

CHAPTER 86

THE CIVIL AVIATION ACT

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CIVIL AVIATION

AN ACT to make provision as respects civil aviation and for purposes connected therewith.

(1st October, 1991.) 14/1991.

- 1. This Act may be cited as the Civil Aviation Act. **Short title.**
- 2. In this Act— **Interpretation.**
 - "aerodrome" means a defined area of land or water, (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and movement of aircraft;
 - "air transport service" means a service for the carriage by air of passengers, mails or other freight;
 - "Chicago Convention" means the Convention on International Civil Aviation concluded at Chicago on 7th December, 1944;

"Director" means the Director of Civil Aviation;

"foreign aircraft" means an aircraft other than an Antigua and Barbuda aircraft;

"land" includes any interest in land;

"loss or damage"⁷ includes in relation to persons, loss of life and personal injury;

"Minister" means the Minister assigned responsibility for civil aviation;

"purposes of civil aviation" includes all purposes connected with air navigation except purposes of defence;

"Antigua and Barbuda aircraft" means an aircraft registered in Antigua and Barbuda in pursuance of regulations made under section 3;

"state aircraft" means aircraft used exclusively for military, customs and police services;

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"territory" includes the territorial sea of Antigua and Barbuda as described in the Maritime Areas Act.

(2) Any power conferred by this Act shall be in addition to, and not in derogation of, any like power conferred by any other law.

PART II

REGULATION OF CIVIL AVIATION

Power to give effect to the Chicago Convention and to regulate air navigation.

3. (1) The Minister may by regulations make such provision as appears to him to be requisite or expedient—

(a) for carrying out the Chicago Convention, any Annex thereto relating to the international standards and recommended practices (being an Annex adopted

in accordance with the Convention) and any amendment of the Convention or such Annex made in accordance with the Convention; or

(b) generally for regulating air navigation in Antigua and Barbuda.

(2) Without prejudice to the generality of subsection (1), the power conferred by that subsection shall, in particular, include power to make regulations—

(a) relating to the registration of aircraft in Antigua and Barbuda;

(b) for prohibiting aircraft from flying unless certificates of airworthiness issued or validated under the regulations are in force with respect to them and except upon compliance with such conditions as to maintenance and repair as may be prescribed, and, if necessary, to require compulsory third party insurance from any foreign aircraft in regard to any damage caused to third parties on surface;

(c) for the licensing, inspection and regulation of aerodromes, aircraft factories and establishments for the repair of aircraft or of aircraft parts; for access to aerodromes and places where aircraft have landed; and for prohibiting or regulating the use of aerodromes, aircraft factories and establishments abovementioned which are not licensed under the regulations;

(d) for prohibiting persons from engaging in or being employed in or in connection with, air navigation in such capacities as may be prescribed unless they satisfy the prescribed requirements; and for the licensing of persons employed at aerodromes or elsewhere in the inspection, testing, maintenance, repair or supervision of aircraft;

(e) as to the conditions under which, and in particular the aerodromes to or from which aircraft entering or leaving Antigua and Barbuda may fly, and as to the conditions under which aircraft may fly from one part of Antigua and Barbuda to another;

(f) as to the conditions under which passengers or goods may be carried by air and under which aircraft

may be used for other commercial, industrial or gainful purposes and for prohibiting the carriage by air of goods of such classes as may be prescribed;

(g) for minimising or preventing interference with the use or effectiveness of apparatus used in connection with air navigation, and for prohibiting or regulating the use of such apparatus and the display of signs and lights liable to endanger aircraft;

(h) for authorising persons to extinguish or screen any sign or light liable to endanger aircraft and to enter upon any land for that purpose, and for recovering the expenses of so doing from the owner or occupier of the place where the sign or light is exhibited or from the persons having charge of the sign or light;

(i) generally for security, the safety, efficiency or regularity of air navigation and the safety of aircraft and of persons and property and, in particular, for the detention of aircraft for any of the purposes specified in this paragraph;

(j) for requiring persons engaged in, or employed in or in connection with, air navigation to supply meteorological information for the purposes of air navigation;

(k) for requiring the making of signals and other communication by or to aircraft and persons carried in aircraft;

(l) for regulating the use of any ensign established by the Minister for purposes connected with air navigation;

(m) for prohibiting aircraft from flying over such areas in Antigua and Barbuda as may be prescribed;

(n) for applying with or without modifications the enactments relating to customs in relation to aerodromes and to aircraft and to persons and property carried therein;

(o) as to the manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or other document required by the regulations (including the examinations and tests to be

undergone) and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such document;

(p) for the registration of births and deaths occurring in aircraft and of particulars of persons missing from aircraft;

(q) for establishing and regulating the conditions of use, including the charges that may be made for the use of any aerodrome and for the services or facilities provided at any such aerodrome;

(r) prescribing the fees to be paid in respect of the issue, validation, renewal, extension, or variation of any certificate, licence or other document or the undergoing of any examination or test required by virtue of the regulations and in respect of any other matters in respect of which it appears to be expedient for the purpose of the regulations to charge fees;

(s) for exempting from the provisions of the regulations or any of them any aircraft or person or class of aircraft or persons;

(t) for prohibiting or regulating traffic on the roadways in any part of an aerodrome and appointing and regulating the use, including the charges to be made for the use, of parking places for motor vehicles in an aerodrome;

(u) for regulating the conduct of persons in an aerodrome or in any part thereof;

(v) for prohibiting, restricting or regulating the carrying on of any trade or business within any aerodrome which is under the control or in the occupation of the Minister or any department of the Government; and

(w) for the granting by the Minister, on such terms and conditions and subject to the payment of such consideration as he thinks fit, of permission to carry on any trade or business within any such aerodrome as aforesaid.

(3) Regulations made under this section may provide for the imposition of a fine of ten thousand dollars or to

imprisonment for a term of five years or to both such fine and imprisonment, on summary conviction for an offence against the regulations and for the taking of such steps (including firing on aircraft) as may be prescribed as respects aircraft flying over areas of Antigua and Barbuda over which flying is prohibited by the regulations.

(4) Regulations made under this section in relation to the use of roads in an aerodrome shall take effect notwithstanding that such roads may be roads which are subject to the Vehicles and Road Traffic Act.

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Dangerous flying of aircraft.

4. (1) Where an aircraft is flown in such a manner as to cause danger to any person or property on land or water, the pilot or other person in charge of the aircraft and the owner of the aircraft shall be liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of twelve months or to both fine and imprisonment.

(2) In any proceedings against the owner of an aircraft in respect of an alleged offence under this section, it shall be a defence to prove that the act alleged to constitute the offence was done without the knowledge or consent of the owner.

(3) In this section, "owner" in relation to an aircraft includes any person by whom the aircraft is hired at the time of the alleged offence.

(4) The provisions of this section shall be in addition to, and not in derogation of, the powers conferred on the Minister by section 3.

Investigation of accidents.

5. (1) Without prejudice to the generality of subsection (1) of section 3, the Minister may make regulations providing for the investigation of any accident arising out of or in the course of air navigation and either occurring in or over Antigua and Barbuda or occurring to Antigua and Barbuda aircraft wherever they may be.

