
CIVIL AVIATION ACT

CIVIL AVIATION (AIR NAVIGATION) REGULATIONS, 2001

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**CIVIL AVIATION (AIR NAVIGATION)
REGULATIONS, 2001**

S.I. 59/2001

(SECTION 5)

[Commencement 17th April, 2001]

1. These Regulations may be cited as the Civil Aviation (Air Navigation) Regulations, 2001. Citation.

2. For the purposes of the Civil Aviation Act and of these Regulations, the provisions of the Convention on International Civil Aviation signed at Chicago on the 7th December, 1944 (“the Chicago Convention”) and the Annexes thereto together with the Standards and Recommended Practices established by the International Civil Aviation Organisation (ICAO) thereunder and such other internationally recognised standards and practices, including the Joint Airworthiness Requirements issued from time to time by the Joint Aviation Authorities, shall be adopted and applied (as appropriate) in The Bahamas. Applicable laws and interpretation.
Ch. 284.

3. The Director of Civil Aviation may by means of Aviation Information Circulars (AIC), Airworthiness Notices (AWN), Aeronautical Information Publications (AIP), Notices to Airmen (NOTAMS), Civil Aviation Publications (CAP), Notices of Non Compliance (NNC), The Bahamas Aviation Requirements (BAR) and other documents develop, issue and revise instructions, directions, rules and procedures or prescribe requirements to give effect to the provisions of the Chicago Convention and the Annexes thereto and the Standards and Recommended Practices of ICAO as well as the provisions of the Civil Aviation Act and of these Regulations, relating to the navigation of aircraft flying in or over The Bahamas or of aircraft registered in The Bahamas. Delegation of powers.

4. (1) In these Regulations, unless the context otherwise requires — Interpretation.

“aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and

departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

“aerodrome flight information service officer” means a person appointed by the Minister or by any other person maintaining an aerodrome to give information by means of radio signals to aircraft flying or intending to fly within the aerodrome traffic zone of that aerodrome and ‘aerodrome flight information service’ shall be construed accordingly;

“aeronautical beacon” means an aeronautical ground light which is visible either continuously or intermittently to designate a particular point on the surface of the earth;

“aeronautical ground light” means any light specifically provided as an aid to air navigation, other than a light displayed on an aircraft;

“aeronautical radio station” means a radio station on the surface, which transmits or receives signals for the purpose of assisting aircraft;

“air traffic control unit” means a person appointed by the Minister or by any other person maintaining an aerodrome or place to give instructions or advice or both instructions and advice by means of radio signals to aircraft in the interests of safety but does not include a person so appointed solely to give information to aircraft, and ‘Air traffic control service’ shall be construed accordingly;

“appropriate air traffic control unit” means in relation to an aircraft the air traffic control unit serving the area in which the aircraft is for the time being;

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- “authorised person” means any person authorised by the Minister either generally or in relation to a particular case or class of cases, and references to a person authorised by the Minister include reference to the holder for the time being of any office designated by the Minister;
- “flight” and “to fly” have the meanings respectively assigned to them by paragraph (2) of this regulation;
- “to land” in relation to aircraft includes alighting on the water;
- “licence” includes any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;
- “Minister” means the Minister responsible for Civil Aviation;
- “nautical mile” means the International Nautical Mile, that is to say, a distance of 1852 metres;
- “night” means the time between half an hour after sunset until half an hour before sunrise, sunset and sunrise being determined at surface level;
- “notified” means shown in any of the following publications for the time being in force and issued in The Bahamas whether before or after the coming into operation of these Regulations that is to say, “Notams (notices to airmen)”, “Aeronautical information publications (AIP)”, or such other official publications so issued for the purpose of enabling any of the provisions of these Regulations to be complied with;
- “parascending parachute” means a parachute which is towed by cable in such a manner as to cause it to ascend;
- “passenger” means a person other than a member of the crew;
- “pilot in command” in relation to an aircraft means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

“precision approach” means an instrument approach using Instrument Landing System, Microwave Landing System or Precision Approach Radar for guidance in both azimuth and elevation;

“prescribed” means prescribed by regulations made by the Minister under these Regulations, and the expression ‘prescribe’ shall be construed accordingly;

“record” includes, in addition to a record in writing —

- (a) any disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced therefrom;
- (b) any film, tape or other device in which visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom; and
- (c) any photograph;

and any reference to a copy of a record includes, in the case of a record falling within paragraph (a) only of this definition, a transcript of the sounds or signals embodied therein, in the case of a record falling within paragraph (b) only of this definition, a still reproduction of the images embodied therein, and in the case of a record falling within both those paragraphs such a transcript together with such a still reproduction.

(2) An aircraft shall be deemed to be in flight from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power, until the moment when it next comes to rest after landing; and the expressions “a flight” and “to fly” shall be construed accordingly.

(3) A power to issue directions under these Regulations shall include the power to make different provisions with respect to aerodromes, persons or property and with respect to different circumstances and with respect to different parts of The Bahamas and to make such incidental and supplementary provisions as are necessary or expedient for carrying out the purposes of these Regulations.

