

THE CIVIL AVIATION ACT

THE CIVIL AVIATION (AIR NAVIGATION) REGULATIONS, 1995

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THE CIVIL AVIATION ACT

REGULATIONS
(under section 3)

THE CIVIL AVIATION (AIR NAVIGATION) REGULATIONS, 1995

*(Made by the Minister on the 2nd day of October, 1995)*L.N. 124/1995
AmdtsL.N. 149/1995
134/2004**1. – 63.** [*Repealed by L.N. 134/2004.*]PART VIII – *Control of Air Traffic*

64.—(1) Every person and every aircraft shall comply with such of the Rules of the Air and Air Traffic Control contained in the Thirteenth Schedule as may be applicable to that person or aircraft in the circumstances of the case.

Rules of the Air
and Air Traffic
Control.
Thirteenth
Schedule

(2) Subject to the provisions of paragraph (3), it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air and Air Traffic Control.

(3) It shall be lawful for the Rules of the Air and Air Traffic Control to be departed from to the extent necessary—

- (a) for avoiding immediate danger; or
- (b) for complying with the law of any country other than Jamaica within which the aircraft then is; or
- (c) for complying with Military Flying Regulations in relation to an aircraft of which the commander is acting in the course of his duty as a member of such military force.

(4) If any departure from the Rules of the Air and Air Traffic Control is made for the purpose of avoiding immediate danger, the commander of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within ten days thereafter to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the Minister.

(5) Nothing in the Rules of the Air and Air Traffic Control shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

(6) The Minister may make rules of the Air and Air Traffic Control supplementary to but not inconsistent with the Rules of the Air and Air Traffic Control contained in the Thirteenth Schedule.

65. – 70. [Repealed by L.N. 134/2004]

PART IX – Aerodromes, Aeronautical Radio Stations and
Aeronautical Lights, Dangerous Lights.

71. [Repealed by L.N. 134/2004]

Aeronautical radio
stations at aero-
drome.

72.—(1) No person shall cause or permit an aeronautical radio station to be established or used unless its purpose has been approved by the Minister and the equipment thereof is of a type the specification of which is approved by the Minister in relation to the purpose for which it is to be used.

(2) The person in charge of an aeronautical radio station which provides navigational aid by radio or radar to an aircraft making an approach to land or landing at an aerodrome shall provide at that station such navigational aid unless all aeronautical radio stations operated by him at that aerodrome are—

- (a) installed, modified and maintained in a manner approved by the Minister; and
- (b) flight checked by the Minister or by a person approved by the Minister for that purpose on such occasions as the Minister may require,

so, however, that the provisions of this paragraph shall not apply to any aeronautical radio station which is used solely for communication between the operator and the commander of the aircraft.

(3) The person in charge of an aeronautical radio station at an aerodrome licensed for public use shall publish the type of operation of any service provided at that aeronautical radio station for use by aircraft and the hours of operation.

(4) For the purpose of this regulation, an approval shall be in writing and may be granted subject to such conditions as the Minister may approve.

(5) The provisions of this regulation shall not apply to any aeronautical radio station of which the Minister is the person in charge.

Aeronautical radio
station records.

73.—(1) The person in charge of an aeronautical radio station which provides navigational aid by radio or radar to an aircraft making an approach to land or landing at an aerodrome shall in respect of all aeronautical radio stations operated by him at that aerodrome—

- (a) keep a written record of all functional tests, flight checks and particulars of any overhauls repair, replacement or modification thereof;
- (b) preserve the written record for a period of one year or such longer period as the Minister may in any particular case direct and shall, within a reasonable time after being requested to do so by an authorized person, produce such records to that person.

(2) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit shall provide apparatus which is capable of recording the content of any radio message or signal transmitted to any aircraft either alone or in common with other aircraft or received from an aircraft by the air transport unit.