(2) Without prejudice to the generality of subsection (1), regulations may, in particular, contain provision—

(a) requiring notice to be given of any such accident as aforesaid in such manner and by such persons as may be prescribed;

(b) applying, with or without modification for the purpose of investigations held with respect to any such accident any of the provisions of any law in force in Antigua and Barbuda to the investigation of deaths or accidents;

(c) prohibiting, pending investigation, access to or interference with aircraft to which an accident has occurred and authorising any person, so far as may be necessary for the purposes of an investigation, to have access to examine, remove, take measures for the preservation of, or otherwise deal with, any such aircraft;

(d) authorising or requiring the cancellation, suspension, endorsement or surrender of any licence or certificate granted in Antigua and Barbuda under this Act or the withdrawal or suspension of any validation conferred in Antigua and Barbuda on a licence granted by a competent authority elsewhere where it appears on investigation that the licence, certificate or validation ought to be so dealt with, and requiring the production accordingly of any such licence or certificate.

(3) Regulations made under this section may provide for the imposition of a fine of five thousand dollars or to imprisonment for a term of twelve months or to both such fine and imprisonment.

6. (1) The Minister may make regulations—

Licensing of air
transport
undertakings.

(a) to secure that aircraft shall not be used in Antigua and Barbuda by any person—

- (i) for flying, while carrying passengers or goods for reward, on such journeys or classes of journeys (whether beginning and ending at the same point or different points) as may be prescribed; or
- (ii) for such flying undertaken for the purpose of any trade or business as may be prescribed, except under the authority of, and in accord-

ance with, a licence granted to him by the Minister;

(6) as to the circumstances in which a licence may or shall be granted, refused, revoked or suspended and, subject to subsection (2) of section 7, as to any matter to which the Minister is to have regard in deciding whether to grant or refuse a licence;

(c) as to the conditions which may be attached to a licence (including conditions as to fares, freight and other charges to be charged by the holder of the licence), and for securing compliance with any conditions so attached;

(d) as to the information to be furnished to the Minister by an applicant for, or the holder of, a licence;

(e) prescribing the fees to be paid in respect of the grant of a licence; and

(f) exempting from the provisions of the regulations, or any of them, flights of such description as may be prescribed or such other particular flight or series of flights as may be prescribed,

and such regulations may make different provisions as respects different classes of aircraft and different classes of licences.

(2) Where an aircraft is flown in contravention of any of the provisions of the regulations made under this section, the pilot or other person in charge of the aircraft and the owner of the aircraft shall be liable on summary conviction—

(a) in the case of a first offence to a fine of five thousand dollars or to imprisonment for a term of twelve months or to both fine and imprisonment; and

(b) in the case of a second or subsequent offence to a fine of ten thousand dollars or to imprisonment for a term of three years or to both such fine and imprisonment.

(3) Regulations made under this section shall be laid before the House and if the House resolves that the Regulations be annulled they shall thereupon cease to have effect

but without prejudice to anything previously done thereunder or to the making of new regulations.

(4) In this section, the expression "owner" shall have the same meaning as is assigned to it in subsection (3) of section 4.

7. (1) There shall be established in accordance with the provisions of the First Schedule, an Air Transport Licensing Board (in this Act referred to as "the Board") with the general duty of advising the Minister in relation to applications for air transport licences in accordance with the regulations in that behalf made by the Minister pursuant to section 6 and of advising the Minister on the tariffs to be charged for the transportation by air of passengers and cargo, and in the performance of its functions the Board shall have regard to the co-ordination and development of air services generally with the object of ensuring the most efficient service to the public.

**Establishment of
Air Transport
Licensing Board
and its functions.**

(2) The Minister and the Board in considering applications for air transport licences shall have regard to any matter which may be prescribed under section 6 and to the following matters—

(a) the existence of other air services in the area through which the proposed services are to be operated;

(b) the existing or potential need or demand for any services proposed;

(c) the possibilities of air transport in the area;

(d) the degree of efficiency and regularity of air services, if any, already provided in that area, whether by the applicant or by other operators;

(e) the period for which air transport services have been operated by the applicant or by other operators;

(f) the extent to which it is possible 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;

(g) the financial resources of the applicant and any capital or other expenditure reasonably incurred, or any financial commitment or commercial agreement reasonably entered into in connection with the operation of aircraft or air transport services by any person (including the applicant) who is the holder of any air services licence or permit already granted;

(h) the type of aircraft to be used;

(i) any unfair advantage of the applicant over other operators by reason of the terms and conditions of employment of persons employed by him; and

(j) any objections or representations duly made in accordance with any regulations made under this Act:

Provided that the Minister shall not be required to consider any objection or representation which in his opinion is frivolous or vexatious.

(3) The Minister and the Board shall, from time to time, consult together with regard to relations with other countries or territories affecting the exercise of his functions; and if in the case of an application for an air service licence or permit, the Minister is of the opinion that any air transport service proposed would involve negotiations with the government of some other country or territory of rights which it would be inexpedient for the time being to seek, the Minister may suspend consideration of that application so far as it relates to that service.

(4) The Minister, may, in his discretion, refuse to grant an air service licence to any person who is not either—

(a) a citizen of Antigua and Barbuda; or

(b) a body incorporated in Antigua and Barbuda, being a body which in the opinion of the Minister is substantially controlled by persons who are citizens of Antigua and Barbuda.

(5) Where negotiations are concluded between the Government and the Government of another country for an air services agreement, the Minister in considering an application by a designated airline of that country under that agreement for an air transport licence shall, in particular,

have regard to whether that airline is fit, willing and able to operate the proposed service and shall not, except in so far as the Minister may otherwise direct, have regard to any of the matters mentioned in subsection (2) or prescribed under section 6.

(6) The Board may, with the approval of the Minister, delegate any of its functions to any member or officer of the Board or any public officer.

8. (1) The Minister may make regulations—

(a) requiring any person who carried on the business of carrying passengers or goods in aircraft for reward, on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be prescribed, to furnish to the prescribed authorities such information relating to the use of aircraft, for the purpose of the business, and to the persons employed in connection with that use, as may be prescribed; and

Information as to
air transport
undertakings.

(b) prescribing the time at which, and the form and manner in which, any information required under the regulations is to be furnished.

(2) Regulations under this section may provide for the imposition of a fine of one hundred dollars for every day on which the offence continues after summary conviction thereof.

(3) No information with respect to any particular undertaking which has been obtained by virtue of regulations under this section shall, without the consent of the person carrying on that undertaking, be disclosed otherwise than in connection with the execution of the regulations and if any person discloses any such information in contravention of this subsection, he shall be liable on summary conviction to a fine of two thousand dollars or to imprisonment for a term of twelve months or to both such fine and imprisonment.

(4) Nothing in subsection (3) shall apply to the disclosure of any information for the purposes of any legal proceedings which may be taken by virtue of that subsection or of regulations made under this section or for the purpose of any report

of such proceedings; but save as aforesaid that subsection shall, in relation to any legal proceedings (including arbitrations) preclude any person who is in possession of any information obtained by virtue of such regulations from disclosing, and from being required by any court or arbitrator to disclose, that information without the consent of the person carrying on the undertaking to which the information relates.

PART III AERODROMES

Power of
Minister to
provide
aerodromes.

