

S.I. 2007 No. 185

Civil Aviation Act, 2004
(Act 2004-18)

CIVIL AVIATION (LICENSING OF AIR SERVICES)
REGULATIONS, 2007

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**Civil Aviation Act, 2004
(Act 2004-18)**

**CIVIL AVIATION (LICENSING OF AIR SERVICES)
REGULATIONS, 2007**

The Minister in exercise of the powers conferred on him by section 10(2) of the *Civil Aviation Act*, makes the following Regulations:

PART I

Preliminary

1. These Regulations may be cited as the *Civil Aviation (Licensing of Air Services) Regulations, 2007*. Citation.

2. (1) In these Regulations,

Interpreta-
tion.

"air service" means any service performed by an aircraft for hire or reward; but does not include service by way of the carriage of a member of a flying club in an aircraft for the purpose of instruction if the instructor is also a member of that club, notwithstanding that payment is made for the instruction or carriage;

"Authority" means the Air Transport Licensing Authority;

"licence" means a licence or a provisional licence granted by the Authority in accordance with regulation 9;

"licensee" means the holder of a licence granted in accordance with regulation 9;

"permit" means a permit granted in accordance with regulation 16;

"provisional licence" means a licence granted by the Authority in accordance with regulation 9(2);

"stage" means each stopping point on a route after the commencement of a flight; and the distance between each airport at which a landing is made along the route;

"scheduled journey" means one of a series of journeys which are undertaken between the same places and which together amount to a systematic service operated in such a manner that the benefits thereof are available to members of the public seeking to take advantage thereof, from time to time;

"tariff" means the fares and rates charged by or on behalf of an airline for the carriage of passengers, baggage and cargo and includes

- (a) the terms and conditions that govern the tariff;
- (b) any benefit received by accredited agents or passengers, from an airline associated with the sale of tickets and the carriage of passengers and their baggage.

First
Schedule. (2) The forms prescribed in the *First Schedule* are to be used for the purposes to which they relate under these Regulations.

PART II

Licences for Scheduled Journeys

Application
of this Part. **3.** This Part applies to the carriage of passengers, mail or cargo by air for hire or reward on scheduled journeys.

Application
for licence. **4.** (1) No person may operate an aircraft in Barbados for the carriage of passengers, mail or cargo for hire or reward on a scheduled journey between 2 places, one of which is Barbados, unless a licence for that purpose is granted in accordance with regulation 9.

(2) A person who intends to operate an aircraft for the carriage of passengers, mail or cargo on a scheduled journey shall apply to the Authority for a licence.

(3) An application for a licence must be set out in accordance with *Form A*, as contained in the *First Schedule*, and

Form A.
First
Schedule.

- (a) shall be accompanied by the licence fee together with the administrative charge as set out in the *Second Schedule*; and
- (b) every applicant shall furnish to the Authority such further information as the Authority may reasonably require for the determination of the application.

Second
Schedule.

(4) No person shall, before a licence is granted or varied pursuant to regulation 9 and except with the permission of the Authority, advertise or cause to be advertised any information through any medium with respect to the operations applied for.

(5) On a breach of paragraph (4), an application submitted to the Authority shall become null and void and any fees and charges submitted with the application shall be forfeited.

(6) The Authority may, after due warning, impose a fine not exceeding \$5 000 on any licensee who contravenes paragraph (4).

(7) This Regulation does not apply to any State which is a party to the International Air Services Transit Agreement and whose aircraft fly over Barbados or land in Barbados in accordance with that Agreement.

5. On receipt of an application for a licence, the application fee and the administrative charge, the Authority shall institute the following procedures:

Procedure
regarding
application
for licence.

- (a) a copy of the application must be made available for inspection at the office of the Authority until such time as the application is

determined; but any information contained therein as to the financial resources of the applicant shall not be made available for such inspection;

Form B.
First
Schedule.

- (b) subject to regulation 6(3), within 14 days of the receipt of an application for a licence, a notice, as set out in *Form B* of the *First Schedule*, shall be published in the *Official Gazette* and in a daily newspaper, printed and published in Barbados, containing the particulars specified therein and fixing a date, not less than 21 days nor more than 24 days after the publication of the notice by which any representations or objections may be made to the Authority in respect of the application.

Determina-
tion of
application
for licence.

