The Authority may impose operating restrictions or sanctions on the operations of the holder of an approval, in the event of non-compliance with the requirement for approval or an unresolved safety concern.

PART III

APPROVAL REQUIREMENTS

14. Operations Manual

(1) The Applicant shall provide the Authority with an Operations Manual containing a policy statement signed by the Accountable Manager attesting that:

- (a) the Manual demonstrates compliance and supporting evidence with the relevant requirements of these Regulations;
- (b) the organisation will continually comply with the Operations Manual; and
- (c) the Manual commits the organisation to safety of the operation.

(2). The Operations Manual shall contain:

- (a) the titles and names of the Accountable Manager or persons required under Regulation 15(2);
- (b) the duties and responsibilities of the senior persons under Regulation 15(3), including matters for which they have responsibility to deal directly with the Authority on behalf of the organisation;
- (c) an organisational chart;
- (d) a summary of the organisation's staffing structure including job descriptions and safety responsibilities;
- (e) a list of each type of Aeronautical Telecommunication Equipment to be operated under the authority of the Aeronautical Telecommunication Service approval;
- (f) a summary of the operational details of each Aeronautical Telecommunication Equipment;
- (g) a summary of services provided at each location where an Aeronautical Telecommunication Service is provided;
- (h) details of the security procedures required under Regulation 19;
- (i) the procedures required under Regulation 28 regarding the systematic management of safety and quality;
- (j) the procedure, evidence or a reference that identifies the documentation which contains the procedure or evidence, that are required under:
 - (i) Regulation 15 (2) regarding the competence of personnel;
 - (ii) Regulation 17(1) regarding the design, installation, and commissioning of facilities;
 - (iii) Regulation 17(2) regarding the operation of temporary, pre-operational or replacement equipment for site tests;
 - (iv) Regulation 20(2) regarding documentation;
 - (v) Regulation 21(1) regarding the maintenance programme;
 - (vi) Regulation 22 regarding equipment performance;
 - (vii) Regulation 23 regarding the control, calibration, and maintenance of inspection, measuring and test equipment;
 - (viii) Regulation 24(1) regarding the notification of facility information;

- (ix) Regulation 25 regarding equipment checks after notification of an accident or incident;
 - (x) Regulation 26 regarding equipment malfunction incidents;
 - (xi) Regulation 25 regarding the maintenance of records; and
 - (xii) Regulation 27 regarding operating and maintenance instructions; and
- (k) procedures to control, amend, and distribute the Operations Manual.
- (3) The Applicant shall:
- (a) maintain at every office listed on the certificate, a copy of the Operations Manual;
 - (b) make the Operations Manual or parts that are relevant to the performance of their duties available to all relevant staff; and
 - (c) comply with all the procedures and processes detailed in the Operations Manual.

15. Personnel requirements

- (1) The Applicant shall employ an Accountable Manager acceptable to the Authority and authorised as ultimately accountable and responsible for:
- (a) managing safety;
 - (b) ensuring that the organisation complies with the requirements of these Regulations;
 - (c) ensuring that safety is given the highest priority when assessing commercial, operational, financial, environmental or social pressures; and
 - (d) managing personnel in relation to safety and compliance with these Regulations.
- (2) The Applicant shall employ competent and qualified personnel in respect of inspection, supervision and maintenance of Aeronautical Telecommunication Service.
- (3) The Applicant shall establish present competency levels or all levels of staffing.
- (4) The Applicant shall establish written records and programs (with respect to training) acceptable to the Authority in respect of the commissioning, operation and maintenance of Aeronautical Telecommunication Services or Equipment. Such programs and records shall include:
- (a) the training and assessment of all newly appointed and current staff;
 - (b) on-going training as necessary, to ensure the competence of personnel in the use of new and emerging technologies, new procedures, updated techniques, and new facilities;
 - (c) means to identify deficiencies in knowledge and processes;
 - (d) remedial training to rectify deficiencies identified in Sub-regulation 15 (4) (c).

(5) The Applicant shall establish a means to provide technical personnel with signed written evidence of the scope of their authorisation.

(6) The Applicant shall establish the job descriptions of authorised personnel relating to safety responsibilities.

16. Service Operational Safety Requirements

(1) Notwithstanding the requirements of these Regulations, the Applicant shall establish service safety requirements for the Aeronautical Telecommunication Service and its constituent equipment, by conducting risk assessments in relation to the purpose of the service, equipment or both.

(2) The analysis and production of the service safety requirements shall be in liaison with all organisations whose services, equipment or procedures may impact upon the provision of the Aeronautical Telecommunication Service being approved, which includes the air traffic service, radio navigation service or radio communication service that the Aeronautical Telecommunication Service supports.