9. (1) The Minister may—

(a) establish and maintain aerodromes;

(b) provide and maintain, in connection with aerodromes established by him, roads, approaches, apparatus, equipment and buildings and other accommodation;

(c) provide and maintain facilities and equipment for the purpose of promoting the safety of air navigation including, but without prejudice to the generality of the foregoing, visual and non-visual approach and landing aids, communications services; meteorological services and air traffic control services;

(d) alter, abolish, remove or add to any aerodrome, road, approach, apparatus, equipment, building, accommodation, or facilities established or provided by him;

(e) vary the character of any facilities provided by him for the purpose of promoting the safety of air navigation, or of the signals or assistance given thereby;

(f) determine the conditions of use of any aerodrome established by him and determine whether any such aerodrome shall be open to the public use;

(g) determine the conditions of use of any facilities or equipment provided by him for the purpose of promoting the safety of air navigation.

(2) For the avoidance of doubt, it is hereby declared that the following purposes are public purposes within the meaning of the Land Acquisition Act, that is to say—

(a) the purposes specified in paragraphs (a), (b), (c) and (d) of subsection (1); and

(b) the purpose of securing that land in the vicinity of the site of an aerodrome which the Minister has established or acquired or is about to establish or acquire shall not be used in such manner as to cause interference with, or danger or damage to, aircraft at, approaching, or leaving, the aerodrome.

10. (1) The Minister may, if he is satisfied that it is necessary so to do in order to secure the safe and efficient use for civil aviation purposes of any land, structure, works or apparatus vested in him or which he proposes to acquire or install, by order which shall be laid before the House declare that any area of land specified in the order shall be subject to control by directions given in accordance with the following provisions of this section. **Power to control land.**

(2) Where any such order is in force, the Minister may, notwithstanding the provisions of any other law, in accordance with provisions of the order in that behalf, give directions—

(a) for restricting the height of buildings or structures or for requiring the total or partial demolition of any building or structure within the area to which the order relates;

(b) for restricting the height of trees and other vegetation upon any land within the area, or for requiring any tree or other vegetation upon any such land to be cut down or reduced in height;

(c) for extinguishing any private right of way over land within the area;

(d) for restricting the installation of cables, mains, pipes, wires or other apparatus over, on or under any land within the area;

(e) for extinguishing, at the expiration of such period as may be specified by the directions, any subsisting right of installing or maintaining any such apparatus as aforesaid over, on or under any land within the area; and

(f) for requiring that, before the expiration of such period as may be specified by the directions, any such apparatus shall be removed from the land within the area.

(3) An order under this section may contain such consequential, incidental and supplemental provisions as appear to the Minister to be necessary or expedient for the purposes of the order including, in particular, provisions for empowering any person authorised in that behalf by the Minister to remove, pull down, cut down or alter, so as to bring into conformity with the requirements of any direction given under the order, any building, structure, tree, vegetation or apparatus which contravenes those requirements.

(4) Where the Minister makes or has under consideration the making of an order under this section in respect of any land, any person authorised in that behalf in writing by the Minister may at all reasonable times, on producing if so required evidence of his authority, enter upon any of the land in order to make any survey which the Minister requires to be made for the purposes of any steps to be taken in consequence of the order or, as the case may be, for the purpose of determining whether the order should be made:

Provided that the admission shall not, by virtue of this section, be demanded as of right to any land which is occupied unless twenty-four hours notice in writing to the intended entry has been served on the occupier thereof.

(5) The Minister shall give notice of any direction given in pursuance of this section by publishing the direction in the *Gazette* and by taking such steps as he considers reasonable for securing that a copy of the direction is served on every owner, lessee or occupier of any land, buildings or apparatus affected by the direction and upon any local authority in whose area the subject matter of the direction is situate.

(6) Any person who obstructs any other person in the exercise of any powers conferred upon that other person by virtue of subsection (3) or subsection (4) shall be liable on summary conviction to a fine of two thousand dollars or to

imprisonment for a term of twelve months or to both such fine and imprisonment.

(7) The provisions of the Second Schedule shall have effect with respect to directions given under an order made under this section. **Second Schedule.**

(8) The powers of the Minister under this section shall not be construed as prejudicing his power to acquire land for the purpose of securing the observance of any requirement which might have been imposed under this section in relation to the land.

11. (1) No person shall erect any building or other structure which projects above the surfaces specified in subsection (3) on or within the defined limits of an aerodrome open to public use by aircraft without the written consent of the Minister. **Restrictions on buildings near aerodromes.**

(2) The consent of the Minister granted pursuant to subsection (1) may be granted subject to such conditions as the Minister deems necessary or desirable for the safety of aircraft moving in the vicinity of an aerodrome.

(3) For the purposes of this section "the defined limits" of an aerodrome means the area enclosed by the perimeter of the surface specified in paragraph (a) and the surfaces referred to in subsection (1) as follows—

(a) the surface 150 feet above the elevation of the nearest limit of the landing strip and extending horizontally outward for a distance of 10,000 feet;

(b) the surface extending outward from the end of the landing strip having the following dimensions and slopes—

- (i) in the case of an aerodrome open only to aircraft making non-instrument approaches — the width of the landing strip at the landing strip end; a width of 2,500 feet at a point 10,000 feet outward from the end of the landing strip at the slope of 1 in 40 (2.5 per cent) rising outward from the end of the landing strip; or

(ii) in the case of an aerodrome open to aircraft making instrument approaches — the width of the landing strip at the landing strip end a width of 4,000 feet at a point 10,000 feet outward from the end of the landing strip at a slope of 1 in 50 (2 per cent) rising outward from the end of the landing strip, and thereafter rising outward at a slope of 1 in 40 (2.5 per cent) to a width of 15,000 feet at a point 50,000 feet from the end of the landing strip;

(c) the surface sloping upwards and outwards from the edge of the surface specified in paragraph (b) to the intersection with the surface specified in paragraph (a) and having a slope of 1 in 7 (14.3 per cent);

(d) the surface sloping upwards and outwards from the boundary of the landing area to the intersection with the surface specified in paragraph (a) and having a slope of 1 in 7 (14.3 per cent);

(e) for the purposes of this subsection "the width of the landing strip" shall be deemed to be 150 feet in all cases.

(4) When a building or other structure is erected in contravention of any of the provisions of this section, the person erecting the said building or other structure and the owner thereof shall be liable on summary conviction to a fine of two thousand dollars or to imprisonment for a term of two years or to both such fine and imprisonment.

(5) Subject to this section, any person who proposes to erect any building or other structure of an overall height which exceeds by more than 50 feet the height of any obstacle including land within a radius of five nautical miles of it, shall notify the Minister in writing of such intention and such notice shall contain the precise position and height of such proposed building or other structure and if any person to whom this subsection applies fails to give such notice as aforesaid or wilfully makes any false statement, he shall be liable on summary conviction to a fine of one thousand dollars or to imprisonment for a term of six months.

(6) Within three months of the receipt of a notice under subsection (5), the Minister may, by directions in writing, require the owner or other person responsible for the erection of such building or other structure to light or otherwise mark the same in such manner as the Minister may direct.

(7) The Minister may, by regulations which shall be laid before the House amend, alter or vary the provisions of subsection (3) or (5) or substitute new provisions in lieu thereof:

Provided that nothing in this subsection shall authorise the Minister to increase the penalty prescribed in subsection (5).

(8) Any regulation laid before the House under this section shall be subject to affirmative resolution of the House.

12. (1) If the Minister is satisfied, with respect to any building, structure or erection in the vicinity of an aerodrome to which this section applies that in order to avoid danger to aircraft flying in that vicinity in darkness or conditions of poor visibility, provisions ought to be made (whether by lighting or otherwise) for giving to such aircraft warning of the presence of that building, structure or erection, he may by order authorise (subject to any conditions specified in the order) the proprietor of the aerodrome, and any person acting under the instructions of the proprietor

Obstructions near aerodromes.