(4) Any power conferred by these Regulations to issue, make, serve or grant any instrument shall be construed as including a power exercisable, in the like manner and subject to the like conditions, if any, to vary, revoke, cancel or otherwise terminate the instrument.

(5) In this paragraph “instrument” includes any direction, instruction, rule or other requirement, any notice and any certificate, licence, approval, permission, exemption, authorisation, record or other document.

PART I ENFORCEMENT OF REGULATIONS

5. Any person who without reasonable excuse fails to comply with any direction given to him under any provision of these Regulations shall be deemed for the purposes of these Regulations to have contravened that provision.

Enforcement of directions.

6. (1) The Minister may, if he thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under these Regulations, pending inquiry into or consideration of the case. The Minister may, on sufficient ground being shown to his satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.

Revocation, suspension and variation of documents.

(2) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under these Regulations shall surrender it to the Minister within a reasonable time after being required to do so by the Minister.

(3) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued, or which has effect under these Regulations shall, in the absence of provision to the contrary in the document, render the document invalid during the continuance of the breach.

7. (1) Subject to the provisions of this regulation, the Minister may revoke, suspend or vary any permit to which this regulation applies.

Revocation, suspension and variation of permits.

(2) Save as provided by paragraph (3), the Minister may exercise his powers under paragraph (1) only after notifying the permit-holder of his intention to do so and after due consideration of the case.

(3) If, by reason of the urgency of the matter, it appears to the Minister to be necessary for him to do so, he may provisionally suspend or vary a permit to which this regulation applies without complying with the requirements of paragraph (2); but he shall in any such case comply with those requirements as soon thereafter as is reasonably practicable and shall then, in the light of his due consideration of the case, either:

- (a) revoke the provisional suspension or variation of the permit; or
- (b) substitute therefor a definitive revocation, suspension or variation, which, if a definitive suspension, may be for the same or a different period as the provisional suspension (if any) or, if a definitive variation, may be in the same or different terms as the provisional variation (if any).

(4) The powers vested in the Minister by paragraph (1) or paragraph (3) may be exercised by him whenever, in his judgement and whether or not by reason of anything done or omitted to be done by the permit-holder or otherwise connected with the permit holder, it is necessary or expedient that the permit-holder should not enjoy, or should no longer enjoy, the rights conferred on him by a permit to which this regulation applies or should enjoy them subject to such limitations or qualifications as the Minister may determine. In particular, and without prejudice to the generality of the foregoing, the Minister may exercise his said powers if:

- (a) it appears to him that the person to whom the permit was granted has committed a breach of any condition to which it is subject; or
- (b) it appears to him that any agreement between the Government of The Bahamas and the Government of any other country in pursuance of which or in reliance on which the permit was granted is no longer in force or that that other Government has committed a breach thereof.

(5) The permit-holder or any person having the possession or custody of any permit which has been revoked, suspended or varied under this regulation shall surrender it to the Minister within a reasonable time of being required by him to do so.

(6) The breach of any condition subject to which any permit to which this regulation applies has been granted shall render the permit invalid during the continuance of the breach.

(7) References in this regulation to the 'permit-holder' are references to the person to whom any permit to which this regulation applies has been granted or is deemed to have been granted.

8. (1) If any provision of these Regulations or any directions made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command thereof shall (without prejudice to the liability of any other person under these Regulations for that contravention) be deemed for the purposes of the following provisions of this regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent that contravention.

Penalties.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention or any regulations made thereunder was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) If any person contravenes any provision or these Regulations, not being a provision referred to in paragraphs (4) and (5) of this regulation, he shall be guilty, of an offence and liable on summary conviction to a fine not exceeding six hundred dollars.

(4) If any person contravenes any provision specified in Part A of the Second Schedule he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifteen hundred dollars.

(5) If any person contravenes any provision specified in Part B of the said Schedule he shall be guilty of an offence and liable on summary conviction to a fine not

exceeding three thousand dollars and on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both.

Appeal to
Supreme Court.

9. (1) An appeal shall lie to the Supreme Court from any decision of the Minister that a person is not a fit person to hold a licence to act as an air traffic controller, student air traffic controller or aerodrome flight information service officer, and if the court is satisfied on the evidence submitted to the Minister he was wrong in so deciding, the court may reverse the Minister's decision and the Minister shall give effect to the court's determination:

Provided that an appeal shall not lie from a decision of the Minister that a person is not qualified to hold the licence by reason of a deficiency in his knowledge, experience, competence, skill, physical or mental fitness.

(2) The respondent to any appeal under this regulation shall be the Attorney General.

(3) For the purposes of any provision relating to the time within which an appeal may be brought, the Minister's decision shall be deemed to have been taken on the date on which the Minister furnished a statement of his reasons for the decision to the applicant for the licence, or as the case may be, the holder or former holder of it.