(3) The service safety requirements shall be established in a manner prescribed by the Authority.

17. Aeronautical Telecommunication Equipment Requirements

(1) The Applicant shall list the Aeronautical Telecommunication Equipment comprising the Aeronautical Telecommunication Service in the Operations Manual, for each of which the Operations Manual shall provide evidence that:

- (a) it is designed, installed, and commissioned to meet the operational safety requirements of Regulation 16;
- (b) it conforms with the applicable standards and recommended practices prescribed in the ICAO Annexes and in accordance with ICAO guidance material, unless a justifiable alternative is agreed with the Authority;
- (c) the monitoring and means of notification of its operational status meets the operational needs of the related air traffic service;

- (d) the power supply to the equipment meets the operational continuity requirements of the air traffic service being supported;
 - (e) any critical or sensitive site area necessary for protecting the safe operation of listed Aeronautical Telecommunication Equipment is defined and protected; and
 - (f) a procedure has been established to ensure sufficient spares are held to ensure the continuity of the Aeronautical Telecommunication Service.
- (2) The Applicant, who intends to operate temporary or pre-operational equipment on a test basis, shall:
- (a) notify the Authority with adequate notice prior to start of the tests;
 - (b) demonstrate that operation does not cause any interference with any other operating Aeronautical Telecommunication Equipment;
 - (c) ensure that the appropriate licence and frequency authorization have been granted pursuant to the Telecommunications Act; and
 - (d) ensure that appropriate information is provided to the relevant Aeronautical Information Service provider for the issuance of a NOTAM and/or publication of an AIP Supplement.
 - (e) ensure that, should any interference or other negative effects be observed or reported when facilities are being operated on a test basis, test shall be stopped immediately and not restarted before the necessary measures have been put in place to prevent reoccurrence.

18. Identification Codes, Call Signs and Frequencies

(1) The Applicant shall only operate an aeronautical radio navigation aid or radio communication transmitter if:

- (a) a current licence and frequency authorisation granted by the Minister with responsibility for Telecommunications is held by the Applicant pursuant to the Telecommunications Act;
- (b) an identification code has been allocated; and
- (c) the requirements of paragraphs (a) and (b) are declared in the Operations Manual.

(2) The Applicant shall ensure that the performance of an aeronautical radio navigation aid or radio communication transmitter is protected against any interference caused by obstructions and other radio emissions.

(3) The Applicant shall ensure that the performance of an aeronautical radio navigation aid or radio communication transmitter does not cause interference to other transmitters and devices.

(4) Where the requirement stipulated in sub-regulation 1 (b) above is not met, the Applicant shall submit to ICAO (via the DG or his/her designate) an application for the necessary Identification Code.

19. Security

The Applicant shall ensure that measures (which are contained in an Aerodrome Security Programme approved by the Authority) are made for the security of equipment from acts of unlawful interference.

20. Documentation

(1) The Applicant shall hold copies of relevant equipment manuals, organisational aeronautical telecommunication operations manual, technical standards, practices, instructions, and any other documentation that are necessary for the provision and operation of the facilities listed in the Applicant's Operations Manual.

(2) The Applicant shall establish a procedure for the retention, configuration and control of the documentation required in relation to these Regulations.

21. Maintenance Programme

(1) The Applicant shall establish a procedure for maintenance of the Aeronautical Telecommunication Equipment listed in the Operations Manual to ensure that the equipment meets the applicable requirements and performance specifications for that equipment, including:

- (a) a schedule of maintenance meeting the manufacturers' recommendations and ICAO Doc 8071 (Manual on Testing of Radio Navigation Aids);
- (b) personnel maintenance instructions meeting manufacturers' recommendations and ICAO Doc 8071, as required under Regulation 30(b); and

- (c) the identification of any maintenance or fault rectification that requires a calibration flight check before the equipment is returned to service.
- (2) Any flight checking organisation employed in relation to the Aeronautical Telecommunication Service shall be approved by the Authority.
- (3) A program for Flight checks or flight inspections for every radio navigation aid where such procedures have been stipulated in ICAO Doc 8071.

22. Aeronautical Telecommunication Equipment Performance

(1) The Applicant shall ensure that a person does not put, or return Aeronautical Telecommunication Service Equipment into operational service unless:

- (a) the person is assessed as competent and authorised for that specific function according to Regulation 15(2);
 - (b) the appropriate checks detailed in the operating and maintenance instructions required under Regulation 30 have been carried out to verify the performance of the Aeronautical Telecommunication Equipment; and
 - (c) the Aeronautical Telecommunication Equipment record has been completed according to the procedures required under the Regulations.
- (2) The Applicant shall apply the requirements of Sub-Regulation (1), before returning an Aeronautical Telecommunication System into service following a flight inspection.