(a) to execute, install, maintain, operate, and as occasion requires to repair and alter such work and apparatus as may be necessary for enabling such warning to be given in the manner specified in the order; and

(b) so far as may be necessary for exercising any of the powers conferred by the order to enter upon and pass over (with or without vehicles) any such land as may be specified in the order:

Provided that no such order shall be made in relation to any building, structure or erection if it appears to the Minister that there have been made, and are being carried out, satisfactory arrangements for the giving of such warning as foreshaid of the presence of the building, structure or erection.

(2) The Minister shall, before making any such order as aforesaid, cause to be published, in such manner as he thinks best for informing persons concerned, notice of the proposal to make the order and of the place where copies of the draft order may be obtained free of charge, and take into consideration any representations with respect to the order which may, within such period not being less than two months after the publication of the notice as may be specified therein, be made to him to have an interest in any land which would be affected by the order; and at the end of that period the order may, subject to the provisions of this section be made with such modification (if any) of the original draft as the Minister thinks proper.

(3) Every such order as aforesaid shall provide—

(a) that, except in a case of emergency, no works shall be executed on any land in pursuance of the order, unless, at least fourteen days previously, the proprietor of the aerodrome to which the order relates has served in the manner prescribed by the order on the occupier of that land, and on every other person known by the proprietor to have an interest therein, a written notice containing such particulars of the nature of the proposed works, and the manner in which and the time at which it is proposed to execute them, as may be prescribed by or in accordance with the order; and

(b) that if, within fourteen days after service of the said notice on any person having such an interest, the proprietor of the aerodrome receives a written intimation which specified the grounds of objection then, unless and except in so far as the objection is withdrawn, no steps shall be taken in pursuance of the notice without the consent of the Minister,

and shall also provide for requiring the proprietor of the aerodrome to which the order relates to pay to any person having an interest in any land affected by the order such compensation for any loss or damage which that person may suffer in consequence of the order as may, in default of agreement, be determined from time to time by a single arbitrator appointed by the Chief Justice and for the purposes of this subsection, any expense reasonably incurred in connection with the lawful removal of any apparatus installed in

pursuance of such an order, and so much of any expense incurred in connection with the repair, alteration, demolition or removal of any building, structure or erection to which such an order relates as is attributable to the operation of the order, shall be deemed to be loss or damage suffered in consequence of the order.

(4) The ownership of anything shall not be taken to be affected by reason only that it is placed in, or affixed to, any land in pursuance of such an order as aforesaid; and subject to subsection (5) so long as any such order in respect of an aerodrome is in force, no person shall except with the consent of the proprietor of the aerodrome, wilfully interfere with any works or things which, to the knowledge of that person, are works or things executed or placed in, on or over any land in pursuance of the order.

(5) If any person contravenes the provisions of subsection (4), he shall be liable on summary conviction to a fine of two thousand dollars or to imprisonment for a term of twelve months or to both such fine and imprisonment.

(6) Every person who wilfully obstructs a person in the exercise of any of the powers conferred by such an order as aforesaid shall be liable, on summary conviction, to a fine of one thousand dollars or to imprisonment for a term of six months.

(7) Nothing in this section shall operate in relation to any building, structure or erection, so as to restrict the doing of any work for the purpose of repairing, altering, demolishing or removing the building, structure or erection:

Provided that—

(a) notice of the doing of that work is given as soon as may be practicable to the proprietor of the aerodrome; and

(b) the giving of warning of the presence of the building, structure or erection in the manner provided by any order under this section in force in relation thereto is not interrupted.

(8) In this section—

(a) the expression "aerodrome to which this section applies" means a Government aerodrome or any premises which, by virtue of any regulations made under section 3, are for the time being licensed as an aerodrome for the public use; and

(b) the expression "manager of the aerodrome" means, in relation to any premises used or appropriated for use as an aerodrome, the person carrying on the business of an aerodrome in those premises or, in the case of a Government aerodrome, the officer in charge of the aerodrome.

Power to stop up
or divert roads.

13. (1) The Minister assigned responsibility for road transport may, notwithstanding the provisions of any other law, if he is satisfied that it is necessary so to do in order to secure the safe and efficient use for the purposes of civil aviation of any aerodrome or any premises approved by the Minister assigned responsibility for civil aviation used for the testing of aircraft, by order authorise the stopping up or diversion of any road.

(2) An order under subsection (1) may provide for all or any of the following matters, that is to say—

(a) for securing the provision or improvement of any road so far as the Minister thinks such provision or improvement necessary or desirable in consequence of any such stopping up or diversion as aforesaid;

(b) for the retention or removal of any cable, mains, pipes, wires, or similar apparatus placed along, across, over or under any road stopped up or diverted under the order, and for the extinguishment, modification or preservation of any rights as to the use or maintenance of that apparatus;

(c) if any road is to be provided or improved under the order, for authorising or requiring the provision of any such apparatus as aforesaid along, across, over or under that road, in lieu of any apparatus removed from a road in pursuance of the order, and for conferring rights as to the use or maintenance of apparatus so provided.

(3) An order under subsection (1) may contain such consequential, incidental and supplemental provision as appear to the Minister to be necessary or expedient for the purposes of the order.

(4) Notice of any order made under subsection (1) shall be—

(a) displayed in a prominent position at the ends of so much of any road as is proposed to be stopped up or diverted under the order;

(b) sent to every local government authority in whose area any road to be stopped up or diverted under the order or any road to be provided or improved under the order is situate; and

(c) served upon any water or electricity undertakers having any cables, mains, pipes or wires laid along, across, over or under any road to be stopped up or diverted under the order.

(5) The provisions of Part II of the Second Schedule shall, with the necessary modification have effect in relation to orders under this section as they have effect in relation to directions under section 10.

14. If any person trespasses on any land forming part of an aerodrome established by the Minister under section 9 or under his control or licensed pursuant to regulations under section 3, he shall be liable on summary conviction to a fine of two hundred dollars or to imprisonment for a term of three months:

**Trespassing on
aerodromes.**

Provided that no person shall be liable to any penalty under this section unless it is proved, that at the material time, notices warning trespassers of their liability under this section were posted so as to be readily seen and read by members of the public, in such positions on or near the boundary of the aerodrome as appear to the court to be proper.

PART IV
LIABILITY FOR DAMAGE CAUSED BY AIRCRAFT

Liability in respect of nuisance and surface damage from aircraft.

15. (1) No action shall lie in respect of trespass or nuisance, by reason only of the flight of an aircraft over any property at a height above the ground, which, having regard to wind, weather and all the circumstances of the case is reasonable or the ordinary incidents of such flights so long as the provisions of Part II and this Part or any regulations made thereunder are complied with.

(2) Where loss or damage is caused to any person or property on land or water by, or by a person in or an article or person falling from, an aircraft while in flight, taking off or landing, then, unless the loss or damage was contributed to or caused by the negligence of the person by whom it was suffered, damages in respect of the loss or damage shall be recoverable without proof of negligence or intention or other cause of action, as if the loss or damage had been caused by the wilful act, neglect or default of the owner of the aircraft:

Provided that where loss or damage is caused as aforesaid in circumstances in which—

(a) damages are recoverable from the owner in respect of the loss or damage by virtue of the foregoing provisions; and

(b) a legal liability is created in some person other than the owner to pay damages in respect of the loss or damage,

the owner shall be entitled to be indemnified by that other person against any claim in respect of the loss or damage.