(3) The apparatus provided in compliance with paragraph (2) shall be—

- (a) a type the specification of which is approved by the Minister in relation to the particular aeronautical radio station;
- (b) installed, modified and maintained in a manner approved by the Minister; and
- (c) in operation at all times when the aeronautical radio station is in operation for providing air traffic control service.

(4) The recording referred to in paragraph (2) shall include—

- (a) the identification of the aeronautical radio station;
- (b) the date or dates on which the recording is made;
- (c) the times at which each message or signal is transmitted;
- (d) the identity of the aircraft to or from which and the radio frequency on which the message or signal was transmitted or received; and
- (e) the time when the recording started and finished.

(5) If at any time the apparatus provided in compliance with paragraph (2) ceases to be capable of recording the matters required by this regulation to be included in the recording, the person in charge of the aeronautical station shall ensure that a written record is kept in which the particulars specified in paragraph (4) are recorded together with a summary of communications exchanged between the aeronautical radio station and aircraft.

(6) The person in charge of the aeronautical radio station shall preserve any recording or record made pursuant to paragraphs (2) and (5), respectively, for a period of thirty days from the date on which the message signal is recorded or for such longer period as the Minister may direct, and shall, within a reasonable time after being requested to do so by an authorized person, produce such record to that person.

(7) A person required by this regulation to preserve any record shall, if he ceases to be such a person, continue to preserve the record as if he had not ceased to be such a person, and in the event of his death, the duty to preserve the record shall fall upon his personal representative:

Provided that if another person becomes the person in charge of the aeronautical radio station the person who was previously in charge or his personal representative shall deliver the record to that other person on demand and it shall be duty of that other person to deal with the record as if he were that person previously in charge.

(8) The provisions of this regulation shall not apply to any aeronautical radio station of which the Minister is the person in charge.

Noise and vibrations caused by aircraft on aerodromes.

74. The Minister may cause to be notified the conditions under which noise and vibration caused by aircraft (including military aircraft) on Government aerodromes, licensed aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft, shall be specified in provision 12 of the Fourteenth Schedule.

Fourteenth Schedule

Aeronautical lights

75.—(1) Except with the permission of the Minister and in accordance with any conditions subject to which the permission may be granted, a person shall not establish, maintain or alter the character of—

- (a) an aeronautical beacon within Jamaica so, however, that in the case of an aeronautical beacon which is or may be visible from the waters within an area of a light house authority, the Minister shall not give his permission without the consent of that authority;
- (b) an aeronautical ground light (other than an aeronautical beacon) at an aerodrome licensed under the Civil Aviation (Control of Aerodrome and Airstrips) Regulations, 1984 or which forms part of the lighting system for use by aircraft taking off or landing at such an aerodrome.

(2) A person shall not intentionally or negligently damage or interfere with any aeronautical ground light established by or with the permission of the Minister.

Dangerous lights.

76.—(1) A person shall not exhibit in Jamaica any light which —

- (a) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome; or
- (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.

(2) If any light which appears to the Minister to be such a light as aforesaid is exhibited the Minister may cause a notice to be served upon the person who is the occupier of the place where the light is exhibited or who has charge of the light directing that person, within a reasonable time to be specified in the notice, to take such steps as may be specified in the notice for extinguishing or screening the light and for preventing in the future the exhibition of any other light which may similarly endanger aircraft.

(3) The notice may be served either personally or by post or by affixing it in some conspicuous place near to the light to which it relates.

(4) In the case of a light which is or may be visible from any waters within the area of a lighthouse authority, the powers of the Minister under this regulation shall not be exercised except with the consent of that authority.

PART X— *General*

Restriction on carriage of passengers or goods for hire or reward.

77. An aircraft registered in a Contracting State other than Jamaica or a foreign country shall not take on board or discharge any passengers or cargo in Jamaica, being a passenger or cargo carried for hire or reward, except in accordance with a licence or a permit granted under Part II or Part III of the Civil Aviation (Air Transport Licensing) Regulations, 1966.

Restriction in respect of aerial photography and aerial survey.