23. Tools and Test Equipment

(1) The Applicant shall ensure that appropriate tools and test equipment are available for personnel to maintain the operation of equipment listed in the Applicant's Operations Manual.

(2) The Applicant shall establish a procedure to control, calibrate, and maintain all the equipment required under Sub-Regulation (1) to ensure that each item of equipment has the precision and accuracy that is necessary for the measurements and tests to be performed. Items of test equipment required to measure critical parameters shall:

- (a) Where necessary be calibrated prior to use or at prescribed intervals (as mandated

by the manufacturer). The calibration standards shall be traceable to an appropriate international or national standard;

(b) Have their calibration status available by suitable means.

(3) The Applicant shall employ suitable measures to ensure that items of test equipment required to measure critical parameters are:

(a) protected against intentional and unintentional adjustments that would invalidate the calibration status; and

(b) handled and stored in a manner such that their accuracy and fitness for use are maintained.

(4) If computer systems are used for the testing of any Aeronautical Telecommunication Equipment, the procedure required under Sub-Regulation (1) shall ensure that these systems are periodically inspected and that software is current and appropriate, and any associated elements are calibrated, if and where appropriate.

24. Notification of Aeronautical Telecommunication Service Information

(1). A person operating an Aeronautical Telecommunication Service shall have a procedure to inform all relevant AIS providers of:

(a) information to be promulgated in the Aeronautical Information Publication in relation to that Aeronautical Telecommunication Service with regards to the type and availability for use by aircraft; and

(b) information to be promulgated in a NOTAM concerning any change in the operational status of the Aeronautical Telecommunication Service.

(2) A person operating an Aeronautical Telecommunication Service shall verify that the information under Sub-Regulation (1) has been accurately published by the AIS.

25. Aeronautical Telecommunication Equipment Check after an Accident or Incident

(1) A person operating an Aeronautical Telecommunication Service shall, in accordance with a procedure approved by the Authority, check and accurately record the operating condition of any Aeronautical Telecommunication Equipment operated under the authority of an approval that may have been used by an aircraft, or an air traffic service, that is involved in an accident or incident.

(2) The procedure required under Sub-Regulation (1) shall require that:

- (a) the check of the aeronautical telecommunications facility's operating condition is carried out as soon as practicable, after notification to the person operating the aeronautical telecommunication service of the accident or incident;
- (b) the record of that check, and the recorded history of the aeronautical telecommunications facility are retained in a secure place for possible use by any subsequent accident or incident investigation; and
- (c) information produced pursuant to this Regulation shall be subject to the retention requirements of Regulation 27.

26. Aeronautical Telecommunication Equipment Malfunction

(1) Where Aeronautical Telecommunication Equipment malfunctions such that it fails to meet the technical requirements of these Regulations, there shall be procedures approved by the Authority:

- (a) to notify, investigate, and record the malfunction;
- (b) to record and implement corrective action;
- (c) to record where a change has been implemented to prevent recurrence; and
- (d) for the issuance of notice to airmen (NOTAM) on change of operational status of equipment.

(2) The Applicant shall liaise with other air navigation service providers (e.g. ATS and AIM) to development contingency plans to be implemented in the event of disruption or potential disruption of CNS services. Contingency plans shall take into account failure of aeronautical navigation and aeronautical communications (e.g. air-ground) systems. The contingency plan(s) shall include:

- (a) the actions to be taken by the Applicant for providing continuation of CNS related service;

- (b) possible alternative arrangements for providing CNS service; and
- (c) the arrangements for resuming normal operations after the disruption.

(3) The contingency plan shall be developed in accordance with the requirements specified by the Authority.

27. Records

(1) An Applicant shall record legibly recoverable information relating to maintenance (preventative and corrective), periodic inspections and test data (including flight checks), overhaul, and modification for the equipment listed on the applicant's Operations Manual which shall be preserved for a period of two (2) years or longer, if the Authority so directs. Records shall be traceable to the person or persons responsible for each of the recorded activities.

(2) The Applicant shall use recording apparatus that is capable of recording and replaying the terms or content of any ATS message transmitted or received through equipment. The originals resulting from these recordings shall be retained for a period of not less than three (3) months.

(3) The Applicant shall ensure that any impounding or changing of Air Traffic Control recording media is not performed by operational Air Traffic Control personnel and that access to the original media is controlled to ensure that its integrity is preserved.