PART II CONTROL OF AIR TRAFFIC

Licensing of air
traffic personnel.

10. (1) The Minister may grant a licence subject to such conditions as he thinks fit to a person to act as an air traffic controller, as a student air traffic controller or as an aerodrome flight information service officer upon his being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness so to act, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests (including in particular medical examinations) as the Minister may require of him:

Provided that the Minister shall not grant —

- (a) a student air traffic controller's licence or an aerodrome flight information service officer's licence to a person under the age of eighteen years;

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- (b) an air traffic controller's licence which includes an Aerodrome Control Rating, an Approach Control Rating or an Area Control Rating, to a person under the age of twenty one years; or
 - (c) an air traffic controller's licence which includes any other rating, to a person under the age of twenty one years.
- (2) Every licence to act as an air traffic controller shall include —
- (a) ratings of one or more of the classes set forth in the First Schedule specifying the type of air traffic control service which the holder of the licence is competent to provide;
 - (b) a list of the places at which the rating is valid; and
 - (c) the type of radar equipment, if any, with the aid of which he may provide the service.
- (3) If throughout any period of ninety days the holder of the licence has not at any time provided at a particular place the type of air traffic control service specified in the rating, the rating shall, without prejudice to the Minister's powers under these Regulations, cease to be valid for that place at the end of that period, and upon a rating ceasing to be valid for a place the holder of the licence shall forthwith inform the Minister to that effect and shall forward the licence to the Minister to enable it to be endorsed accordingly.
- (4) Every licence to act as a student air traffic controller shall be valid only for the purpose of authorising the holder to provide air traffic control service under the supervision of another person who is present at the time and is the holder of a valid air traffic controller's licence which includes a rating specifying the type of air traffic control service which is being provided by the student air traffic controller and valid at the place in question.
- (5) Every licence to act as an aerodrome flight information service officer shall be valid only for the purpose of authorising the holder to provide an aerodrome flight information service at an aerodrome specified in the licence, and if, throughout any period of one hundred and eighty days, the holder of the licence has not at any time provided such a service at a particular aerodrome, the licence shall cease to be valid for that aerodrome at the end of that period.

(6) A licence to act as an air traffic controller, as a student air traffic controller or as an aerodrome flight information service officer shall not be valid unless the holder of the licence has signed his name thereon in ink with his ordinary signature.

(7) A licence to act as an air traffic controller, as a student air traffic controller or as an aerodrome flight information service officer shall remain in force for the period indicated in the licence and may be renewed by the Minister from time to time, upon his being satisfied that the applicant is a fit person and is qualified as aforesaid and if no period is indicated in the licence, it shall remain in force, subject as aforesaid, for the lifetime of the holder.

(8) Every applicant for and holder of an air traffic controller's licence or a student air traffic controller's licence shall upon such occasions as the Minister may require —

- (a) submit himself to medical examination by a person approved by the Minister either generally or in a particular case who shall make a report to the Minister in such form as the Minister may require; and
- (b) submit himself to such examinations and tests and furnish such evidence as to his knowledge, experience, competence and skill, as the Minister may require, and such examinations and tests may be conducted by the Minister or by a person approved by the Minister.

(9) Every applicant for the holder of an aerodrome flight information service officer's licence shall, upon such occasions as the Minister may require, subject himself to such examinations and tests and furnish such evidence as to his knowledge, experience, competence and skill as the Minister may require and such examinations and tests may be conducted by the Minister or by a person approved by the Minister.

(10) The Minister or any person approved by him as competent to do so may issue a medical certificate subject to such conditions as he thinks fit to the effect that the holder of the licence has been assessed as fit to perform the functions to which the licence relates and such certificate shall be valid for such period as is therein specified, and shall be deemed to form part of the licence.

(11) The holder of an air traffic controller's licence or student air traffic controller's licence shall not provide any type of air traffic control service at any such aerodrome or place as is referred to in these Regulations unless his licence includes a medical certificate issued and in force under paragraph (10) of this regulation.

11. (1) A person shall not provide at any place any type of air traffic control service or an aerodrome flight information service or hold himself out, whether by use of a radio call sign or in any other way, as a person who may provide any type of air traffic control service or an aerodrome flight information service unless —

Prohibition of
unlicensed air
traffic personnel.

- (a) in the case of an air traffic control service, he is the holder, and complies with the terms of —
 - (i) a valid student air traffic controller's licence granted under these Regulations and he is supervised as required by these Regulations;
 - (ii) a valid air traffic controller's licence so granted authorising him to provide that type of service at that place; or
 - (iii) a valid air traffic controller's licence so granted which does not authorise the holder to provide that type or service at that place, but who is supervised by a person who is present at the time and who is the holder of a valid air traffic controller's licence which authorises him to provide at that place the type of air traffic control service which is being provided; or
- (b) in the case of an aerodrome flight information service officer, he is the holder of and complies with the terms of an aerodrome flight information service officer's licence granted under these Regulations authorising the holder to provide such a service at that place:

Provided that a licence shall not be required by any person who acts in the course of his duty as a member of The Royal Bahamas Defence Force or a visiting force.

