

ANGUILLA AIR & SEA PORTS AUTHORITY

AIRPORT REGULATIONS

ARRANGEMENT OF REGULATIONS

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ANGUILLA AIR & SEA PORTS AUTHORITY

AIR PORT REGULATIONS

PART 1

PRELIMINARY

Short Title

1. These Regulations may be cited as the Anguilla Air and Sea Ports Authority - Airport Regulations.

Interpretation

2. In these Regulations—
 - “**Airport**” means Wallblake Airport, and any other area declared to be an airport;
 - “**Chief Executive Officer**” means the person appointed as such under Section 10 of the Act and any person deputising for or acting under the authority of the Chief Executive Officer;
 - “**Customs area**” has the meaning assigned to it in the Customs Act or any other Act which amends or replaces the same;
 - “**Police officer**” means a member of the Royal Anguilla Police Force established by the Police Act;
 - “**Minister**” means the Minister charged with the responsibility for Air and Sea Ports
 - “**Parking area**” means a place defined by metal studs or lines on the ground provided for the purpose of parking any class or description of vehicle;

PART 2

CONTROL OF AIR PORTS

Application of Regulations

3. These Regulations apply to all persons who are at any time in any part of an airport.

General Control

4. (1) A person entering or remaining in a port area and every aircraft and every person on board in a port shall be subject to the general control and direction of the Chief Executive Officer. For securing the safety or protection of goods in a port area and for the prevention of crime or any contravention of these regulations the Chief Executive Officer may refuse to grant permission to any person wishing to enter or remain in a port or port area without assigning any reason for such refusal and may at any time revoke any permission granted earlier to any person.

- (2) The Chief Executive Officer may authorise any person to carry out any or all of these functions under these regulations and may in a like manner revoke any such authorisation at any time.
- (3) The Chief Executive Officer may whenever it is necessary in his or her opinion to do so close any port or part thereof to the public at such times and for such periods as he or she sees fit and may in a like manner restrict access to a port area to such persons of vehicles or such classes of persons of vehicles as the Chief Executive Officer may determine [in an emergency](#).

General Restrictions on Persons Entering or Leaving A Port

5. (1) The Chief Executive Officer reserves the right of admission to a port area and may restrict entry to any person unless he or she has legitimate business in a port area.
- (2) Every person entering into within or leaving a port area shall when so requested by an authorised person state his or her true name, address and the nature of his or her business and produce any written permission or authority to that authorised person.
- (3) All persons entering or leaving a port area shall do so only through the entrances or exits provided and designated for that purpose.
- (4) Any authorised person may stop the entry of any person to a port area or eject any person from a port area unless he or she has legitimate business.
- (5) The port area shall be open for such hours and on such days as the Chief Executive Officer determines, [after due consultation with the Governor and Minister](#).
- (6) Any person wishing to enter a port area for a legitimate purpose between the hours of 6:00 p.m. and 6:00 a.m. may apply to the Chief Executive Officer who may allow such entry subject to the condition that the Authority is not liable for personal injury whether fatal or otherwise to any such person and/or loss of or damage to his or her property howsoever caused.

Entry into Restricted Areas

6. (1) The following buildings and areas in an airport are hereby declared to be restricted areas—
 - (a) the control tower
 - (b) air traffic services rooms;
 - (c) the aeronautical radio stations;
 - (d) the radio transmitter and receiver buildings;
 - (e) the over-runs
 - (f) the parking apron
 - (g) the fuel installations;
 - (h) the Government storage buildings;
 - (i) the aerodrome landing area;
 - (j) the runways;

- (k) the strips
 - (l) the stopways;
 - (m) the clearways;
 - (n) the taxiways;
 - (o) the aircraft parking apron;
 - (p) the hanger compound;
 - (q) the maintenance garage;
 - (r) the old terminal building;
 - (s) the generator building
 - (t) the fire stations; and
 - (u) all lands on the airport reserve enclosed on the airside of the perimeter fence
- (2) A person shall not enter any restricted area except with the general or specific written permission of the Chief Executive Officer and subject to such conditions as may be attached to such permission.
- (3) Any person who contravenes subregulation (2) commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

Customs Area Not to Be Entered

7. No person shall enter or be upon any part of the airport (including any part of the terminal building) appointed by the Comptroller of Customs by notice in writing to be a customs area for the purposes of these Regulations except —
- (a) persons assigned to duty in the customs area;
 - (b) authorised representatives of the Government;
 - (c) persons authorised by the Chief Executive Officer;
 - (d) persons authorised by the Comptroller of Customs or his representative; or
 - (e) passengers entering the customs area for the purposes of immigration and customs control.