6. (1) In the determination of an application for a licence, the Authority shall have regard to the co-ordination and development of air services to and from Barbados generally with the object of ensuring the most effective service in the interest of the public generally including the interest of those persons requiring or likely to require facilities for air transport as well as of those persons providing such facilities while at the same time avoiding uneconomical overlapping of air services.

(2) Without affecting paragraph (1), the Authority shall have regard to the following matters in the determination of an application for a licence:

- (a) the existence of other air services in the area through which the proposed services are to be operated;
- (b) the demand for air transport in the area;
- (c) the degree of efficiency and regularity of the air services, if any, already provided in that area, whether by the applicant or by other operators;
- (d) the period for which such services have been operated by the applicant or by other operators;

- (e) the extent to which it is probable that the applicant will be able to provide a satisfactory service in respect of safety, continuity, regularity of operation, frequency, punctuality, reasonableness of charges and general efficiency;
 - (f) the financial resources of the applicant;
 - (g) the type of aircraft proposed to be used;
 - (h) the remuneration and general conditions of employment of personnel employed by the applicant in Barbados; and
 - (i) any representations or objections thereto made in accordance with these Regulations.
- (3) Where an application is made to the Authority for a licence:
- (a) to remain in force for a period not exceeding 30 days and the Authority is satisfied that the application should be determined with expedition; or
 - (b) pursuant to an Agreement between the Government of Barbados and another Government,

the Authority shall determine the application and in that event the requirements of regulation 5 shall not apply to such an application.

7. (1) The Authority may receive representations or objections Objections. from any person with a sufficient interest in an application for a licence.

(2) Every representation or objection in respect of an application for a licence shall be submitted in writing to the Authority and shall state the specific grounds on which it is based and any conditions which that person considers should be attached to the licence; but a representation or objection is of no effect unless a copy thereof is sent to the person making the application at the same time as it is submitted to the Authority.

(3) Representations and objections submitted under this regulation must be in such form as the Authority approves.

Enquiries.

8. (1) The Authority

(a) may, for the purpose of determining applications for licences, hold enquiries in public or in private; and

(b) shall hold an enquiry in public if an applicant or any person who has made a representation or objection by notice, in such form as the Authority approves, so requires,

but a notice for the purposes of paragraph (b) must be submitted to the Authority within 7 days after the time within which representations or objections may be made in accordance with regulation 5(b).

(2) When an enquiry is to be held for the purposes of this regulation, the Authority shall give not less than 7 days written notice to the applicant and to any person making representation or objections and all such persons shall be given an opportunity of being heard at the enquiry.

(3) In the case of a public enquiry, a notice

(a) must be published in the *Official Gazette* and a daily newspaper, printed and published in Barbados, at least 7 days before the date fixed for the enquiry;

(b) must specify the name and address of the applicant, the nature of the application, including the places to be served by the proposed service;

(c) must specify the time when and the place where the enquiry is to be held; and

(d) must be in such form as the Authority determines.

9. (1) The Authority may grant to a person applying therefor a licence to carry passengers, mail or cargo by air, for hire or reward, on a scheduled journey subject to such conditions as the Authority considers appropriate having regard to all the circumstances of the application.

Granting of licence and variation of licence.

(2) On the grant or re-issue of a licence by the Authority, no flight operations shall commence until all required fees, by virtue of the application and its determination by the Authority, are paid.

10. (1) The Authority may if it thinks fit, pending the determination of an application for a licence grant to the applicant a provisional licence which shall remain in force for a period of time not exceeding 12 months.

Provisional licence.

(2) Where at the expiration of the 12-month period stated in paragraph (1) the Authority has not made a final determination in respect of the application, the applicant on payment of the provisional licence fee shall be issued a further provisional licence.

(3) Without affecting paragraph (1) and subject to regulation 17, all licences are subject to the following conditions:

- (a) the licensee and a person having financial interest in the business of the licensee shall refrain from stipulation that another person shall
 - (i) refuse bookings facilities to any other licensee, or
 - (ii) grant facilities to another licensee only on onerous terms;
- (b) the licensee shall perform all reasonable services as the Postmaster General may require respecting the conveyance of mail and the remuneration for those services shall be such as determined by agreement between the licensee and the Postmaster General;

Form C.
First
Schedule.

(c) the licensee shall submit to the Authority a monthly return not later than 1 month after the expiration of the month to which the report relates, giving the particulars specified in *Form C*, as set out in the *First Schedule*, in respect of all air services authorised by the licence;

Form E.

