

ANTIGUA AND BARBUDA



THE EASTERN CARIBBEAN CIVIL AVIATION AGREEMENT ACT (AMENDMENT
OF SCHEDULE) ORDER, 2023
STATUTORY INSTRUMENT

2023, No. 22

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ARRANGEMENT

Order

1. Short title.
2. Interpretation
3. Amendment of Schedule

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2023, No. 22

In exercise of the powers conferred under section 6 of the Eastern Caribbean Civil Aviation Agreement Act, No. 24 of 2003, the Minister responsible for civil aviation makes this Order:

1. Short title

This Order may be cited as the Eastern Caribbean Civil Aviation Agreement Act (Amendment of Schedule) Order, 2023.

2. Interpretation

In this Order, “principal Act” means the Eastern Caribbean Civil Aviation Agreement Act, No 24 of 2003.

3. Amendment of Schedule

The Schedule of the principal Act is amended—

(a) in Article 2 by deleting the definition of “The Act” and substituting the following—
“ “The Act” means the Act giving effect to this Agreement in the Participating State; ”;

(b) in Article 4 by deleting paragraph (b) and substituting the following—

“(b) to make, develop, issue, revise and enforce harmonized civil aviation regulations, rules, policies and practices to be adopted and applied by the Participating States and to implement and to apply the Standards and Recommended Practices adopted by the International Civil Aviation Organization (ICAO) uniformly within all of the Participating States; ”;

(c) in Article 5 by—

- (i) deleting paragraph (f) and substituting the following—
“ (f) make, develop, issue, revise and enforce civil aviation regulations, rules, directives, standards, policies and practices in the Participating States; ”;
- (ii) deleting paragraph (h),

(iii) inserting the word “directives” after the word “regulations” wherever that word appears in paragraph (i);

(d) by inserting a new Article 6 *bis* immediately following Article 6 as follows—

“ 6 bis Adoption of regulations, directives and standards

(1) Regulations, directives and standards issued by the Authority shall have full force and effect when all steps have been taken as are necessary to give legal effect to them in each of the Participating States. All regulations, directives and standards issued by the Authority shall be published in the Official Gazette of each of the Participating States promptly and in any case no later than 90 calendar days from the date of issuance. The Authority may notify the public of regulations, directives and standards in such other manner as the Authority may decide.

(2) Before the Authority issues any regulations, directives or standards, the Authority shall consult with each Participating State.

(3) To enable meaningful consultation, the Director General shall, in collaboration with the relevant competent authorities in the Participating States, establish and maintain an efficient system of consultations at the national and regional levels, structured to ensure that the competent authorities are adequately informed and provided relevant information and that the process is reinforced by the consultations being undertaken not only at the highest levels but also at successively lower levels where the national process is concerned. ”

(e) in Article 10 by inserting the following new paragraphs (10),(11),(12),(13) and (14) immediately after paragraph (9)—

“ (10) A Director may not—

- (a) engage in an activity that undermines or has the potential of undermining the integrity of the Authority;
- (b) participate in any investigation or decision concerning a matter in respect of which the Director has a financial or other personal interest; or
- (c) use any confidential information obtained in the performance of his functions as a director to obtain, directly or indirectly, a financial or other advantage for himself or any other person.

(11) A Director, as soon as practical after his appointment, shall in writing disclose to the Minister and the Board any direct or indirect financial or other personal interest which the Director has in any business carried on in a Participating State or elsewhere.

(12) A Director who has a direct or indirect interest in any matter—

(a) pending before the Board; or

(b) which is likely to conflict with any matter that is regulated by the Authority,

shall, in writing, as soon as practicable, after the relevant facts have come to his knowledge, disclose to the Board the nature of his interest at a meeting of the Board or a committee of the Board.

(13) The Director who has the interest to which the disclosure contemplated in paragraph (12) relates—

- (a) may not be present during the deliberations or decision on such matter by the Board, or take part in the deliberations or decision on such matter by the Board; and
- (b) shall withdraw from any further deliberations or decision on such matter by the Board, if he was present at a meeting.

(14) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any Director in respect of any act done bona fide in the execution of his duties.”;

Made the 24th day of May, 2023.

Hon. Charles H. Fernandez,
Minister with responsibility for Civil Aviation.