(3) Where an aircraft has been *bona fide* demised, let or hired out for any period exceeding fourteen days to any other person by the owner of the aircraft and no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of the owner, subsection (2) shall have effect as if for references to the owner there were substituted references to the person to whom the aircraft has been demised, let or hired out.

16. (1) The Minister may make regulations under section 3 as to the conditions under which noise and vibration may be caused by aircraft on aerodromes and such regulations may provide that subsection (2) shall apply to any aerodrome as respects which provision as to noise and vibration caused by aircraft is so made.

Nuisance caused by noise and vibration on aerodromes.

(2) No action shall lie in respect of nuisance by reason only of the noise and vibration caused by aircraft on an aerodrome to which this subsection applies by virtue of subsection (1) so long as the provisions of the regulations mentioned in that subsection are complied with.

PART V

SECURITY OF AIRCRAFT, AIRPORTS AND AIR NAVIGATION INSTALLATIONS AGAINST ACTS OF VIOLENCE

17. (1) The purpose to which this Part applies are the protection against acts of violence—

Purposes to which Part V applies.

(a) of aircraft, and of persons or property on board aircraft;

(b) of airports, and of such persons or property as (in the case of persons) at any time present in any part of an airport or (in the case of property) for part of an airport in any part of the airport; and

(c) of air navigation installations that do not form part of an airport.

(2) In this Part "act of violence" means—

(a) any act committed in Antigua and Barbuda that constitutes the offences of murder, attempted murder, manslaughter, assault or any offence under the Offences Against the Persons Act; or

Cap. 300.

(b) any act committed outside Antigua and Barbuda, that would, if committed in Antigua and Barbuda, constitute an offence to which paragraph (a) applies.

Police Force
responsible for
security at
airports.
Cap. 200.

18. The prevention of the commission of offences under the Hijacking Act, or any enactment giving effect to the Tokyo Convention 1963 or offences committed on Board Aircraft or the Montreal Convention 1971 for the Suppression of Unlawful Act against the safety of Civil Aviation or this Part, and the protection of persons and property from dangers arising from the commission or attempted commission of such offences, is the responsibility of the Police Force.

Right of access of
member of the
Police Force.

19 (1) Subject to subsection (2), a member of the Police Force on duty may at any time, by force if necessary, enter any airport or air navigation installation, or any aircraft, vehicle, building, or place in any part of an airport or air navigation installation, for the purpose of performing his functions, under this Act or any other enactment.

(2) Subsection (1) does not apply to an aircraft or vehicle not being used for commercial purposes unless the member of the Police Force believes on reasonable grounds that there is in the vehicle or aircraft any person or thing likely to endanger the airport or air navigation installation or any person.

Declaration of
protection areas.

20. The Minister may, for security reasons, by notice in the *Gazette*, declare any airport or any part of an airport or any navigation installation or any part of such installation to be a protected area for the purposes of this Part.

Provisions
relating to
protected areas.

21. (1) No person, other than a member of the Police Force on duty, shall enter or remain in any protected area unless authorised by the Authority.

(2) Every person in a protected area shall, on the request of a member of the Police Force on duty, state his name and address, and produce satisfactory evidence of its correctness, and of the purpose of his presence in such area and his authority to enter it.

(3) A member of the Police Force may order to leave a protected area any person who has failed or refused to give satisfactory evidence of his name and address when so requested by the member of the Police Force, or who has failed to satisfy the member of the Police Force that he is

a person authorised to be there; and any such person shall comply with such order.

(4) A person who contravenes subsection (2) or (3) commits an offence against this section.

(5) A member of the Police Force, and any person he calls to his assistance, may use such force as may be reasonably necessary to remove from any protected area any person who fails or refuses forthwith to leave the protected area after having been ordered by a member of the Police force to do so in accordance with subsection (3).

(6) A person who, except with the permission of the Authority, uses a camera or other photographic apparatus or material while he is in or passing through a protected area commits an offence against this section.

(7) A person who commits an offence against this section, and, after being warned that he may be arrested, persists in its commission, may be arrested without warrant by a member of the Police Force.

(8) A passenger embarking or disembarking in an airport designated under section 32 (1) directly through gateways or thoroughfares approved for that purpose by the Authority is deemed to be authorised to pass through any protected area forming part of those gateways or thoroughfares.

22. A person who, without lawful authority or excuse takes or attempts to take on board any aircraft—

(a) a firearm; or

(b) any other dangerous or offensive weapon or instrument of any kind whatever; or

(c) any ammunition; or

(d) any explosive or any other injurious substance or device of any kind whatsoever that could be used to endanger the safety of the aircraft or of persons on board the aircraft,

is liable on conviction on indictment to a fine of ten thousand dollars or to a term of imprisonment for five years.

Taking firearms, explosives and other things on board aircraft.

Search of persons, baggage and cargo.

23. (1) A member of the Police Force, a member of the airport security, an officer of customs, or an employee or agent of the carrier or any other person authorised by the carrier or the airport authority for the purpose may, with the consent of the person, search any person and his baggage before such person boards any aircraft for the purpose of being carried by air from any place in Antigua and Barbuda to any other place whether in Antigua and Barbuda or elsewhere.

(2) If the passenger declines to allow himself or his baggage to be searched, the carrier shall refuse to carry him.

(3) A carrier is not liable to any civil proceedings, other than a proceeding in respect of any right that the passenger may have for the recovery of the fare or any part thereof, by reason of the fact that the carrier has refused to carry a passenger who has declined to allow himself or his baggage to be searched.

(4) With respect to any search made pursuant to subsection (1)—

(a) a passenger shall not be required to remove any article of clothing (other than a coat or similar article) for the purpose of being searched.

(b) except where the search is made by means of any mechanical or electrical or electronic or other similar device, no person shall be searched except by another person of the same sex.

(5) An employee or agent of the carrier authorised by the carrier for the purpose or any member of the Police Force may examine any cargo before the cargo is loaded on to any aircraft for the purpose of being carried by air from a place in Antigua and Barbuda to any other place whether in Antigua and Barbuda or elsewhere.

Search of persons declining to allow search.

Cap. 200.

24. (1) Where under section 23 (1) a person has refused consent to the search of himself or his baggage and a member of the Police Force has reasonable grounds to suspect that an offence under the Hijacking Act, or any enactment giving effect to the Tokyo Convention, 1963 for offences

committed on Board Aircraft, or the Montreal Convention, 1971 for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, or this Part in relation to an aircraft on which that person was to be carried has been, is being, or is likely to be, committed, whether by that person or by any other person, such member of the Police Force may, without warrant, search that person, who has declined to allow himself or his baggage to be searched, and may detain him for the purposes of that search, and may take possession of any article referred to in paragraph (a), (b), (c) or (d) of section 22 found in the course of that search.

(2) The refusal of any person to allow himself or his baggage to be searched under section 23 shall not of itself constitute grounds for suspecting that an offence relating to aircraft has been, is being, or likely to be committed.

(3) A member of the Police Force who exercises the power of search conferred by subsection (1) shall identify himself to the person searched, and shall also inform him that the search is being made under this section, and if he is not in uniform he shall also produce evidence that he is a member of the Police Force.