(d) a licensee may operate extra sections provided the licensee or its representative in Barbados submits the information requested in *Form E* as set out in the *First Schedule* to the Authority or its designated representative before the arrival in or departure from Barbados of the extra section;

(e) tariffs shall be filed with the Authority for approval, and a licence is subject to such tariffs as the Authority approves and to such conditions as may be imposed;

(f) no change shall be made to an approved tariff or any flight conducted by a licensee using tariffs not so approved, except with the prior approval of the Authority;

(g) flight schedules shall be filed with the Authority for approval and a licence is subject to such flight schedules including routing, arrival and departure times, and type of aircraft, as the Authority approves and to such conditions as may be imposed;

(h) no change shall be made to an approved flight schedule and no flight shall be conducted which is not in accordance with an approved flight schedule.

(4) The Authority may at any time vary a licence and the conditions attached thereto

(a) if it is satisfied that in all the circumstances it is just and equitable so to do; or

(b) if the licensee makes an application to the Authority in such form as the Authority approves, for that purpose.

(5) An application for the variation in the conditions of a licence must be made available for inspection at the office of the Authority until the application is determined; and, documents made available for inspection must not include any confidential information or financial data supplied to the Authority by the applicant.

(6) A person with a sufficient interest in an application for the variation in the conditions of a licence may submit objections or representations in respect of the application to the Authority, but an objection or representation is of no effect unless a copy thereof is submitted to the applicant at the same time as it is submitted to the Authority.

(7) The decision of the Authority on an application for a licence must be published in the *Official Gazette* in *Form D*, as set out in the *First Schedule* and in a newspaper printed and published in Barbados. Form D.
First
Schedule.

(8) The decision of the Authority on an application for the variation of a licence must be published in such form as the Authority determines.

(9) "Extra section" in sub-paragraph (3)(d) means a service operated by the licensee of a scheduled journey necessitated by unexpected economic, operational and technical requirements of the said journey.

11. (1) Any variation to an approved flight schedule occasioned by an extra section must be approved by the Authority always provided that such an extra section is operated within 12 hours of the scheduled journey. Authority
to approve
extra
section.

(2) Where conditions do not permit the operation of the extra section within the 12 hour period referred to in paragraph (1), then the operation shall be at the earliest convenient time as may be agreed by the Authority.

12. (1) Subject to paragraph (2), a licence granted by the Authority is valid for a period, not exceeding 5 years, as the Authority Duration of
licence.

determines in each case, commencing on the date on which the licence is expressed to take effect.

(2) If on the date of the expiration of a licence an application for a new licence is pending the existing licence shall continue in force until the application is determined.

Surrender of licence.

13. (1) If during the currency of a licence, the licensee applies to the Authority for a new licence in substitution for the current licence, he shall, if a new licence is granted, surrender the current licence for cancellation on or before the date from which the new licence is expressed to take effect.

(2) Without affecting paragraph (1), a licensee who ceases to operate shall, within 21 days after the cessation, surrender his licence to the Authority for cancellation.

PART III

Permits for Non-Scheduled Journeys

Application of this Part.

14. This Part applies to air services other than the carriage of passengers, mail or cargo by air for hire or reward on scheduled journeys.

Application for permit.

15. (1) Subject to paragraph (5), no person may operate an aircraft in Barbados for the provision of any air service to which this Part applies unless a permit for that purpose is granted by the Minister.

(2) A person who intends to operate an air service to which this Part applies shall apply to the Minister for a permit.

(3) An application for a permit must be in such form as the Minister approves and must be submitted to the Minister at least 15 days before the date on which it is intended to operate the service or in the case of an *ad hoc* service, 72 hours before the operation of the service.

(4) A permit holder shall submit a monthly report to the Minister not later than 15 days after the expiration of the month to which the report relates, giving the particulars specified in *Form C*, as set out in the *First Schedule*.

Form C.
First
Schedule.

(5) This Regulation does not apply in respect of a journey performed by virtue of Article 5 of the Convention on International Civil Aviation, if the aircraft performing the journey flies across Barbados without landing, or lands in Barbados for non-traffic purposes only; but applies in respect of any such journey if the aircraft performing the journey takes on or discharges passengers, mail or cargo in Barbados.

16. The Minister may grant to an applicant a permit to use an aircraft for the provision, in Barbados, of any service to which this Part applies for such period and on such conditions as the Minister may attach to the permit having regard to all the circumstances of the application.

