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**LANDING, PARKING, TIE-DOWN AND AIR
 NAVIGATION (FEES AND CHARGES)
 (GOVERNMENT AERODROMES) REGULATIONS**

(SECTION 5)

[Commencement 1st October, 2005]

Citation and
application.

1. (1) These Regulations may be cited as the Landing, Parking, Tie-down and Air Navigation (Fees and Charges) (Government Aerodromes) Regulations.

(2) These Regulations apply to any Government aerodrome, other than a Government aerodrome in respect of which landing, parking, tie-down and air navigation fees and charges, as the case may be, are prescribed under any other written law.

Power of
Director to
charge fees.

2. Subject to the provisions of regulation 3 of these Regulations, it shall be lawful for the Director of Civil Aviation to charge, demand and receive fees and charges for the operation of aircraft at a Government aerodrome to which these Regulations apply (hereinafter called the aerodrome) according to the rates set out in the Schedules to these Regulations.

Schedules.

Fees:
Exemptions and
Reductions.
S.I. 90/2015.

3. (1) No fee shall be charged in respect of —

- (a) aircraft engaged in search or rescue operations or in the provision of emergency medical services or emergency relief services.
- (b) aircraft owned or chartered by any department of the Government of The Bahamas; or
- (c) aircraft belonging to the Armed Forces or governments of any country of the Commonwealth or of the United States of America.

First Schedule.

(2) Landing fees at three quarters of the rate prescribed in the First Schedule to these Regulations shall be charged in respect of privately owned aircraft used only for purposes of recreational flying.

(3) Aircraft other than cargo-carrying aircraft, which land more than once at the aerodrome in any one day shall be charged the full scheduled fee on first landing and one-half of the scheduled fee for any subsequent landing on the same day.

(4) A single engine aircraft, weighing less than six thousand pounds, privately owned and operated is exempt from payment of landing fees.

(5) The Director of Civil Aviation may remit or reduce any of the scheduled fees in the case of persons owning or operating aircraft and having business to transact with him.

4. (1) The Minister shall ensure that —

- (a) provisions are in place to avoid undue disruption to users; increases in charges will be introduced on a gradual basis. Under particular circumstances a departure from this approach may become necessary;
- (b) provisions are in place where charges will be levied by Civil Aviation at Family Island airports; as far as possible, the charges will be consolidated into a single charge or a very small number of different charges;
- (c) maximum flexibility will be maintained in the application of all charging methods to permit introduction of improved techniques as they are developed;
- (d) aerodrome charges levied on international general aviation will be assessed in a reasonable manner, having regard to the cost of the facilities needed and used and the goal of promoting the sound development of international civil aviation as a whole.

Landing
Charges:
Minister's duties.

5. (1) Landing charges are based on the weight formula, using the maximum permissible take-off weight as indicated in the International Civil Aviation Organization (ICAO) Document 7100, Manual of Airports and Air Navigation Facility Tariffs, as amended and the aircraft Manufacturer's specifications as the basis for the maximum permissible takeoff weight assessment. However, the Minister will make allowances for the use of a fixed charge per aircraft or a combination of a fixed charge with a weight-related element, in certain circumstances such as during peak periods.

Principles
applied to
landing charges.

(2) The revised landing charge scale is based on a constant rate per 1,000 pounds in weight, consideration is given to vary the rate at a certain level or levels of weight.

(3) Charges for approach and aerodrome control are levied as part of the landing charge or separately, they will take aircraft weight into account but less than in direct proportion.

(4) No differentiation in rates will be applied for international flights in respect of the stage length flown.

(5) A single charge will be applied for costs of as many as possible of aerodrome-provided facilities and services for normal landing and take-off of aircraft.

(6) The ordinary landing charge will cover the use of lights and special radio aids for landing where these are required, since it is in the interest of safety that aircraft operators will not be discouraged from utilizing aids by the imposition of separate charges for their use.

(7) The sliding scale method of assessing landing shall be significantly abandoned and replaced with the flat rate concept based on aircraft maximum allowable gross takeoff weight.

(8) At Family Island aerodromes in addition to the landing charge a separate charge to cover the use of airfield lights and special radio aids for landing between sunset and sunrise will be imposed. The charge will not be levied on the basis of optional use but will be uniformly imposed on all landings occurring during the period between sunset and sunrise.

Aircraft Parking
and tie-down
fees; waiver.
Second
Schedule.

6. (1) The Minister shall —

- (a) ensure that parking and tie-down fees that are levied as specified in the Second Schedule are an inducement to operators and private owners to remain in The Bahamas for longer periods;
- (b) ensure that separate facilities adequate for general aviation is established at major Family Island aerodromes where all such charges will be levied. In this regard a modest but reasonable combined monthly landing and tie-down fee can be introduced to this group to whom the parking charges will generally apply;
- (c) ensure that the Government's policy to encourage the development of aviation in The Bahamas will continue. Flying Clubs and private owners who use Family Island Airports as home base shall register their aircraft with the Department of Civil

Aviation to be eligible for reductions in landing and parking fees.