(2) The holder of an air traffic controller's licence shall not be entitled to perform any of the functions specified in First Schedule in respect of a rating at any place unless —

- (a) his licence includes that rating and the rating is valid for the place at which, and the type of radar equipment, if any, with the aid of which, the functions are performed; or
 - (b) he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller's licence granted under these Regulations which authorises him to provide at that place the type of air traffic control service which is being provided.
- (3) A person shall not provide any type of air traffic control service or an aerodrome flight information service unless he identifies himself in such a manner as may be notified.
- (4) Nothing in a licence granted under these Regulations shall permit any person to operate manually any direction-finding equipment for the purpose of providing air traffic control service to an aircraft at a time when he is providing air traffic control service or making signals to that aircraft or to another aircraft.
- (5) Nothing in this regulation shall prohibit the holder of a valid air traffic controller's licence from providing at any place for which the licence includes a valid rating, information to aircraft in flight in the interests of safety.

Flight
information
service manual.

12. A person shall not provide an aerodrome flight information service at any aerodrome unless —

- (a) the service is provided in accordance with the standards and procedures specified in an aerodrome information service manual in respect of that aerodrome;
- (b) the manual is produced to the Minister within a reasonable time after a request for its production is made by the Minister;
- (c) such amendments or additions as the Minister may from time to time require have been made to the manual.

Incapacity of air
traffic
controllers.

13. (1) Every holder of an air traffic controller's licence granted under these Regulations who suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates throughout a

period of twenty consecutive days shall inform the Minister in writing of such injury or illness as soon as possible.

(2) An air traffic controller's licence shall be deemed to be suspended until the elapse of such period of injury or illness as is referred to in paragraph (1) of this regulation.

(3) The suspension of the licence shall cease —

- (a) upon the holder being medically examined under arrangements made by the Minister and pronounced fit to resume his functions under the licence; or
- (b) upon the Minister exempting the holder from the requirement of a medical examination subject to such conditions as the Minister may think fit.

(4) A person holding an air traffic controller's licence shall not act as an air traffic controller if he knows or suspects that he is suffering from or, having regard to the circumstances of the period of duty to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.

(5) A person shall not when exercising the privileges of an air traffic controller's licence be under the influence of drink or a drug to such an extent as to impair his capacity to exercise such privileges.

14. (1) Where the Minister deems it necessary in the public interest to prohibit flying by reason of —

Power to prohibit or restrict flying.

- (a) the intended gathering or movement of a large number of persons;
- (b) the intended holding of an aircraft race or contest or of an exhibition in flying; or
- (c) national defence or any other reason affecting the public interest.

(2) The Minister may make directions prohibiting, restricting or imposing conditions on flight —

- (a) by any aircraft, whether or not registered in The Bahamas, in any airspace over The Bahamas;
- (b) by aircraft registered in The Bahamas, in any other airspace, being airspace in respect of which the Government of The Bahamas has in pursuance of international arrangements undertaken to provide navigation services for aircraft.

(3) Directions made under this regulation may apply either generally or in relation to any class of aircraft.

(4) If the pilot in command of an aircraft becomes aware that the aircraft is flying in contravention of any directions which have been made for any of the reasons referred to in paragraph (1)(a)(iii) of this regulation he shall unless otherwise instructed pursuant to paragraph (3) of this regulation cause the aircraft to leave the area to which the directions relate by flying to the least possible extent over such area and the aircraft shall not begin to descent while over such an area.

(5) The pilot in command of an aircraft flying either within an area for which directions have been made for any of the reasons referred to in paragraph (1)(a)(iii) of this regulation or within airspace notified as a Danger Area shall forthwith comply with instructions given by radio or by one of the prescribed visual signals by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

Balloons, kites
and parascending
parachutes.

15. (1) Within The Bahamas —

- (a) a captive balloon or kite shall not be flown at a height of more than 60 metres above the ground level or within 60 metres of any vessel, vehicle or structure;
- (b) a captive balloon shall not be flown within 5 kilometres of an aerodrome;
- (c) a non captive balloon exceeding 2 metres in any linear dimension, including any basket or other equipment attached to the balloon, shall not be flown in its airspace;
- (d) a kite shall not be flown within 5 kilometres of an aerodrome;
- (e) a parascending parachute shall not be launched to a height of more that 60 metres above ground level,

without the permission in writing of the Minister and in accordance with any conditions subject to which that permission may be granted.

(2) A captive balloon when in flight shall be securely moored, and shall not be left unattended unless is it fitted with a device which ensures its automatic deflation if it breaks free of its moorings.

PART III
AERODROMES, AERONAUTICAL LIGHTS AND
DANGEROUS LIGHTS.

16. (1) An aircraft to which this paragraph applies shall not take-off or land in The Bahamas other than — Aerodromes.

