

ANTIGUA AND BARBUDA



**THE CIVIL AVIATION (NAVIGATION SERVICES CHARGES)
REGULATIONS, 2025
STATUTORY INSTRUMENT**

2025, No. 22

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THE CIVIL AVIATION (NAVIGATION SERVICES CHARGES) REGULATIONS made in exercise of the powers contained in section 52 of the Civil Aviation Act, 2003 No. 25 of 2003.

1. Short title

These Regulations may be cited as the Civil Aviation (Navigation Services Charges) Regulations, 2025.

2. Interpretation

In these Regulations—

“aircraft documents” in relation to any aircraft means any aircraft 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 Authority” means the Antigua and Barbuda Airport Authority;

“authorized person” means any person authorized by the Director General (whether by name or by class or by description) either generally or in relation to a particular case or class of cases.

“Court” means the High Court of Justice established by the Supreme Court Order Cap 422A;

“Director General” means the Director General of the Eastern Caribbean Civil Aviation Authority (ECCAA);

“ECCAA” means the Eastern Caribbean Civil Aviation Authority;

“operator” in relation to an aircraft means the person who at the relevant time has the management of the aircraft

3. Charges for navigation services at aerodromes

(1) The Operator of every aircraft for which air navigation services are provided by the Airport Authority (whether or not the services are actually used or could be used with the equipment installed in the aircraft) shall pay to the Airport Authority the charges specified in Schedule 1.

(2) The Director General may dispense, wholly or in part, with any charge payable by virtue of these Regulations if he determines that it is proper to do so having regard to all the circumstances of the case.

4. Detention and Sale of Aircraft for unpaid charges

(1) Where a default is made in the payment of charges incurred in respect of any aircraft under these Regulations, the Director General or an authorized person may, subject to the provisions of these Regulations, take such steps as are necessary to detain pending payment either—

- (a) 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
- (b) any other aircraft of which the person in default is the operator at the time when the detention begins;

and if the charges are not paid within 90 days of the date when the detention begins the Director General may sell the aircraft in order to satisfy the charges.

(2) The Director General or an authorized person concerned shall not detain or continue to detain an aircraft under these Regulations by reason of any alleged default in the payment of payable charges payable under these Regulations if the Operator of the aircraft or any other person claiming an interest therein—

- (a) disputes that the charges or any portion of them are due or,
- (b) if the aircraft is detained under paragraph 4(1) (a) of this Regulation, that the charges in question were incurred in respect of that aircraft and
- (c) gives the Director General pending the determination of the dispute, sufficient security for the payment of the charges which are alleged to be due.

(3) The Director General shall not sell an aircraft under these Regulations without the leave of the Court, and the Court shall not give leave except it is satisfied on proof that—

- (a) a sum is due to the ECCAA for charges under these Regulations,
- (b) default has been made in the payment thereof; and
- (c) the aircraft which the Director General seeks leave to sell is liable to sale under these Regulations by reason of the default.

(4) The Eastern Caribbean Civil Aviation Authority shall, before applying to the Court for leave to sell an aircraft under these Regulations, take such steps for bringing the proposed application to the Notice of interested persons and for affording them an opportunity of becoming a party to the proceedings as are set forth in Schedule 2.

(5) Where such leave is granted by the Court, the Director General shall secure that the aircraft is sold for the best price that can be reasonably obtained, but failure to comply with any requirement of this paragraph or Schedule 2 in respect of any sale shall not after the sale has taken place, be a ground for impugning its validity.

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

- (a) in payment of any customs duty which is due in consequence of the aircraft having been brought into Antigua and Barbuda;
- (b) in payment of the expenses incurred by the Director in detaining, keeping and selling the aircraft, including its expense in connection with the application to the Court;
- (c) in payment of any airport charges incurred in respect of any aircraft which are due to the person owning or managing the aerodrome at which the aircraft was detained under these Regulations;
- (d) in payment of any charge in respect of the aircraft which is due by virtue of these Regulations; and
- (e) the surplus if any, shall be paid to or among the person or persons whose interests in the aircraft have been divested by reason of the sale.