(2) The Minister may authorize waivers to operators and private owners to remit payment representing payment for the first 15 days of each month. Provided operators and private owners are in good standing at the first of each month, they will be exempt from paying landing and tie-down fees for the remainder of the current month.

(3) Failure of operators and private owners to remit payment in accordance with the agreed memorandum of understanding (MOU), the privilege to do so will be cancelled. Forthwith, the operator and or private owner will be mandated to pay the aircraft's parking and tie-down daily rates without exemption.

(4) The Minister shall establish a monthly parking rate for regular aerodrome users, and establish a special rate for Flying Club members and private owners who registered their aircraft with the Department of Civil Aviation.

(5) The ground processing fee time shall be four (4) hours.

7. The following principles shall apply in the collection of parking charges —

- (a) for the determination of charges associated with the use of parking, and or tie-down services of aircraft, maximum permissible take-off weight and aircraft dimensions (area occupied) and length of stay will be used so far as possible for the basis;
- (b) the period of free parking time for aircraft immediately following landing will be six (6) hours determined by considering aircraft scheduling, space availability and other pertinent factors.

Aircraft Parking and Tie-Down Charges.

8. The Minister shall implement a passenger service charge, which shall be imposed on all operators (including air carriers and charter operators). Operators will be required to include the charges in the airfare.

Passenger service charges.

9. (1)The Minister shall ensure the implementation of adequate security measures at airports. The Minister may delegate the task of providing individual security

Security charges.

functions to such agencies as airport authorities, airlines and local police.

(2) The Minister may determine in which circumstances and the extent to which the costs involved in providing security facilities and services should be borne by the Government, the airport authorities or other responsible agencies.

(3) With reference to the recovery of security costs from the users, the following general principles are applied —

- (a) consultations will take place before any security costs are to be assumed by airports, airlines or other entities;
- (b) the Department of Civil Aviation will put procedures in place to recover the costs of security measures at airports from the users in a fair and equitable manner;
- (c) any charges or transfers of security costs will be directly related to the costs of providing the security services concerned and will be designed to recover no more than the relevant costs involved;
- (d) no discrimination will be exercised between the various categories of users when charging for the level of security provided. Additional costs incurred for extra levels of security provided regularly on request to certain users will also be charged to those users;
- (e) the costs of security at airports will be recovered through charges; the method used will be discretionary, but such charges will be based either on the number of passengers or on aircraft weight or a combination of both factors;
- (f) security costs allocatable to airport tenants will be recovered through rentals or other charges; and
- (g) charges will be levied either as additions to other existing charges or in the form of separate charges but will be subject to separate identification of costs and appropriate explanation.

10. The Minister may impose aviation security fees at Family Island aerodromes as specified in the Third Schedule.

Family Island Security Charges.
Third Schedule.
Consultation: charges and planning.

11. (1) The Minister shall ensure consultation with airport users before significant changes in charging systems or levels of charges are introduced.

(2) The Minister shall ensure that it is understood that the purpose of consultation is to ensure that the Minister or the appropriate authority gives consideration to the views of users and the effect the charges will have on them; and implies that discussions between the Minister and/or other airport authorities and users in an effort to reach general agreement on any proposed charges; and that, failing such agreement, the Minister and/or airport authorities will continue to be free to impose the charges concerned; and/or need not take into consideration the discussions and may impose the charges concerned.

(3) The following procedures shall be followed prior to the imposition of new charges —

- (a) when any significant revision of charges or imposition of new charges are contemplated by the Minister or other competent authority, appropriate prior notice shall, so far as possible, be given at least two months in advance to the principal users, either directly or through their representative bodies;
- (b) in any such revision of charges or imposition of new charges the airport users shall, so far as is possible, be given the opportunity to submit their views to and consult with the Minister or competent authority. For this purpose, the airport users shall be provided with adequate financial information;
- (c) the Minister shall ensure that reasonable advance notice of the final decision on any revision of charges or imposition of new charges is given to airport users. This period of notice shall take into account the implications for both the users and airport;
- (d) in light of the enormous and ever-increasing cost of new airports and major developments at existing airports, regular users or their representative organizations shall be consulted from the beginning of the project. Equally, in order that the Minister and airport authorities may better plan their future financial requirements, aerodrome users, particularly airlines, shall for

their part provide advance planning data to the Minister and airport authorities on a 5 to 10-year forecast basis relating to future types, characteristics and numbers of aircraft expected to be used; the anticipated growth of passengers and cargo to be handled; the special facilities which the airport users desire; and other relevant matters. Such planning will best be accomplished by two-way discussions between the Minister, airport authorities and airlines, either directly or through their respective representative organizations.

Administrative overheads.