- (a) an aerodrome licensed under these Regulations for the take-off and landing of such aircraft; or
- (b) a Government aerodrome notified as available for the take-off and landing of such aircraft, or in respect of which the person in charge of the aerodrome has given his permission for the particular aircraft to take-off or land as the case may be,

and in accordance with any condition subject to which the aerodrome may have been so licensed or notified, or subject to which such permission may have been given.

(2) The person in charge of any area in The Bahamas intended to be used for the taking-off or landing of helicopters at night other than such a place as is specified in paragraph (1) of this regulation shall cause to be in operation, whenever a helicopter is taking-off or landing at that area by night, such lighting as will enable the pilot of the helicopter —

- (a) in the case of landing, to identify the landing area in flight, to determine the landing direction and to make safe approach and landing;
- (b) in the case of taking-off, to make a safe take-off.

(3) A helicopter flying for the purpose of the public transport of passengers at night shall not take-off or land at a place to which sub-paragraph (a) of this paragraph applies unless there is in operation such lighting.

17. The Minister may cause to be notified subject to such conditions as he thinks fit any Government aerodrome as an aerodrome available for the take-off and landing of aircraft engaged on flights for the purpose of the public transport of passengers or for the purpose of instruction in flying or of any classes of such aircraft. Use of Government aerodromes.

18. (1) The Minister may grant to any person applying therefor a licence in respect of any aerodrome in The Bahamas if he is satisfied that — Licensing of aerodromes.

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- (a) that person is competent, having regard to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safer for use by aircraft; and
 - (b) the aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and of its surroundings.
- (2) An aerodrome licence may be granted subject to such conditions as the Minister thinks fit and shall remain in force for the period specified in the licence.
- (3) Without prejudice to the generality of paragraph (2) of this regulation the Minister may grant a licence (in these Regulations referred to as ‘a licence for public use’) which shall be subject to the condition that the aerodrome shall at all times when it is available for the take-off or landing of aircraft be so available to all persons on equal terms and conditions.
- (4) The holder of an aerodrome licence granted under these Regulations shall —
- (a) furnish to any person on request information concerning the terms of the licence; and
 - (b) in the case of a licence for public use, cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft engaged on flights for the purpose of public transport of passengers or instruction in flying.
- (5) The holder of an aerodrome licence granted under these Regulations shall not contravene or cause or permit to be contravened any condition of the aerodrome licence at any time in relation to such aircraft engaged on such flights, but the licence shall not cease to be valid by reason only of such contravention.

Radio equipment
at aerodromes.

19. (1) A person shall not cause or permit any 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 the purpose of which is to provide navigational aid by radio or radar to an aircraft making an approach to land or landing at an aerodrome shall not cause or permit that aeronautical radio station to provide such navigational aid unless all aeronautical radio stations operated by that person 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:

Provided that the provisions of this paragraph shall not apply to any aeronautical radio station which is used solely for the purpose of enabling communications to be made by or on behalf of the operator of an aircraft and the pilot in command of the aircraft.

(3) The person in charge of an aeronautical radio station at an aerodrome for which a licence for public use has been granted shall cause to be notified in relation to that aeronautical radio station the type and hours of operation of any service which is available for use by any aircraft, and in approving the purpose for which an aeronautical radio station is to be used at any other aerodrome the Minister may if he thinks fit require the person in charge of the aeronautical radio station to cause such information as aforesaid to be notified.

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

20. (1) The person in charge of any aeronautical radio station the purpose 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 functional tests, flight checks and particulars of any overhaul, repair, replacement or modification thereof; and
- (b) preserve the written record for a period of one year or such longer period as the Minister may in a particular case direct and shall within a

Records at
aerodromes.

reasonable time after being requested to do so by an authorised person produce such record 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 terms or content of any radio message or signal transmitted to any aircraft either alone or in common with other aircraft or received from any aircraft by the air traffic control unit.

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

- (a) of 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 an air traffic control service.

(4) The person in charge of an aeronautical radio station shall ensure that each record made by the apparatus provided in compliance with paragraph (2) of this regulation includes —

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

(5) If at any time the apparatus provided in compliance with paragraph (2) of this regulation ceases to be capable of recording the matters required by this regulation to be included in the record the person in charge of the aeronautical station shall ensure that a written record is kept in which the particulars specified in paragraph (4) of this regulation 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 record made in compliance with paragraphs (2) and (5) of this regulation for a period of 30 days from the date on which the message or signal was recorded or for such longer period as the Minister may in a particular case direct, and shall, within a reasonable time after being requested to do so by an authorised person, produce such a record to that person.

(7) A person required by this regulation to preserve any record by reason of his being the person in charge of the aeronautical radio station shall, if he ceases to be such person, continue to preserve the record as if he had not ceased to be such 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 previous person in charge or his personal representative shall deliver the record to that other person on demand, and it shall be the duty of that other person to deal with the record delivered to him as if he were that previous person in charge.