(7) The power of detention and sale conferred by these Regulations 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 sub-paragraphs (2) to (5) include except where the context otherwise requires, references to any such equipment and stores.

(8) The power of detention conferred by these Regulations in respect of an aircraft extends to any aircraft documents carried in it, and any such documents may, if the aircraft is sold under these Regulations be transferred by the Director General to the purchaser.

(9) The power conferred by these Regulations to detain an aircraft may be exercised on any occasion when the aircraft is on any aerodrome in Antigua and Barbuda.

(10) Nothing in these Regulations shall prejudice any right of the Director General to recover any charges or any part thereof by action.

5. Repeal

The Civil Aviation (Navigation Services Charges) Order, 1982 S.I. 37 of 1982 is hereby repealed.

SCHEDULE 1**(Regulation 3(1))**

Aircraft Weight	EC\$ Per Landing
0lb to 12,500 (Light)	\$80.00
12,501lbs to 75,000lb (Middle)	\$120.00
75,001lbs and over (Heavy)	\$270.00

SCHEDULE 2**(Regulation (4))****1. Steps to be taken to bring proposed application to court to the notice of the interested persons and afford them an opportunity of becoming a party to the proceedings**

The Director General if he proposes to apply to the Court for leave to sell an aircraft under this Order, shall take the following steps for bringing the proposed application to the notice of persons whose interests may be affected by the determination of the Court thereon and for affording to do any such person an opportunity of becoming a party to the proceedings on the application as are capable to the aircraft—

(1) At least 21 days before applying to the Court, the Director General shall publish in one or more local newspapers circulating in Antigua and Barbuda, a Notice as is prescribed in paragraph 2 of the Schedule and shall also unless in that case it is impracticable to do so, serve such a notice in the manner so prescribed, on each of the following persons—

- (a) the person whose name the aircraft is registered;
- (b) the person if any who appears to the Director General to be the owner of the aircraft;
- (c) any person who appears to the Director General to be a charter of the aircraft whether or not by demise;
- (d) any person who appears to the Director General to be the operator of the aircraft;
- (e) any other person who appears to the Director General that has a proprietary interest in the aircraft.

- (2) If any person who has been served with a Notice in accordance with sub paragraph 1 informs the Director in writing within 14 days of the service of the notice of his desire to become a party to the proceedings the Director shall make that person a defendant to the application.

2. Content and service of the notice under paragraph 1

(1) A Notice under paragraph 1 of this schedule shall—

- (a) state the nationality and registration marks of the aircraft
- (b) state the type of aircraft
- (c) state that by reason of default in the payment of sums due to ECCAA for charges imposed by this Order, the Director General on a date which shall be specified in the Notice, detain the aircraft under this Order and, unless payment of the sum so due is made within a period of 90 days from the date when the detention began or within 21 days of the date of service of the notice whichever shall be the later, will apply to the Court for leave to sell the aircraft;
- (d) invite the person to whom the notice is given to inform the Director General within 14 days of the service of the Notice if he wishes to become a party to the proceedings on the application.

(2) A notice under paragraph 1 of this Schedule shall be served –

- (a) by delivering it to persons to whom it is to be sent; or
- (b) by leaving it at its unusual or last known place of business or abode; or
- (c) by sending it by post in a prepaid registered letter, or by the recorded delivery service addressed to him at his usual or last known place of business or abode or
- (d) if the person whom it is to be sent is an incorporated company or body by delivering it to the secretary, clerk or other appropriate officer of the company or by at their registered letter, or by recorded delivery service, addressed to the secretary, clerk, or other officer of the company or body at the office.

(3) Any notice which is sent by post in accordance with the preceding sub paragraph to a place outside of Antigua and Barbuda shall be sent by air mail or by some other equally expeditious means.

Made the 10th day of July, 2025.

Hon. Charles H. Fernandez,
*Minister of Tourism, Civil Aviation,
Transportation and Investment.*