(4) For each facility listed in the Applicant's Operations Manual, when a malfunction occurs, as required under Regulation 27, a record shall be taken that includes:

- (a) Details of the nature of the malfunction;
- (b) The cause(s) of the malfunction as revealed by technical investigation;
- (c) The steps taken to correct the malfunction.

(5) For each technical employee authorised to service Aeronautical Telecommunications facilities/systems, a record shall be kept that includes details of the training, competence assessments, and current authorisations.

28. Systematic Management of Safety and Quality

An Applicant shall develop and establish a systematic means of managing quality and safety to ensure continued compliance with, and the adequacy of, the procedures required under these

Regulations and the safe operation of the Aeronautical Telecommunication Service provided under the approval issued by the Authority.

PART IV

OPERATING REQUIREMENTS

29. Continued Compliance

(1) A holder of an Aeronautical Telecommunication Service approval shall:

- (a) continue to meet the standards and comply with the requirements of these Regulations;
- (b) comply with all procedures referred to in its Operations Manual;
- (c) hold at least one (1) complete and current copy of its Operations Manual;
- (d) ensure that a copy of these Regulations is available to personnel who require these Regulations to carry out their duties; and
- (e) use configuration control procedures to ensure that all revisions to manuals and requirements are implemented in a timely manner into the copies formally held by all persons.

30. Operating and Maintenance Instructions

A holder of an Aeronautical Telecommunication Service approval shall:

- (a) have operating and maintenance instructions that set out the requirements for operating and maintaining each Aeronautical Telecommunication Equipment listed in its Operations Manual. Operation and maintenance instructions shall include:
 - (i) Details of the critical performance parameters for each aeronautical facility; and
 - (ii) The associated minimum performance levels for those critical performance parameters referred to in paragraph (a)(i); and
 - (iii) Details of the test equipment required for the measurement of those critical performance parameters referred to in paragraph (a)(i); and
 - (iv) Details of the mandatory inspection and test procedures for the operation and maintenance of each aeronautical facility.

- (b) provide the operating and maintenance instructions required under paragraph (a) for the use and guidance of its personnel; and
- (c) arrange for adequate formally recorded training for staff who are intended to discharge duties in respect of the operating and maintenance instructions as detailed in Regulation 15.

31. Temporary Aeronautical Telecommunication Equipment

If temporary, pre-operational or replacement Aeronautical Telecommunication Equipment is operated for the purpose of a site test, a holder of an Aeronautical Telecommunication Service approval shall not be required to comply with any requirements of Part III of these Regulations, except Regulation 17(2).

32. Limitations on approval holder

Except if a site test is carried out according to the procedures required under Regulations 17(2) and 31, a holder of an Aeronautical Telecommunication Service approval may not operate Aeronautical Telecommunication Equipment under the authority of that approval unless:

- (a) the Aeronautical Telecommunication Equipment is listed in the approval holder's Operations Manual;
- (b) the performance of the Aeronautical Telecommunication Equipment meets the applicable information published for that facility under Regulation 22;
- (c) the performance of the Aeronautical Telecommunication Equipment meets the applicable requirements in Regulations 17(1) and 22;
- (d) any integrity monitoring system for the Aeronautical Telecommunication Equipment is fully functional; and
- (e) all the periodic tests for the Aeronautical Telecommunication Equipment are completed according to the programmes established in accordance with the requirements of Regulation 21.

33. Operations Manual Changes

- (1) A holder of an Aeronautical Telecommunication Service approval shall:

- (a) ensure that its Operations Manual is amended, as required, to remain a current description of the approval holder's organisation, Aeronautical Telecommunication Services, and Aeronautical Telecommunication Equipment;
 - (b) ensure that any amendments made to its Operations Manual meet the applicable requirements of these Regulations;
 - (c) comply with the Operations Manual amendment procedure;
 - (d) provide the Authority with a copy of each amendment to its Operations Manual;
 - (e) make such amendments to its Operations Manual as the Authority may consider necessary in the interests of aviation safety; and
 - (f) ensure that any amendments pursuant to paragraph (e) are made in a timely manner to all formerly held copies of the Operations Manual.
- (2) The holder of an Aeronautical Telecommunication Service approval shall apply and obtain prior acceptance by the Authority if the approval holder proposes to change any of the following:
- (a) the Accountable Manager;
 - (b) the maintenance engineering staff; or
 - (c) the Aeronautical Telecommunication Equipment operated under the authority of the approval.
- (3) An application to make any of the changes under sub-Regulation (2) shall be made by the approval holder in writing or in the prescribed form.
- (4) The Authority may impose any conditions that are considered necessary in the interests of aviation safety, on the holder of an Aeronautical Telecommunication Service approval while any changes under sub-Regulation (2) are being made or as a consequence of those changes.