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

21. (1) The Minister may, in relation to any aerodrome in respect of which a licence for public use has been granted, or to such aerodromes generally or to any class thereof, prescribe the charges, or the maximum charges, which may be made for the use of the aerodrome and for any services performed at the aerodrome to or in connection with aircraft, and may further prescribe the conditions to be observed in relation to those charges and the performance of those services.

Charges at aerodromes licensed for public use.

(2) The licensee of an aerodrome in relation to which the Minister has made any regulations under paragraph (1) of this regulation shall not cause or permit any charges to be made in contravention of these Regulations and shall cause particulars of the prescribed charges to be kept exhibited at the aerodrome in such place and manner as to be readily available for the information of any person affected thereby.

(3) The licensee of any aerodrome in respect of which a licence for public use has been granted shall, when required by the Minister, furnish to the Minister such particulars as he may require of the charges established by the licensee for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, efficiency or regularity of air navigation.

Use of aerodromes by aircraft of contracting states.

22. The person in charge of any aerodrome in The Bahamas which is open to public use by aircraft registered in The Bahamas (whether or not the aerodrome is a licensed aerodrome) shall cause the aerodrome, and all air navigation facilities provided thereat, to be available for use by aircraft registered in other Contracting States on the same terms and conditions as for use by aircraft registered in The Bahamas.

Right of access to aerodromes and other places.

23. The Minister and any authorised person shall have the right of access at all reasonable times —

- (a) to any aerodrome for the purpose of inspecting the aerodrome; or
- (b) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which he has the power to demand under these Regulations, or for the purpose of detaining any aircraft under the provisions of these Regulations; and
- (c) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which he has the power to demand under these Regulations, or for the purpose of detaining any aircraft under the provisions of these Regulations:

Provided that access to a Government aerodrome shall only be obtained with the permission of the person in charge of the aerodrome.

Noise and vibration.

24. The conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, licensed aerodromes or on aerodromes at which the manufacturer, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft shall be determined by the Minister.

25. 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—

Aeronautical lights.

- (a) an aeronautical beacon within The Bahamas and that, in the case of an aeronautical beacon which is or may be visible from the waters within an area of a lighthouse authority, the Minister shall not give permission for the purpose of this regulation except with the consent of the authority; or
- (b) any aeronautical ground light (other than an aeronautical beacon) at an aerodrome licensed under these Regulations, or which forms part of the lighting system for use by aircraft taking off or landing at such an aerodrome;
- (c) a person shall not intentionally or negligently damage or interfere with any aeronautical ground light established by or with the permission of the Minister.

26. (1) A person shall not exhibit in The Bahamas any light which —

Dangerous lights.

- (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 having 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 for 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 the lighthouse authority, the powers of the Minister under this regulation shall not be exercised except with the consent of that Authority.

Customs and
excise airports.

27. (1) The Minister may, subject to such conditions as he may think fit, by order designate any aerodrome to be a place for the landing or departing of aircraft for the purpose of the enactments for the time being in force relating to customs and excise.

(2) The Minister may by order revoke any designation so made.

Aviation fuel at
aerodromes.

28. (1) A person who has management of any aviation fuel installation on an aerodrome in The Bahamas shall not cause or permit any fuel to be delivered to that installation or from it to an aircraft unless —

(a) when the aviation fuel is delivered into the installation he is satisfied that —

(i) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft;

(ii) the installation is marked in a manner appropriate to the grade of fuel stored or if different grades are stored in different parts each part is so marked; and

(iii) in the case of delivery into the installation or part thereof from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation or that part of the installation as the case may be and is fit for use in aircraft;

(b) when any aviation fuel is dispensed from the installation he is satisfied as the result of sampling that the fuel is fit for use in aircraft:

Provided that this paragraph shall not apply in respect of fuel which has been removed from the aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.

(2) A person to whom paragraph (1) of this regulation applies shall keep a written record in respect of each installation of which he has the management, which record shall include —

- (a) particulars of the grade and quantity of aviation fuel delivered and the date of delivery;
- (b) particulars of all samples taken of the aviation fuel and of the results of tests of those samples;
- (c) particulars of the maintenance and cleaning of the installation,

and he shall preserve the written record for a period of twelve months or such longer period as the Minister may in a particular case direct and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

(3) A person shall not cause or permit any aviation fuel to be dispensed for use in an aircraft if he knows or has reason to believe that the aviation fuel is not fit for use in an aircraft.

(4) If it appears to the Minister or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this regulation, the Minister or that authorised person may direct the person having the management of the installation not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by the Minister or by an authorised person.

(5) For the purpose of this regulation —

“aviation fuel” means fuel intended for use in aircraft;

“aviation fuel installation” means any apparatus or container, including a vehicle, designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft.

PART IV GENERAL

29. Except where the context otherwise requires, the provisions of these Regulations —

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in The Bahamas, shall apply to such aircraft wherever they may be;

Applicability of these Regulations.