25. Nothing found in the course of a search or examination made under section 23 or 24 is admissible as evidence in any criminal proceedings against the person who, or whose baggage, has been searched or as the case may be, the consignor of any cargo that has been examined, other than proceedings in respect of an offence under the Hijacking Act, or any enactment giving effect to the Tokyo Convention, 1963 for offences committed on Board Aircraft, or the Montreal Convention 1971 for the Suppression of Unlawful Acts Against the Safety of Civil Aviation or this Part, or any crime punishable with death or by imprisonment for life or for a term not less than three years. Evidence of offences.

26. (1) A member of the Police Force may without a warrant arrest a person within an airport— General powers of arrest.

(a) if he has reasonable cause to believe that that person has contravened any provision of this Part or any other regulation made for the purposes of this Part

and he does not know and cannot ascertain that person's name and address; or

(b) if that person in contravention of any provision of this Part or any other regulation made for the purposes of this Part fails or refuses to leave the airport or any particular part thereof after being requested by a member of the Police Force to do so.

(2) A member of the Police Force may, without a warrant, arrest any person who is in the vicinity of a protected area if he has reasonable grounds to believe that an offence has been or is being committed by that person under the Hijacking Act, or any enactment giving effect to the Tokyo Convention 1963 for offences committed on Board Aircraft or the Montreal Convention 1971 for the Suppression of Unlawful Acts Against the Safety of Civil Aviation or section 22.

(3) Any person who, when called upon to do so by a member of the Police Force, in good faith assists him in arresting any person is not guilty of an offence and not liable to any civil proceedings in pursuance of that act.

**Inspection of
aircraft and
airports.**

27. (1) Any person authorised in writing by the Commissioner of Police (in this section referred to as an "authorised person") shall have power, on production (if required) of his credentials, to inspect—

(a) any aircraft registered or operating in Antigua and Barbuda at any time it is in Antigua and Barbuda; or

(b) any part of a protected area; or

(c) any air navigation installation.

(2) An authorised person inspecting an aircraft or any part of an airport or air navigation installation shall have power—

(a) to subject any property found by him in the aircraft (but not the aircraft itself or any apparatus or equipment installed in it) or, as the case may be, to subject that part of the airport or air navigation installation or any property found by him, there to such tests; or

(b) to require the operator of the aircraft or the person performing the functions of manager of the airport, to furnish him with such information, as the authorised person may consider necessary.

(3) Subject to subsection (4) an authorised person, for the purpose of exercising any powers conferred on him by subsection (1) or (2) in relation to an aircraft or in relation to an airport or air navigation installation, shall have power—

(a) for the purpose of inspecting an aircraft, to enter it and to take all such steps as are necessary to detain it; or

(b) for the purpose of inspecting any part of an airport or air navigation installation, to enter any building or works in the airport or air navigation installation, or enter upon any land in the airport.

(4) The powers conferred by subsection (3) do not include power for an authorised person to use force for the purpose of entering any aircraft, building or works or entering upon any land.

(5) Any person who obstructs or attempts to obstruct an authorised person in the exercise of his powers and functions under this section or who refuses to furnish any information required of him under subsection (2) (b), is liable to a fine of five thousand dollars or to imprisonment for a term of two years or to both such fine and imprisonment.

28. (1) A member of the Police Force may—

(a) stop any person who is leaving a cargo area in an airport that is part of a protected area and inspect any goods carried by that person;

(b) stop and search any vehicle or aircraft which is leaving any such cargo area and inspect the vehicle and any goods carried on or in it; and

(c) detain in the area—

(i) any such goods for which there is not produced a document authorising their removal from the

Additional powers of members of the Police Force in protected area.

area signed by a person authorised in that behalf,

and

- (ii) any such vehicle or aircraft as aforesaid so long as there are on or in it goods liable to detention under this paragraph.

(3) In this section "cargo area" means any area which appears to the Commissioner of Police to be used wholly or mainly for the storage or handling of cargo in a protected area and is designated by an order made by him for the purposes of this section and published in the *Gazette*.

General powers of members of the Police Force are not prejudiced.

29. The powers conferred by this Act on a member of the Police Force are without prejudice to any powers vested in him apart from this Part.

Offences and penalties.

30. Any person who commits an offence under this Part for which no other penalty is specifically provided is liable on summary conviction to a fine of five thousand dollars or to imprisonment for two years or to both such fine and imprisonment.

Minister to manage and control airports.

31. Subject to regulations made under section 3 the management and control of all airports as may be designated by notice published in the *Gazette* are hereby vested in the Minister.

Interpretation of Part V.

32. (1) In this Part—

"airport" means any defined area of land or water intended or designated to be used either wholly or partly for the landing, departure, movement and servicing of aircraft; and includes any buildings, installations and equipment on or adjacent to any such area used in connection with the airport or its administration;

"air navigation installation" means any building, facility, works, apparatus or equipment or place used wholly or mainly for the purpose of assisting air traffic control or as an aid to air navigation, together with any land contiguous or adjacent to

any such building, facility, works, apparatus or equipment and used wholly or mainly for purposes connected therewith;

"aircraft registered or operating in Antigua and Barbuda" means any aircraft which is either—

(a) an aircraft registered in Antigua and Barbuda; or

(b) an aircraft not so registered which is for the time being allocated for use on flights which (otherwise than in exceptional circumstances) include landing at or taking off from one or more airports in Antigua and Barbuda;

"ammunition" has the meaning assigned by section 2 of the Firearms Act and includes anything declared by order of the Minister to be ammunition; Cap. 171.

"article" includes any substance, whether in solid or liquid form or in the form of a gas or vapour;

"explosive" has the meaning assigned by section 9 of the Explosives Act and anything declared by order of the Minister to be an explosive; Cap. 159.

"firearm" has the meaning assigned by section 2 of the Firearms Act, and anything declared by order of the Minister to be a firearm;

"military service" includes naval and air force service;

"operator" in relation to an aircraft means the person for the time being having the management of the aircraft;

"property" includes any land, building or works, any aircraft or vehicle and any baggage, cargo or other article of any description;

"protected area" means an area within the meaning of a protected area as defined in section 20.

(2) An order of the Minister under subsection (1) declaring anything to be ammunition, an explosive or a firearm shall be laid before the House and shall be subject to affirmative resolution.

(3) For the purposes of this Part—

(a) the period during which an aircraft is in flight is deemed to include any period from the moment when all its external doors are closed following embarkation until the moment when any such door is open for disembarkation and, in the case of a forced landing, any period until the competent authorities take over responsibility for the aircraft and for the persons and property on board; and

(b) an aircraft shall be taken to be in service during the whole of the period which begins with the pre-flight preparation of the aircraft by ground personnel or by the aircraft's crew for a flight and ends twenty-four hours after the aircraft lands having completed that flight, and also at any time (not falling within that period) while, in accordance with paragraph (a) of this subsection, the aircraft is in flight; and

anything done on board an aircraft while in flight over any part of Antigua and Barbuda, shall be treated as done in Antigua and Barbuda.

(4) For the purposes of this Part, the territorial sea adjacent to Antigua and Barbuda are to be treated as included in that part of Antigua and Barbuda.