12. The Minister may impose administrative overhead charges in the amount of twenty five percent (25%) which includes the costs of staff wholly or principally engaged in administrative functions (including such functions as technical and operational planning and finance, administrative and other support services), as distinct from those supervisory technical personnel whose functions include certain, but more limited, administrative responsibilities, and whose full cost is therefore properly classified under costs of operation and maintenance; and the costs of the operation and maintenance of those premises and equipment used for administrative and common purposes, including rentals or fees paid for such premises and equipment.

Development revenues from concessions, etc.

13. (1) Airports may derive income from concessions, rental of premises and “free zones”. With the exception of concessions that are directly associated with the operation of air transport services, such as fuel, in-flight catering and ground handling, the full development of revenues of this kind shall be encouraged having regard to the need for moderation in prices to the public, the requirements of passengers and the need for terminal efficiency.

Fourth Schedule.

(2) The Minister may impose the concession and land lease fees and charges at Family Island airports as specified in the Fourth Schedule.

Fuel Concession Fees.
Sixth Schedule.

14. (1) The Minister may impose charges as specified in the Sixth Schedule to satisfy the application for provision of aviation fuel concession.

(2) Fuel “throughput” charges, where imposed, shall be recognized by the Minister and airport authorities as being concession charges of an aeronautical nature and fuel concessionaries may not add them automatically to the price of fuel to aircraft operators, although such may be

included as a component of their costs in negotiating fuel supply prices with aircraft operators.

(3) Fuel suppliers shall remit payment to the Department of Civil Aviation in the amount of seven cents (\$00.07) per gallon of aviation fuel supplied to users.

(4) All fees and charges in respect of an investigation into the application for the provision of aviation fuel concession shall be payable in advance to the Director of Civil Aviation.

15. The Minister shall ensure as appropriate implementation of provisions defined in the following list, which contain Approach, Landing and Take-off Facilities and Services considered in determining aerodrome cost —

Determination of aerodrome costs.

- (a) the runway strip, runway pavement, taxiways and safety areas must be cleared and cleaned and properly maintained;
- (b) the runway strip, runway and taxiway systems must be equipped with necessary drainage;
- (c) there must be installed a perimeter security fence and perimeter road;
- (d) there must be installed the necessary airfield lighting systems including approach, landing, taxiing and takeoff systems;
- (e) there must be two-way instantaneous communications established at Family Island aerodromes between controllers and pilots; and
- (f) other visual aids, navigational aids and other special aids for approach, landing and takeoff will be installed.

16. (1) The Minister shall establish air traffic control for the provision of approach control and aerodrome control services to provide for approach, landing, taxiing and takeoff with the necessary communications, including satellite services.

Approach and aerodrome control.

- (2) The Minister shall also ensure that —
 - (a) meteorological services are provided by Nassau Metrological Department; and
 - (b) fire and ambulance services are in attendance.

Other facilities
and services.

17. The Minister shall additionally cause to be provided the following facilities and services —

- (a) the provision of passenger and public waiting rooms and concourses with necessary air condition, lighting, janitor service, and public roads;
- (b) accommodation for airline offices, traffic counters, and air crews, and for handling of passengers and cargo;
- (c) assistance in handling passengers and cargo, cargo, and necessary equipment;
- (d) provision of special servicing of aircraft (air conditioning, cleaning, etc.);
- (e) towing and other handling of aircraft;
- (f) space for parking and tie down of aircraft, and long-term storage of aircraft;
- (g) hangar, workshop, stores, garage, and other technical accommodation;
- (h) land leases to aircraft operators for various purposes;
- (i) provision of aircraft fuel (usually via concessions) and other technical supplies, and also of maintenance and repairs for aircraft;
- (j) the assurance for communication facilities (aircraft operating agency messages - Class B); and
- (k) provision of common services such as light, power, water.

Security
measures, etc.

18. Security measures, equipment and facilities shall be provided for the following functions —

- (a) provision of inspection, screening of passengers, hold baggage and cabin baggage;
- (b) provision of security in the departure and arrival lounges, including transfer and transit lounges;
- (c) provision of security of airside areas; and
- (d) provision of security of landside areas.

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- 19.** There shall be provided accommodation for, other than aircraft operators for —
- (a) shops, hotels, restaurants, ground transport providers, banks/money exchanges, post office, telegraph office, e-mail;
 - (b) facilities paid for directly by the public, such as parking;
 - (c) necessary government activities, customs, immigration, public health, agricultural quarantine;
 - (d) land rented including farm land.
- 20.** The fees specified in the Fifth Schedule are payable in respect of the subject matter to which they relate therein.
- 21.** The Regulations specified in the first column are hereby amended in the manner indicated in the second column of the Seventh Schedule.
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| Accommodation other than for aircraft operators. |
| Miscellaneous fees.
Fifth Schedule. |
| Repeal and consequential amendment.
Seventh Schedule. |

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SCHEDULES

Schedules 1 – 29 Omitted

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