- (b) in so far as they apply as aforesaid to other aircraft shall apply to such other aircraft when they are within The Bahamas;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by persons in, or by any of the crew of, any aircraft registered in The Bahamas, shall apply to such persons and crew, wherever they may be; and
- (d) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any aircraft registered in The Bahamas by other persons shall, where such persons are citizens of The Bahamas apply to them wherever they may be.

Ultra-small aircraft.

30. The provisions of these Regulations shall not apply to or in relation to —

- (a) any balloon which at any stage of its flight is not more than 2 metres in any linear dimension including any basket or other equipment attached to the balloon;
- (b) any kite weighing not more than 2 kg;
- (c) any other aircraft weighing not more than 7kg without its fuel; or
- (d) any parachute including a parascending parachute.

Exemptions.

31. The Minister may exempt from any of the provisions of these Regulations any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as he thinks fit.

Cost recovery.

32. (1) The Minister may prescribe the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document (including the issue of a copy thereof), or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of, these Regulations.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the said provisions the applicant may be required before the application is entertained to pay the whole or to deposit a

portion of the fee or fees so chargeable, if, after such payment or deposit has been made the application is withdrawn by the applicant or otherwise ceases to have effect or is refused by the Minister, the Minister may, subject as hereinafter provided, refund the amount of such payment or deposit.

(3) Where the amount paid or deposited under paragraph (2) is wholly or to any extent attributable to a fee chargeable in respect of an investigation which would have been carried out in connection with the application if it had not been so withdrawn or ceased to have effect or been refused but which has not been carried out by reason only of such withdrawal, cesser or refusal, the Minister may refund the amount so attributable or, in a case where an investigation has been partially completed, so much of that amount as in the opinion of the Minister is reasonable having regard to the stage to which the investigation has progressed at the time of such withdrawal, cesser or refusal:

Provided that, if in any case the amount deposited by the applicant is not sufficient to cover the fee, as ultimately assessed, chargeable in respect of any investigation in so far as the same has been carried out at the time when the application is withdrawn by him or otherwise ceases to have effect or is refused by the Minister the amount representing the balance of such fee shall be payable by the applicant.

33. (1) The Minister, or any authorised person, shall have the right to carry out audits or surveillance or to require any person to produce documents or any other article for the purpose of detecting any contravention of these Regulations.

Authorised persons: powers and duties.

(2) Any person who, having been required in terms of paragraph (1) to produce any document or other article, without lawful cause makes a statement that is false in any material particular, or fails to produce any document or other article which is in his possession or control or to which he has access, shall be guilty of an offence.

(3) An authorised person shall have the right to enter and inspect any aerodrome, hanger or other place (at which an aircraft is located or stored), aircraft or any servicing or manufacturing organisation and to inspect any aircraft, aircraft equipment, components or materials for

the purpose of ensuring that the provisions of the Act and these Regulations have been, or are being complied with.

(4) Where it appears to any authorised person that an aircraft is intended or likely to be flown in such circumstances that the flight would involve an offence against these Regulations or be a cause of danger to persons in the aircraft or to persons or property on the ground, he may take such action by way of detention of the aircraft or such other action necessary for the purpose of inspecting the aircraft or causing the circumstances of the flight to be investigated.

(5) Where an aircraft has been detained pursuant to (4) above such aircraft shall not be operated until the Minister, being satisfied that these Regulations are being complied with as the Minister considers necessary to render the aircraft fit for flight.

(6) For the purpose of exercising his responsibilities under these Regulations any authorised person shall be issued with and carry at all times a means of identification.

(7) No person shall intentionally obstruct or impede any authorised person acting in the exercise of his powers or the performance of his duties under these Regulations.

Power to inspect and copy.

34. An authorised person shall have the power to inspect and copy any certificate, licence, document or record which he has the power pursuant to these Regulations and any regulations made thereunder to require to be produced to him.

Power to prevent aircraft flying.

35. (1) If it appears to the Minister or an authorised person that any aircraft is intended or likely to be flown —

- (a) in such circumstances that any provision of these or The Bahamas Civil Aviation (Safety) Regulations, 2001, would be contravened in relation to the flight;
- (b) in such circumstances that the flight would be in contravention of any other provision of these Regulations or any aviation safety regulations and be a cause of danger to any person or property whether or not in the aircraft; or
- (c) while in a condition unfit for the flight; whether or not the flight would otherwise be in contravention of any provision of these Regulations or of any regulation made thereunder,

the Minister or that authorised person may direct the operator or the pilot in command of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Minister or by an authorised person, and the Minister or that authorised person may take such steps as are necessary to detain the aircraft.

(2) For the purposes of paragraph (1) of this regulation the Minister or any authorised person may enter upon and inspect any aircraft.

(3) If it appears to the Minister or an authorised person that any aircraft is intended or likely to be flown in such circumstances or any provision relating to the licensing of air transport in The Bahamas would be contravened in relation to the flight the Minister or that authorised person may direct the operator or the pilot in command of the aircraft that he is not to permit the aircraft to make a particular flight or any other flight of such description as may be specified in the direction until the direction has been revoked by the Minister or any authorised person, may take such steps as are necessary to detain the aircraft.