PART VI GENERAL

33. (1) Any service rendered in assisting, or in saving life from, or in saving the cargo or apparel of, an aircraft on or over the sea or tidal water, shall be deemed to be salvage services in all cases in which they would have been salvage services if they had been rendered in relation to a vessel; and where salvage services are rendered by an aircraft to any property or person, the owner of the aircraft shall be entitled to the same reward for those services as he would have been entitled to if the aircraft had been a vessel.

Application to
aircraft of law of
wreck and
salvage.

(2) Subsection (1) shall have effect notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial sea of Antigua and Barbuda.

(3) The Minister may, by order, direct that any provisions of any law in force in Antigua and Barbuda which relates to wreck, the salvage of life and property or the duty of rendering assistance to vessels in distress shall, with such modifications (if any) as may be specified in the order, apply in relation to aircraft as those provisions apply in relation to vessels.

(4) For the purposes of this section, any provisions of any law in force in Antigua and Barbuda which relates to vessels laid by or neglected as unfit for sea service shall be deemed to be provisions relating to wreck.

34. (1) Any lawful entry into Antigua and Barbuda or any lawful transit across Antigua and Barbuda with or without landings, of any aircraft to which this section applies shall not entitle any seizure or detention of the aircraft or any proceedings against the owner or operator of the aircraft or any other interference with the aircraft by or on behalf of any person in Antigua and Barbuda on the grounds that the construction, mechanism, parts, accessories or operation of the aircraft is or are an infringement of any patent, design or model.

Exemption of aircraft from seizure on patent claims.

(2) The importation into and storage in Antigua and Barbuda of spare parts and spare equipment for an aircraft to which this section applies and the use and installation thereof in the repair of such an aircraft shall not entail any seizure or detention of the aircraft or of the spare parts or spare equipment or any proceedings being brought against the owner or operator of the aircraft or the owner of the spare parts or spare equipment or any other interference with the aircraft by or on behalf of any person in Antigua and Barbuda on the grounds that there is an infringement of any patent, design or model by the spare parts or spare equipment on their installation:

Provided that this subsection shall not apply in relation to any spare parts or spare equipment which are sold or distributed in Antigua and Barbuda.

(3) This section applies to—

- (a) any aircraft (other than state aircraft) registered in a state which is a party to the Chicago Convention;
- (b) such other aircraft as the Minister may by order, specify.

(4) Where it is alleged by any person interested that a foreign aircraft which is not an aircraft to which subsection (1) applies which is making a passage through or over Antigua and Barbuda infringes in itself or part of it any invention, design or model which is entitled to protection in Antigua and Barbuda, it shall be lawful, subject to and in accordance with the rules of court, to detain the aircraft until the owner there deposits or secures in respect of the alleged infringement a sum hereafter in this section referred to as "the deposited sum" and thereupon the aircraft shall not, during the continuance of the passage, be subject to any lien, arrest, detention or prohibition, whether by order of a court or otherwise, on account of the alleged infringement.

(5) The deposited sum shall be such sum as may be agreed between the parties interested or, in default of agreement, as may be fixed by the Minister; and the payment of the deposited sum shall be made or secured to the Minister in such manner as may be approved by him.

(6) The deposited sum shall be dealt with by such tribunal and in accordance with such procedure as may be prescribed by rules of court and such rules may provide generally for carrying the provisions of subsections (4) and (5) into effect.

(7) For the purposes of subsection (4), the expression "owner" shall include the actual owner of the aircraft and any person claiming through or under him, and the expression "passage" shall include all reasonable landings and stoppages in the course or for the purpose of the passage.

Detention of
aircraft.

35. (1) Any regulations or order made by the Minister under this Act in relation to aircraft may, for the purposes of securing compliance with the regulations or order, include provisions for the detention of any such aircraft and

such further provision as appears to the Minister to be necessary or expedient for securing such detention.

(2) Without prejudice to subsection (1), when default is made in the payment of airport charges incurred in respect of any aircraft at any aerodrome to which this section applies, the aerodrome authority may, subject to the provisions of this section—

(a) detain, pending payment, either—

- (i) the aircraft in respect of which the charges were incurred (whether or not they were incurred by the person who is the operator of the aircraft at the time when the detention begins); or
- (ii) any aircraft of which the person in default is the operator at the time when the detention begins; and

(b) if the charges are not paid within sixty days after the date when the detention begins, sell the aircraft in order to satisfy the charges.

(3) An aerodrome authority shall not detain, or continue to detain, an aircraft under this section by reason of any alleged default in the payment of airport charges if the operator of the aircraft or any other person claiming an interest therein—

(a) disputes that the charges, or any of them, are due or, if the aircraft is detained under subsection (2) (a) (i), that the charges in question were incurred in respect of that aircraft; and

(b) gives to the authority, pending the determination of the dispute, sufficient security for the payment of the charges which are alleged to be due.

(4) An aerodrome authority shall not sell an aircraft under this section without the leave of the court, irrespective of the charges which are alleged to be due and the court shall not give leave except on proof that a sum is due to the authority for airport charges, that default has been made in the payment thereof and that the aircraft which the authority seeks leave to sell is liable to sale under this section by reason of the default.

(5) An aerodrome authority proposing to apply for leave to sell an aircraft under this section shall take such steps as may be prescribed—

(a) for bringing the proposed application to the notice of persons whose interests may be affected by the determination of the court thereon; and

(b) for affording to any such person an opportunity of becoming a party to the proceedings on the application;

and, if leave is given, the aerodrome authority shall secure that the aircraft is sold for the best price that can reasonably be obtained; but failure to comply with any requirement of this subsection in respect of any sale, while actionable as against the aerodrome authority concerned at the suit of any person suffering loss in consequence thereof, shall not, after the sale has taken place, be a ground for impugning its validity.

(6) The proceeds of any sale under this section shall be applied as follows, and in the following order, that is to say—

(a) in payment of any customs duty or purchase tax which is due in consequence of the aircraft having been brought into Antigua and Barbuda;

(b) in payment of the expenses incurred by the aerodrome authority in detaining, keeping and selling the aircraft, including their expenses in connection with the application to the court;

(c) in payment of the airport charges which the court has found to be due;

and the surplus, if any, shall be paid to or among the person or persons whose interests in the aircraft have been diverted by reason of the sale.

(7) The power of detention and sale conferred by this section in respect of an aircraft extends to the equipment of the aircraft and any stores for use in connection with its operation (being equipment and stores carried in the aircraft) whether or not the property of the person who is its operator, and references to the aircraft in subsections (3) and

(6) include, except where the context otherwise requires, references to any such equipment and stores.

(8) The power of detention conferred by this section in respect of an aircraft extends to any aircraft documents carried in it; and any such documents may, if the aircraft is sold under this section, be transferred by the aerodrome authority to the purchaser.

(9) The power conferred by this section to detain an aircraft in respect of which charges have been incurred may be exercised on the occasion on which the charges have been incurred or any subsequent occasion when the aircraft is on the aerodrome on which those charges were incurred or on any other aerodrome owned or managed by the aerodrome authority concerned.

(10) This section applies to any aerodrome owned or managed by any department of Government and to any other aerodrome designated for the purpose of this section by an order made by the Minister, and in this section—

"aerodrome authority", in relation to any aerodrome owned or managed by any department of Government means the Director of Civil Aviation and, in respect of any other aerodrome, means the person owning or managing it;

"aircraft documents", in relation to any aircraft, means any certificate of registration, maintenance or airworthiness of that aircraft, any log book relating to the use of that aircraft or its equipment and any similar document;

"airport charges" means charges payable to an aerodrome authority for the use of, or for services provided at an aerodrome;

"operator", in relation to any aircraft, means the person for the time being having the management of that aircraft;

"the court" means the High Court.