78. An aircraft registered in a Contracting State other than Jamaica or in a foreign country shall not fly over Jamaica for the purpose of aerial photography or aerial survey (whether or not hire or reward is given or promised in respect of the flight or the purpose of the flight) or for the purpose of any other form of aerial work, except in accordance with a permit granted to the operator or charterer of the aircraft under Part III of the Civil Aviation (Air Transport Licensing) Regulations, 1966 and in accordance with any conditions to which such permission may be subject.

Provisions regarding flights over foreign countries.

79.—(1) This regulation applies to—

- (a) an aircraft registered in Jamaica; or
- (b) any other aircraft (including an aircraft that is unregistered) that is at the relevant time operated by an operator whose principal place of business or permanent address is in Jamaica.

(2) The operator or the commander of an aircraft referred to in paragraph (1) which is being flown over any foreign country shall not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of or to the safety of air navigation of that country.

(3) A person does not contravene paragraph (2) if he neither knew nor suspected that the aircraft was being used or was to be used for the purpose referred to in that paragraph.

(4) The operator or the commander of an aircraft referred to in paragraph (1) which is being flown over a foreign country shall comply with any directions given by the appropriate aeronautical authorities of that country—

- (a) whenever the flight is required to be authorized by that foreign country and it is not so authorized; or
- (b) whenever there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of or to the safety of air navigation of that country.

unless the lives of persons on board or the safety of the aircraft would thereby be endangered.

(5) A person does not contravene paragraph (4) if he neither knew nor suspected that directions were being given by the appropriate aeronautical authorities of the country being overflown.

(6) The requirements in paragraphs (2) and (4) do not affect any other obligation imposed by law, including the law of the foreign country to comply with a direction given by the appropriate aeronautical authority of that foreign country.

(7) In this regulation “appropriate aeronautical authority” includes any person, whether a member of the country’s military or civil authority, authorized under the law of the foreign country to issue directions to aircraft flying over that country.

80. – 84. [*Repealed by L.N. 134/2004*]

Penalties

85.—(1) [*Repealed by L.N. 134/2004*]

(2) [*Repealed by L.N. 134/2004*]

(3) Where a person is charged with contravening a provision of these Regulations by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of public transport of aerial work the flight shall be treated (without prejudice to the liability of any other person under these Regulations) as not having been for that purpose if he proves that he neither knew nor had reason to know that the flight was for that purpose.

(4) [*Repealed by L.N. 134/2004*]

(5) [*Repealed by L.N. 134/2004*]

(6) [*Repealed by L.N. 134/2004*]

86. – 94. [*Repealed by L.N. 134/2004*]

FIRST SCHEDULE TO TWELFTH SCHEDULE – [Repealed by L.N. 134/2004]

THIRTEENTH SCHEDULE

(Regulation 64)

Rules of the Air and Air Traffic Control

1. – 13. [Repealed by L.N. 134/2004]

14.—(1) A captive balloon or kite while flying at night at a height exceeding 60 metres above the surface shall display lights as follows—

Captive balloons and kites.

- (a) a group of two steady lights consisting of a white light placed 4 metres above a red light, both being of at least five candela and showing in all directions, the white light being placed not less than 5 metres or more than 10 metres below the basket, or if there is no basket, below the lowest part of the balloon or kite;
- (b) on the mooring cable, at intervals of not more than 300 metres measured from the group of lights referred to in sub-paragraph (a), groups of two lights of the colour and power and in the relative positions specified in that sub-paragraph, and, if the lowest group of lights is obscured by cloud, an additional group below the cloud base; and
- (c) on the surface, a group of three flashing lights arranged in a horizontal plane at the apexes of a triangle, approximately equilateral, each side of which measures at least 25 metres, one side of the triangle shall be approximately at right angles to the horizontal projection of the cable and shall be delimited by two red lights; the third light shall be a green light so placed that the triangle encloses the object on the surface to which the balloon or kite is moored.