(4) For the purposes of paragraph (3) of this regulation the Minister or any authorised person may enter upon any aerodrome and may enter upon and inspect any aircraft.

36. In relation to any of his functions pursuant to any of the provisions of these Regulations the Minister may, either absolutely or subject to such conditions as he thinks fit, approve a person as qualified to furnish reports to him and may accept such reports.

Approval of persons.

37. (1) A person shall not with intent to deceive —

- (a) use any certificate, licence, approval, permission, exemption 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, licence, approval, permission, exemption 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

Offences in relation to documents and records.

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- (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, licence, approval, permission or exemption or other document,

and in this paragraph a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy thereof.

(2) A person shall not intentionally damage, alter or render illegible any record required by or under these Regulations to be maintained or any entry made therein, or knowingly make, or procure or assist in the making of, any false entry in or material omission in a record required under these Regulations to be preserved.

(3) All entries made in writing as required by these Regulations shall be made in ink or indelible pencil.

(4) A person shall not purport to issue any certificate for the purposes of these Regulations or the regulations made thereunder unless he is authorised to do so under these Regulations.

(5) A person shall not issue any such certificate as aforesaid unless he has satisfied himself that all statements in the certificate are correct.

FIRST SCHEDULE (regulation 11)

AIR TRAFFIC CONTROL RATINGS

1. The holder of the licence which includes ratings of two or more of the classes specified in paragraph 2 of this Schedule shall not at any time perform the functions specified in respect to more than one of those ratings.

2. Provided that the functions of any of the following groups of ratings may be exercised at the same time —

- (a) The aerodrome control rating and the approach control rating;
- (b) The approach control rating and the approach radar control rating; except that the functions of the approach control rating shall not be exercised at the same time as the functions of the

approach radar control rating if the services being provided under the latter is a surveillance radar approach terminating at a point less than 2 nautical miles from the point of intersection of the glide path with the runway.

- (c) The area control rating and the area radar control rating.

3. Ratings of the following classes may be included in an air traffic controller's licence (other than a student air traffic controller's licence) and the inclusion of a rating in a licence shall have the consequences respectively specified as follows —

- (1) *Aerodrome Control Rating* shall entitle the holder of the licence, at any aerodrome for which the rating is valid, to provide air traffic control service (but not with any type of radar equipment for which a radar control rating is required under this paragraph) for any aircraft on the manoeuvring area or apron of that aerodrome or which is flying in the vicinity of the aerodrome traffic zone by visual reference to the surface.
- (2) *Approach Control Rating* shall entitle the holder of the licence, at any aerodrome at which the rating is valid, to provide air traffic control service (but not with any type of radar equipment for which a radar control rating is required under this Schedule) for any aircraft which is flying in the vicinity of the aerodrome traffic zone whether or not it is flying by visual reference to surface.
- (3) *Approach Radar Control Rating* shall entitle the holder of the licence, at any aerodrome at which the rating is valid, to provide air traffic control service with the aid of any type of surveillance radar equipment for which the rating is valid for any aircraft which is flying within 40 nautical miles of the aerodrome traffic zone whether or not it is flying by visual reference to the surface.
- (4) *Precision Approach Radar Control Rating* shall entitle the holder of the licence, at any aerodrome for which the rating is valid, to provide air traffic control service with the aid of any type of precision approach radar equipment for which the rating is valid.
- (5) *Area Control Rating* shall entitle the holder of the licence at any place for which the rating is valid to provide an air traffic control service with the aid of any surveillance radar equipment.
- (6) *Area Radar Control Rating* shall entitle the holder of the licence, at any place for which the rating is valid, to provide air traffic control service with the aid of any type of surveillance radar equipment for which the rating is valid.

SECOND SCHEDULE
PENALTIES**PART A — PROVISIONS REFERRED TO IN REGULATION****8.(5)**

Regulation	Subject Matter
5	Failure to comply with directions given under the regulations
6(2)	Failure to surrender document
7(5)	Failure to surrender permit
18(5)	Contravention of conditions of license
23	Failure to grant access to an aerodrome
33(2)	Failure to produce document or record
33(3)	Failure to allow access
33(7)	Intentional obstruction or in impedance of authorised person
34	Obstruction or interference with the copying of documents
37	Failure to preserve documents

PART B — PROVISIONS REFERRED TO IN REGULATION**8.(6)**

11(1)	Deception regarding air traffic authority
33(2)	False statement
35(5)	Failure to comply with order to prevent flying
37(1)(a)	Use of a document by a person not entitled to that document
37(1)(b)	Allowing improper person to use personal licenses and certificates
37(1)(c)	False representation for the purpose of acquiring a certificate or document
37(2)	Intentional alteration, damage, or destroying of document
37(2)	False entries in documents
37(4)	Issuance of document when not entitled to make that issue