(11) Nothing in this section shall prejudice any other right of an aerodrome authority to recover any charges, or any part thereof.

Service of documents.

36. (1) Any notice, direction or other document required to be served on any person for the purposes of this Act, may be served on him either by delivering it to him, or by leaving it at his last known address, or by registered post addressed to him at his last known address.

(2) Any such notice, direction or other document required to be served upon a body corporate shall be duly served if it is served on the secretary or other principal officer of the body or left at its registered office.

Application of Act to State.

37. Sections 3, 4, 5, 6, 8, 34 and 35 shall not apply to state aircraft:

Provided that the Minister may by order apply to any such aircraft with or without modification, any of the said sections or any orders or regulations made thereunder.

Repeal and savings Third Schedule.

38. (1) Subject to section (2), the enactments specified in the Third Schedule are hereby repealed.

(2) Notwithstanding the repeal by subsection (1) of the enactments specified in the Third Schedule all laws and instruments made under those enactments and in force in Antigua and Barbuda immediately before the commencement of this Act, shall, in so far as they are not inconsistent with this Act, remain in force as if made under this Act with such adaptations, modifications and qualifications as may be necessary for the purpose and shall accordingly be subject to amendment or revocation by regulations made under this Act or as may otherwise be authorised by the powers conferred by this Act.

FIRST SCHEDULE**Section 7****THE AIR TRANSPORT LICENSING BOARD**

1. The Board shall consist of not less than five and not more than seven members appointed by the Minister.
2. There shall be paid to the members of the Board such remuneration (whether by way of salaries or travelling or other allowances) as the Minister may determine.
3. No person who for the time being has any interest, whether shareholder or otherwise, in any business or undertaking—
 - (a) which provides transport for passengers or cargo whether by air, sea or land; or
 - (b) which owns or operates an aerodrome; or
 - (c) which manufactures or deals in aircraft, aircraft engines or accessories; or
 - (d) which caters for the supply of food or drink or other consumable stores for use on aircraft or aerodrome; or
 - (e) which supplies fuel or lubricants for public transport undertakings whether by air, sea or land,shall act as a member of the Board unless he has declared such interest to the Board and to the Minister, and if any member of the Board shall fail to declare such an interest, or if the Minister is satisfied that by reason of that interest it is right and proper to do so, the Minister shall revoke the appointment of that person as a member of the Board.
4. Three members of the Board including the chairman or vice-chairman, shall constitute a quorum for the transaction of business at meetings of the Board.
5. Subject to the provisions of this Act, the Board may regulate its own procedure.

SECOND SCHEDULE**Sections 10 and 13****PROVISIONS RELATING TO DIRECTIONS UNDER SECTION 10**

1. Immediately after the Minister has given the direction, he shall publish in at least one newspaper printed and circulating in Antigua and Barbuda a notice stating that the direction has been given, and shall also serve notice of the direction—

(a) in the case of a direction given for the purpose specified in paragraph (c) of subsection (2) of section 10, upon every owner, lessee and occupier of any land to which the right of way is appurtenant, and upon every local Government authority in whose area any of that land is situated;

(b) in the case of a direction given for any other purpose specified in the said subsection, upon every owner, lessee and occupier of the land to which the direction relates and upon every local Government authority in whose area any of that land is situated;

(c) in the case of a direction restricting the installation of apparatus or extinguishing rights to install or maintain apparatus upon every person whose rights to install or maintain apparatus are affected by the direction; and

(d) in the case of a direction requiring the removal of any apparatus, upon the person entitled to maintain the apparatus required to be removed under the direction.

PART II

2. If any person aggrieved by the direction desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of the Minister or that any requirement of this Act has not been complied with in relation to the direction, he may, within six weeks from the time when notice that the direction has been made is first published in accordance with the requirements of this Act, make an application to the High Court; and on any such application the court—

(a) may by interim order suspend the operation of the direction or of any provision contained therein, either generally or in so far as it affects the applicant, until the final determination of the proceedings; and

(b) if satisfied that the direction or any provision contained therein is not within the powers of the Minister, or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the direction or any provision contained therein, either generally or in so far as it affects the applicant.

3. Subject to paragraph 2, the direction shall not be questioned in any legal proceedings whatsoever, and shall become operative on the expiration of six weeks from the date on which notice of the giving of the direction is first published in accordance with the requirements of this Act.

PART III

4. Any person having an interest in land the value of which is diminished in consequence of the coming into operation of the direction shall be entitled to recover compensation from the Minister for the diminution.

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5. Any person who sustains damage by being disturbed in the enjoyment of any right in or over land in consequence of the coming into operation of the direction (not being damage which consists of the diminution in the value of an interest in land) shall be entitled to recover compensation from the Minister in respect of that damage.
 6. The Minister shall pay compensation in respect of any expenditure reasonably incurred by any person for the purpose of carrying out work which is required to be carried out by the direction.
 7. The compensation payable to any person by virtue of the foregoing provisions of this Schedule shall be reduced by the value to him of any timber, apparatus or other materials removed for the purpose of complying with the direction.
 8. For the purpose of assessing compensation under this Schedule, in so far as it is payable in respect of the diminution in the value of an interest in land—
 - (a) the value of any interest in the land shall, subject as hereinafter provided, be taken to be the amount which such interest in the land in the condition in which the land is at the time of the coming into force of the direction, if sold in the open market by a willing seller might be expected to realize;
 - (b) the special suitability or adaptability of the land for any purpose shall not be taken into account if that purpose is a purpose to which the land could be applied only in pursuance of statutory powers not already granted, or for which there is no market apart from the special needs of a particular purchaser or the requirements of any Government department;
 - (c) where the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any court, or is contrary to law, or is detrimental to the health of the inmates of the premises or to public health, the amount of that increase shall not be taken into account;
 - (d) no allowance shall be made on account of—
 - (i) the acquisition being compulsory or the degree of urgency or necessity which has led to the acquisition,
 - (ii) any disinclination of the owner to part with his interest in the land,
 - (iii) any damage sustained by the owner which, if caused by a private person, would not render such person liable to an action,
 - (iv) any damage, not being in the nature of deprivation of or interference with an easement, servitude or legal right, which, after the time of awarding compensation, is likely to be caused by or in consequence of the use to which the land acquired will be put:

Provided that nothing herein shall prejudice any claim under the direction for damage subsequently sustained in consequence of the use to which the land acquired is put,

(v) any increase to the value of the land acquired likely to accrue from the use to which the land or any part of the land acquired will be put, shall, so far as it is applicable and subject to any necessary modifications, have effect as it has effect for the purpose of assessing compensation for the compulsory acquisition of land.

9. Where any dispute arises as to whether compensation is payable under this Schedule, or as to the amount of any such compensation, or as to the person to whom it is payable, the dispute shall be referred to and determined by the High Court.

THIRD SCHEDULE

Section 38

Cap. 129 The Aerodromes Act

12 & 13 Geo. 6 The provisions of the United Kingdom Civil Aviation Act, 1949
S.I. No. 868 of as applied by the Colonial Civil Aviation (Application of Act)
1952. Order, 1952.

No. 16 of The Civil Aviation Act, 1982.
1982.