(2) A captive balloon while flying by day at a height exceeding 60 metres above the surface shall have attached to its mooring cable at intervals of not more than 200 metres measured from the basket, or, if there is no basket, from the lowest part of the balloon, tubular streamers not less than 40 centimetres in diameter and 2 metres in length, and marked with alternate bands of red and white 50 centimetres wide.

(3) A kite flown in the circumstances referred to in paragraph (2) shall have attached to its mooring cable either—

- (a) tubular streamers as specified in paragraph (2); or
- (b) at intervals of not more than 100 metres measured from the lowest part of the kite, streamers of not less than 80 centimetres long and 30 centimetres wide at their widest point and marked with alternate bands of red and white 10 centimetres wide.

15.—(1) Except as provided in paragraph (2), an airship while flying at nights shall display the following lights—

Airships.

- (a) a steady white light of at least five candela showing through angles of 110° from dead ahead to each side in the horizontal plane;
- (b) a steady green light of at least five candela showing to the starboard side through an angle of 110° from dead ahead in the horizontal plane;
- (c) a steady red light of at least five candela showing to the port side through an angle of 110° from dead ahead in the horizontal plane;
- (d) a steady white light of at least five candela showing through angles of 70° from dead astern to each side in the horizontal plane; and
- (e) an anti-collision light.

THIRTEENTH SCHEDULE, *cont'd.*

(2) An airship while flying at night shall display, if it is not under command, or has voluntarily stopped its engines, or is being towed, the following steady lights—

- (a) the white lights referred to in paragraph (1) (a) and (d);
- (b) two red lights, each of at least five candela and showing in all directions suspended below the control car so that one is at least 2 metres above the other and at least 8 metres below the control car; and
- (c) if the airship is making way but not otherwise, the green and red lights referred in paragraph (1) (b) and (c):

Provided that an airship while picking up its moorings, notwithstanding that it is not under command, shall display only the lights specified in paragraph (1).

(3) An airship, while moored within Jamaica by night, shall display the following steady lights—

- (a) when moored to a mooring mast, at or near the rear a white light of at least five candela showing in all directions;
- (b) when moored otherwise than to a mooring mast—
 - (i) a white light of at least five candela showing through angles of 110° from dead ahead to each side in the horizontal plane;
 - (ii) a white light of at least five candela showing through angles of 70° from dead astern to each side in the horizontal plane.

(4) An airship while flying by day, if it is not under command, or has voluntarily stopped its engines, or is being towed, shall display two black balls suspended below the control car so that one is at least 4 metres above the other and at least 8 metres below the control car.

(5) For the purposes of this rule—

- (a) an airship shall be deemed not to be under command when it is unable to execute a manoeuvre which it may be required to execute by or under these Rules;
- (b) an airship shall be deemed to be making way when it is not moored and is in motion relative to the air.

THIRTEENTH SCHEDULE, *cont'd.*

16. – 47. [Repealed by L.N. 134/2004.]

FOURTEENTH SCHEDULE

(Regulations 9(3) (iii), 11(3),
6(a)(iii), 14, 27(1)(c), 28(4), 29(1),
36, 73 and 80(1))

1. – 11. [Repealed by L.N. 134/2004.]

12. With reference to regulation 74, the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, licensed or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers and repairers of aircraft, shall be as follows, that is to say, that, whether in the course of the manufacture of the aircraft or otherwise—

Noise and vibration caused by aircraft on aerodrome

- (a) the aircraft is taking off or landing; or
- (b) the aircraft is moving on the ground or water; or
- (c) the engines are being operated in the aircraft—
 - (i) for the purpose of ensuring their satisfactory performance;
 - (ii) for the purpose of bringing them to a proper temperature in preparation for, or at the end of, a flight; or
 - (iii) for the purpose of ensuring that the instruments, accessories or other components of the aircraft are in a satisfactory condition.

13. – 16. [Repealed by L.N. 134/2004.]

FIFTEENTH SCHEDULE— [Repealed by L.N. 134/2004.]