Granting of
permit.

PART IV

Filing and Approval of Tariffs, Airfares and Schedules

17. For the purpose of this Part,

Interpreta-
tion.

"air fare" means the price charged to a passenger in respect of a journey on an aircraft;

"Air fare filing" includes

- (a) fare codes, fare levels and all of the terms and conditions and any other significant benefit or reward associated with the fare; and
- (b) an indication as to whether the fare is a new fare or a variation of an existing fare;

"flight schedule" means a compilation of scheduled services arranged in a time sequence that a licensee has been granted permission to operate by the Authority and the types of aircraft to be operated on the scheduled journeys;

"introductory fare" means a fare introduced by an airline with the approval of the Authority for predetermined period on the commencement of a new scheduled service;

"relevant air service agreement" means an air service agreement to which Barbados is a party and pursuant to which a licensee has been duly designated and which amongst other things provides a regime for the regulation of tariffs.

Filing of
tariffs and
flight
schedules.

Third
Schedule.

18. (1) No licensee shall begin a service unless that licensee

(a) holds a licence issued by the Authority;

(b) has submitted an air fare filing with the Authority in accordance with the format requirements set out in the *Third Schedule*;

(c) has filed a flight schedule with the Authority; and

(d) has received from the Authority written approval of the air fare filing and flight schedule.

(2) A licence referred to in paragraph (1)(a) shall set out

(a) the routing schedule of the aircraft;

(b) the arrival and departure times of the aircraft;

(c) the type of aircraft used on the schedule; and

(d) any other conditions which the authority may impose.

(3) No change shall be made to an air fare or flight schedule referred to in paragraph (1) unless the change has been approved by the Authority.

19. Regulation 18 shall not apply where there exists a relevant air service agreement between the Government of Barbados and a foreign Government. Exception.

20. The Authority may refuse to consider an air fare filing that is not filed in accordance with the procedure set out in the *Third Schedule*. Refusal to accept tariff.
Third Schedule.

21. No licensee shall

(a) enter an air fare in its computer reservation system; or

(b) advertise an air fare

Airfare to be approved by Authority.

unless that air fare has been filed with and approved by the Authority.

22. (1) A person who without reasonable excuse,

(a) imposes an air fare without the approval of the Authority;

(b) charges an air fare that the Authority has instructed him to withdraw; or

(c) makes unapproved adjustments to an air fare, or to the conditions attached to the air fare

Offence in respect of airfares.

is guilty of an offence and is liable on summary conviction to a fine of \$10 000.

(2) Where an offence is committed by a body corporate under this regulation, every person who at the time of the commission of the offence was a Director, General Manager or Secretary, of the body corporate or was purporting to act in that capacity, shall be deemed to

be guilty of the offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Unfair
competitive
practices.

23. (1) No licensee shall engage in unfair competitive practices including the introduction of predatory pricing that affects the competitive position of another licensee.

(2) The Authority shall, in making its determination in respect of approving air fares or schedules,

(a) consider whether the tariffs or flight schedules proposed by the licensees constitute unfair competitive practices; and

(b) have regard to the prices charged by the third and fourth freedom licensees on the relevant sector.

(3) For the purpose of this regulation,

"fourth freedom" means the right to fly into the granted state and there take on traffic destined for the flag state of the carrier;

"predatory pricing" means the introduction of an air fare that

(a) is not related to the cost of operating an aircraft; or

(b) is artificially low due to the licensee receiving a direct or indirect subsidy or other form of support;

"third freedom" means the right to fly into the territory of the granted State and there, discharge traffic coming from the flag state of the carrier;

"unfair competitive practice" includes a sustained rather than a temporary practice by a licensee

- (a) that indicates an abuse of a dominant position on a route;
- (b) that reflects an apparent intention to cripple, exclude or drive another licensee from the market;
- (c) that has a serious negative economic effect on or causes significant damage to another licensee;
- (d) of charging fares or rates on routes at levels which are in the aggregate insufficient to cover the cost of providing the services to which they relate;
- (e) of using excessive capacity or increasing the frequency of service between points in order for the licensee to gain a competitive advantage in the market place.

24. (1) A licensee may report to the Authority the unfair competitive practice of another licensee operating on the same route or routes.

Reporting of unfair competitive practice.