34. Internal Quality Assurance

An organization providing an aeronautical telecommunication service shall establish an internal quality assurance system to ensure compliance with, and the adequacy of, the procedures required under these Regulations, and to report, investigate and prevent safety deficiencies.

PART V

MISCELLANEOUS

35. Implementing Standards

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

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

36. Offence of non-compliance with Regulations

(1) Any holder of a Aeronautical Telecommunication Service approval who wilfully or intentionally contravenes any of these Regulations, or who demonstrates an unwillingness or inability to adequately carry out the respective requirements of these Regulations or the holder's approved Operations Manual, and whose continued operations are determined by the Authority as posing a threat to civil aviation, shall be subject to the suspension or revocation of the holder's Aeronautical Telecommunication Service approval.

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

37. Transitional

Compliance with the provisions of these Regulations shall be required within 1.5 years of the commencement of these Regulations.

EXPLANATORY MEMORANDUM

The regulation-making section of the Civil Aviation Act empowers the Minister to make Regulations for “ .the design, installation, inspection, maintenance, approval and certification of equipment and facilities, including telecommunication and air navigation equipment and facilities used to provide services relating to civil aviation”

Article 37 of the Chicago Convention 1944 provides for ICAO to adopt international standards and recommended practices and procedures dealing with communications systems and air navigation aids, including ground marking. The Standards and Recommended Practices for Aeronautical Telecommunications are designated as Annex 10 to the Convention.

In order to ensure that the provisions of Annex 10 and other ICAO guidance material are complied with, these model Regulations prescribe:

- (a) Operating and technical standards for Aeronautical Telecommunications Services and Facilities;
- (b) Rules governing the continuing operation, surveillance, inspection, tests and audit of organizations providing aeronautical telecommunication services in support of Instrument Flight Rule operations or air traffic services;
- (c) The mandatory requirements applicable to persons providing or operating aeronautical telecommunications services or facilities; and
- (d) The Standards and Recommended Practices contained in Annex 10 by reference.

The Regulations consist of five Parts and 37 regulations therein.

Part I contains the citation, the interpretation of words and expressions used in the Regulations and the purpose of the Regulations.

Part II of the Regulations consists of regulations 4 to 13. This Part is very important in that it sets out the initial requirements of the application process and the basic conditions for persons who wish to apply to the Eastern Caribbean Civil Aviation Authority (“the Authority”) for approval to establish an Aeronautical Telecommunications Service.

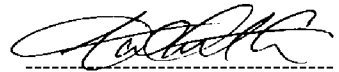
Hence the requisite conditions for such approval and the basic application process are set out in regulations 4 and 5. The language of the application must be in English pursuant to regulation 6. Regulation 7 states that an approval document must specify the Aeronautical Telecommunications Service (ATS) and equipment that an approval holder is allowed to provide. Regulations 8 and 9 respectively set out the duration period of a maximum of 5 years as the time period that may be granted and an approval holder may apply to the Authority for a renewal 30 days before the expiry of that approval. Regulation 10 provides for persons who are exempt from holding an approval due to the type of equipment used and whether this equipment is being used in accordance with the ICAO rules. All approval holders are mandated to take reasonable care in ensuring that all of their employees perform and are aware of safety procedures and conditions specified in the relevant legislation and Operation Manual (regulation 11), and they are mandated to conform to all applicable national or international procedures and standards (regulation 12). Pursuant to regulation 13, a holder of an approval must allow access to his station, equipment or other prescribed location, and also to safety documentation, by any Inspector appointed by the Authority.

Part III of the Regulations contains regulations 14 to 28, which set out the more detailed procedural requirements for applicants seeking an approval from the Authority to set up an ATS.

Part IV contains regulations 29 to 34 and sets out the operating requirements for approval holders. This includes requirements for continued compliance, operating and maintenance instructions, temporary aeronautical telecommunication equipment, limitations on approval holders, Operations Manual changes, internal quality assurance and safety management requirements.

Part V provides for the miscellaneous provisions of the Regulations, from regulations 35 to 37. The latter regulations respectively mandate that the Director General of the Authority issue Implementing Standards applicable to these Regulations, the offence for non-compliance with these Regulations (a maximum fine of \$5000 or imprisonment for a maximum of 6 months), and a transitional provision stating that compliance with the Regulations are required within one year of commencement.

Made this 26th day of February, 2024

A handwritten signature in black ink, appearing to read 'Anthony Whittier', written over a horizontal dashed line.

Anthony Whittier
Director General