(2) Where the Authority receives a report pursuant to paragraph (1), the Authority may cause an investigation to be conducted into the alleged unfair competitive practice where the Authority believes such an investigation to be warranted.

(3) Where the investigation reveals that an unfair competitive practice exists on a particular route, the Authority may, by notice, direct the licensee who is engaged in the unfair competitive practice to cease the practice within the time specified in the notice.

(4) Where a licensee who has been directed pursuant to paragraph (3) to cease engaging in an unfair competitive practice fails to do so, the Authority may suspend the licence of the licensee.

25. A licensee may match an air fare filed by another licensee who is operating on the same route once the latter licensee has established that the air fare has been approved by the Authority.

Matching of air fares.

Approval
of airfares
below
existing
levels.

26. (1) The Authority may, in certain circumstances approve air fares which are below the levels of existing air fares in the market place, provided that such air fares

- (a) apply to the introduction of services on a new route;
- (b) have a maximum sale and advertising period of not more than 3 months; or
- (c) are considered to be in the public interest.

(2) Where the Authority approves air fares referred to in paragraph (1) it shall within 3 days of the approval, advise other licensees operating on the route or routes of the approval of the new air fares.

Notifica-
tion of
contraven-
tion of
regulations.

27. (1) Where a licensee contravenes regulations 18 to 21 and 23 the Authority shall notify the licensee in writing of the contravention and require that the contravention be corrected within 2 days of the date of notification.

(2) Where the Authority notifies the licensee pursuant to sub-paragraph (1) and the licensee fails to correct the contravention within 5 days, the licensee shall be issued with a second written notice.

(3) Where the Authority notifies the licensee pursuant to paragraph (2) and the licensee fails to correct the contravention within 5 days of the second notice, the licensee shall be subject to an immediate fine of \$5 000 by the Authority which shall be increased by \$200 for every additional day during which the licensee remains in contravention of the regulation.

(4) Where a licensee has been fined pursuant to paragraph (3) and the licensee fails to correct the contravention within 14 days or fails to pay the fine imposed in paragraph (3), the licensee is guilty of an offence and

- (a) is liable on summary conviction to a fine of \$10 000; and

- (b) the Authority shall suspend the licence of the licensee until the fine referred to in sub-paragraph (a) is paid.

PART V

General Provisions

28. (1) Without affecting regulation 9(3), it is a condition of every licence and permit granted under these Regulations that

Conditions attaching to licences and permits.

- (a) the requirements of the enactment in force in Barbados relating to air navigation or air transport shall be complied with at all times during the currency of the licence or permit in connection with all journeys made under the licence or permit;
- (b) a licence or permit may not be transferred or assigned; but in the event of death, incapacity, bankruptcy, sequestration, liquidation or a change of ownership of the licensee or the holder of a permit, or the appointment of a receiver, manager or trustee in relation to the business of the licensee or the holder of a permit, if the person for the time being carrying on the business within 14 days of his commencing to do so applies to the Authority or the Minister as the case may be, for a new licence or permit, that person may be permitted to provide the air services authorised by the existing licence or permit until the application is determined; and
- (c) a licence shall, be deemed cancelled and shall be returned to the Authority where operations are suspended on the routes permitted by that licence, unless the licensee, on or before the cessation of such operations, gives notice of intent to recommence operations within 28 days of the cessation of operations or within such other period as may be approved by the Authority.

(2) Where the licensee has accepted payment for and confirmed a booking made by or on behalf of a passenger for a journey, the licensee shall reserve a passage for the passenger on the specified flight at the specified time contained in the booking.

(3) Where the flight and passage referred to in paragraph (2) are not made available to the passenger due to circumstances either within or beyond the control of the licensee, the licensee shall

- (a) provide or arrange another passage for the passenger at the earliest possible opportunity;
- (b) in the event that the passenger suffers a delay of 3 hours or more between his scheduled departure and his actual departure, immediately pay financial compensation to the passenger in keeping with the rates set out in the *Fourth Schedule* to these regulations;
- (c) where it becomes necessary for the passenger to obtain accommodation until departure the licensee shall, at its own cost, provide hotel accommodation for the passenger, including taxi fare, meals and other incidental costs in keeping with the provisions of the *Fourth Schedule*.

Fourth
Schedule.

Revocation
or suspen-
sion of
licence or
permit.

29. (1) Subject to this regulation, the Authority or the Minister, as the case may be, may revoke or suspend a licence or permit if:

- (a) the licensee or the holder of a permit has, since the licence or permit was granted, been convicted of an offence under these Regulations; or
- (b) when the licensee or the holder of a permit is a body corporate, any officer of that body corporate has, since the licence was granted, been convicted, in that capacity, of an offence under these Regulations; or
- (c) the licensee or the holder of a permit has wilfully or frequently failed to comply with a condition subject to which the licence or permit was granted.

(2) Before revoking or suspending a licence or permit the Authority or the Minister

- (a) shall give at least 28 days notice to the licensee or holder of a permit in such form as the Authority or the Minister determines and any request for information by the licensee or holder of a permit shall be made to the Authority or the Minister before the expiration of that period of 28 days; and
- (b) must be satisfied, after holding a public enquiry if the licensee or holder of a permit by written notice requires the Authority or Minister so to do, that owing to the frequency of the failure, wilful or otherwise, on the part of the licensee or holder of a permit to comply with the conditions attached thereto the licence or permit, as the case may be, ought to be revoked or suspended.

(3) Where it is proposed to revoke or suspend a licence or permit and the licensee or holder of a permit requests the holding of a public enquiry, notice of that enquiry must be published by the Authority in the *Official Gazette* and in a newspaper printed and published in Barbados and must also be sent to the person requesting the enquiry, at least 7 days before the date fixed for the enquiry.

(4) A notice for the purposes of paragraph (3) must contain such particulars as will enable the licensee or holder of a permit to be identified, the grounds upon which it is proposed to revoke or suspend the licence or permit and the place where the time when the enquiry is to be held; and that notice must be in such form as the Authority or the Ministry, as the case may be, determines.

(5) The decision of the Authority or the Minister regarding the revocation or suspension of a licence or permit must be in *Forms E* and *F* respectively as set out in the *First Schedule* and which must be published in the *Official Gazette*.

Form E.
Form F.
First
Schedule.

(6) "Officer" in sub-paragraph (1)(b) means

- (a) Director, General Manager, Secretary or other like office; and

- (b) any person who, with the authority of the body corporate, acts as an officer referred to in sub-paragraph (a).

Limitations on supply and disposal of information.

30. Nothing in these Regulations permits any person, other than the Authority or the Minister, to require an applicant for a licence or permit to supply information as to the financial resources of the applicant; and any information supplied to the Authority or the Minister in connection with an application for a licence or permit must be treated as confidential.

Limitation on rights of licensee and holders of permits.

31. Nothing in these Regulations confers upon a licensee or the holder of a permit or upon any other person any right to the continuance of any benefits arising by virtue of these Regulations, a licence, permit or any conditions attached to any such licence or permit, after the expiration of that licence or permit.

Fees.

32. (1) There shall be paid to the Accountant General in respect of licences or permits granted under these Regulations, the fees specified in the *Second Schedule*.

Second Schedule.

(2) No refund of any fee paid in respect of the grant of a licence shall be made whether on the surrender of the licence or otherwise.

Offence in respect of licence.

33. (1) A licensee who uses an aircraft in contravention of regulations 4(1)(a), 9(1)(b), 9(3)(e), 9(3)(f) and continues to do so after being notified by the Authority to cease so doing is subject to a fine of \$1 000 by the Authority.

(2) Where the licensee continues to contravene paragraph (1) the licensee shall be fined in addition to the fine set out in paragraph (1) the sum of \$100 for every day that the contravention continues.

(3) Notwithstanding the provisions of regulation 28, the Authority may, upon giving at least 14 days notice suspend the licence of any person who, having been fined for contravening paragraph (1) subsequently fails to comply with any directive or request of the Authority to cease the contravention.

(4) The licence referred to in paragraph (3) shall remain suspended until the contravention ceases and the fine imposed is paid in full.

(5) Any person who

(a) having been fined in accordance with paragraph (1); and

(b) has had his licence suspended in accordance with paragraph (2)

and who continues to contravene these Regulations or who uses an aircraft in contravention of any other regulation is guilty of an offence and is liable on

(i) summary conviction, in the case of a first offence to a fine of \$20 000 or imprisonment for a term of one year or to both; and

(ii) conviction on indictment in the case of a second or subsequent offence to a fine of \$100 000 or imprisonment for 3 years or both.

(6) Where an offence under these Regulations is committed by a body corporate, every person who at the time of the commission of the offence was a Director, General Manager, Chief Executive Officer, Secretary or other like officer of the body corporate or was purporting to act in that capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(7) Proceedings for an offence under sub-paragraph (5)(b)(ii) may not be instituted without the consent of the Director of Public Prosecutions.

Revocation. **34.** The *Civil Aviation (Licensing of Air Services) Regulations*,
S.I. 1984/ 1983 are revoked.
24.

FIRST SCHEDULE

(Regulation 2(2))

FORM A

(Regulation 4(3))

**Civil Aviation Act, 2004
(Act 2004-18)**

APPLICATION FOR LICENCE

1. Name and address of the applicant.
2. Places between which passengers and goods are to be carried.
3. Places at which intermediate landings are to be made and the purposes for which made.
4. Times of frequency of the service at each stage on the route, and the distance between each stage in miles or kilometres.
5. Number of types of aircraft to be used.
6. Whether the service is to carry passengers, goods or both.
7. Fares and freight rates applicable.
8. Period for which licence is desired and the date of proposed date for commencement of operations.
9. Other services operated by the applicant at the time of application or immediately prior thereto and showing.

(a) the period for which the service has been operated;

- (b) number of passengers and weight of goods carried for the last 12 months;
 - (c) number and type of aircraft used during that period.
- 10. Particulars of any working arrangements with other persons or companies.
- 11. Particulars of any financial interest which the applicant has in other undertakings providing passenger transport facilities or controlling the business of any person or company who provides such facilities or vice versa.
- 12. The nature of the person making the application whether an individual, a partnership, firm or corporate body and if a company, public or private
 - (a) the nominal and issued capital;
 - (b) the names of the auditors;
 - (c) the names of other companies holding shares in the applicant's business;
 - (d) the names of any subsidiary companies of the applicant.
- 13. The nationality of the applicant.
- 14. Such other particulars which the Licensing Authority may require.

Applicant.

FORM B

(Regulation 5(b))

**Civil Aviation Act, 2004
(Act 2004-18)**

PARTICULARS OF APPLICATION TO BE PUBLISHED

1. Name and address of applicant.
2. Places between which passengers and goods are to be carried.
3. Places at which intermediate landings to be made and the purposes for which made.
4. Times or frequency of the service.
5. Period for which the licence is applied for.
6. Latest date for making representations or objections.

FORM C

(Regulations 10(3)(c), 15(4))

**Civil Aviation Act, 2004
(Act 2004-18)**

**MONTHLY RETURNS OF PARTICULARS
BY LICENSEE AND PERMIT HOLDER**

1. The year and month to which the monthly return relates.
2. The name of the airline.
3. The licence, provisional licence or permit to which the monthly return relates.
4. The names of the places between which passengers, cargo and mail are transported on the services authorised by the licence, provisional licence or permit.
5. In respect of each month and in respect of each stage distinguishing between arriving and departing traffic. In the case of scheduled journeys distinguishing between scheduled journeys on licensed services and extra sections.
6. The following particulars are to be included
 - (a) number of paying passengers carried;
 - (b) weight of goods carried;
 - (c) weight of mail carried;
 - (d) number of flights scheduled;
 - (e) number of flights commenced;
 - (f) number of extra sections commenced;

- (g) number of services varied;
 - (h) number of flights completed;
 - (i) number of flights completed after interruption en route;
 - (j) number of flights not commenced
 - (i) because no passengers, goods or mail required transportation;
 - (ii) because no aircraft was available;
 - (iii) because of weather conditions;
 - (iv) for other reasons which should be stated;
 - (k) the type(s) of aircraft used and respective seating capacity.
7. Passenger load factors.
 8. Cargo load factors.
 9. Number of paying passengers by fare class (economy, business or first-class).

FORM D

*(Regulation 10(7))***Civil Aviation Act, 2004
(Act 2004-18)****DECISION REGARDING APPLICATION FOR LICENCE
OR FOR VARIATION OF LICENCE**

1. Name and address of applicant.
2. Date of publication of application in *Official Gazette* and newspaper.
3. Particulars enabling the applicant to be identified.
4. Whether the licence was granted as applied for or refused or granted with modification (the modification to be stated).

Chairman/Secretary
Air Transport Licensing Authority.

FORM E

(Regulations 10(3)(d), 29(5))

**Civil Aviation Act, 2004
(Act 2004-18)**

**DECISION OF THE AIR TRANSPORT LICENSING
AUTHORITY REGARDING REVOCATION OR
SUSPENSION OF A LICENCE**

1. Name and address of licensee.
2. Such information as will enable the licensee to be identified including the places between which passengers and goods are to be carried.
3. Places of intermediate landings for the loading or landing of passengers or goods.
4. Date from which revocation or suspension takes effect and in case of suspension, the period thereof.
5. Grounds on which licence revoked or suspended.

Chairman/Secretary
Air Transport Licensing Authority.

FORM F

*(Regulation 29(5))***Civil Aviation Act, 2004
(Act 2004-18)****DECISION OF THE MINISTER RESPONSIBLE FOR CIVIL
AVIATION REGARDING THE REVOCATION OR
SUSPENSION OF A PERMIT**

1. Name and address of holder of permit.
2. Such information as will enable the holder of the permit to be identified including places between which passengers and goods are to be carried.
3. Places of intermediate landings for the loading or landing of passengers or goods.
4. Date from which revocation or suspension takes effect and in case of suspension, the period thereof.
5. Grounds on which permit is revoked or suspended.

Minister responsible for Civil Aviation.

SECOND SCHEDULE

(Regulations 4(3), 32(1))

FEEES FOR LICENCE OR PERMIT

Licence	\$3 000 for the first year plus \$500 for each additional year or part thereof
Provisional Licence	\$3 000
Non-Scheduled Permit	\$500 for any period not exceeding 3 calendar months and \$1 500 for any period greater than 3 calendar months.
Additional fee where unexpired licence is surrendered and new licence granted	\$ 1 000
Administrative and telecommunication charges involved in the issuing of a licence	\$500 (minimum). Additional charges may become necessary in order for the licence application to be determined by the Authority. When necessary, this charge will be itemized for payment in advance.
Administrative and telecommunication charges involved in the issuing of a permit	\$150

THIRD SCHEDULE

*(Regulations 18(1)(b), 20)***AIR FARE FORMAT REQUIREMENTS**

1. Every licensee shall submit an air fare to the Authority by one of the following methods:

- (a) post;
- (b) facsimile;
- (c) electronic mail; or
- (d) through a filing agent.

2. (1) Every licensee who files an air fare by post, facsimile or electronic mail shall submit

- (a) the fare code, the currency of the air fare and the cost of the air fare in Barbados currency;
- (b) the conditions if any, that are attached to the fare as set out in paragraph 5 including any relevant add-ons;
- (c) the date on which the air fare is advertised;
- (d) the date from which the air fare is to take effect; and
- (e) a sequential filing reference number.

(2) For the purpose of this paragraph "add-ons" means a fare construction method that is used to arrive at an air fare to be paid by a passenger that takes into consideration the fare for an additional journey that may be added on to the main journey.

3. Every licensee who files an air fare and submits the information as set out in paragraph 2 shall ensure the filing is clear and unambiguous and the air fare shall be accompanied by a clear reference to the changes being proposed.

4. Where a licensee appoints an agent to file an air fare on behalf of the licensee, the agent shall identify the airline or airlines on whose behalf the air fare is being filed and the requirements set out in paragraphs 2 and 3 shall be met before the Authority approves the filing and the air fare takes effect.

5. An air fare shall be subject to the following conditions:

- (a) where a fare rule is silent in a particular category, it is assumed that there is no restriction in that category; and
- (b) there is no requirement to file general tariff conditions which are not specific to a type of fare.

FOURTH SCHEDULE

*(Regulation 28(3))***COMPENSATION RATES**

For delays of 3 hours or more and for:

	\$
Journeys of 500 nautical miles or less	100
Journeys of 2000 nautical miles or less	250
Journeys of more than 2000 nautical miles	500

In addition for delays of more than 6 hours and required departure on the next or subsequent days:

Hotel accommodation	The passenger shall be accommodated at no cost to himself in any available hotel accommodation of no less than 3 stars in quality, but the hotel shall be sourced and all reservations and other arrangements made by the licensee.
Taxi fare	Return taxi fare between the airport and hotel must be provided.
Meals	\$150 per day
Incidental Costs	\$50 per day

All compensation except that for meals and incidental costs, may be paid for in cash or kind by mutual agreement between the passenger and licensee. Compensation for meals and incidental costs shall be paid for in cash.

Made by the Minister this 30th day of December, 2007.

NOEL A. LYNCH
Minister responsible for Civil Aviation.