Entry on Apron Restricted to Certain Persons

8. (1) A person shall not enter the apron of an airport or any customs area, except—
- (a) a person assigned to duty therein;
 - (b) subject to paragraph (e) of this subregulation, a public officer designated in writing by the Chief Executive Officer or other person approved by the Chief Executive Officer, as the case may require;
 - (c) a person authorised by the Chief Executive Officer;
 - (d) a passenger entering the apron or the customs area for purposes of embarkation or disembarkation;

- (e) a person authorised by the Comptroller of Customs or his or her duly authorised representative.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

Port Passes

- 9. (1) Any person employed within or habitually visiting a port area shall carry and exhibit such means of identification or pass as may be prescribed by the Authority.
- (2) Any person who seeks to enter a port area shall first apply for and obtain an entry pass or identification disc which may be restricted to such parts in a port area as the Authority may designate in the pass.
- (3) The Chief Executive Officer without stated reasons may delay or refuse to issue any pass or identification disc or withdraw any pass or identification disc already issued under paragraphs (1) and (2).
- (4) A pass or identification disc referred to in paragraphs (1) and (2) is not transferable and is valid only for the person named therein and for the purpose and period of time stated therein.
- (5) Every person who has obtained a pass and/or identification disc referred to in paragraphs (1) and (2) shall—
 - (a) be considered to have read and understood it and to have agreed to abide by such terms and conditions as may be written or printed on the pass or endorsed thereon;
 - (b) keep the pass and identification disc in his or her possession whilst in the port area.
 - (c) comply with every direction given by an authorised person;
 - (d) at the request of an authorised person produce the pass;
 - (e) surrender the pass to the Authority when the need for the pass no longer exists or when the pass has expired.

General Restrictions on the Entry of Vehicles into a Port Area

- 10. (1) The Vehicles and Road Traffic Act and regulations made under it shall apply to vehicles in a port area.
- (2) Before operating or parking a vehicle in a port area a person shall first obtain a permit from an authorised person for that purpose.
- (3) Where any vehicle is driven into a port area with the knowledge and consent, expressed or implied, of the registered owner any violation or contravention of these Regulations by the operator of the vehicle shall constitute a violation or contravention of these regulations by the registered owner.
- (4) The entry of vehicles into a port area shall be subject to the control and direction of the Chief Executive Officer and any vehicles entering a port area for the purpose of delivery, depositing or collecting goods or passengers

therein shall not be permitted to remain in a port area after the goods or passengers as the case may be have been so delivered, deposited, or collected.

General Restrictions on the Use of Vehicles in a Port Area

11. (1) Any person driving or using or in charge of a vehicle shall at all times when arriving at an entrance to a port area for the purpose of entering or whilst within a port area or when leaving a port area shall conduct himself or herself in an orderly manner and shall comply with—
 - (a) such directions as may be issued generally or specially by the Chief Executive Officer in respect of driving, parking or the use of vehicles in the port area or at any entrance to or exit from a port area;
 - (b) the terms of all notices or signs relating to the driving, parking or use of vehicles exhibited in a port area by the Authority.
- (2) Where a vehicle is operated or parked in a port area in contravention of these regulations the Chief Executive Officer may remove that vehicle at the risk and expense of the owner.

Restrictions on the Use of Vehicles in a Port Area

12. A person shall not while in a port area—
 - (a) drive any vehicle in a manner which is dangerous to other vehicles, persons or property in a port area;
 - (b) drive any vehicle at a speed exceeding 10 miles per hour or any other speed as may be prescribed by the Authority;
 - (c) when driving or in charge of a vehicle disregard any danger signal given or refuse to stop when so required by an authorised person;
 - (d) park any vehicle at any place or in a manner otherwise than in accordance with the general or special directions of the Chief Executive Officer . In this connection a vehicle considered to be parked wherever it is stopped other than required by traffic control whether or not the driver remains in the vehicle and whether or not the engine of the vehicle is running;
 - (e) leave any vehicle unattended in any place in a port area in such a manner as to cause or be likely to cause an obstruction to other persons or vehicles using or passing the place;
 - (f) ride any bicycle in any transit shed or along the quay front in a port area;
 - (g) allow gasoline oil or other substance likely to be dangerous or constitutes nuisance to drip from a vehicle;
 - (h) allow a vehicle to be loaded in excess of the load limits specified for that vehicle;
 - (i) allow a vehicle to be loaded improperly or in such a way that it is likely to cause damage to roadways or other property or goods in a port area;

- (j) supply to, receive into or discharge from any vehicle any gasoline or other fuel or oil except at locations and times approved by the Chief Executive Officer .

Motor Vehicle in Hangars

13. A driver of a motor vehicle who—
- (j) without the permission of the Chief Executive Officer or a police officer, takes his or her motor vehicle into a hangar used for the maintenance and storage of aircraft, commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

Report of an Accident Involving a Vehicle

14. When any accident occurs within a port area involving a vehicle the driver shall stop the vehicle and report the accident to any authorised person and shall give his or her name and address and the name and address of the owner of the vehicle.

Removal of Goods

15. (1) A person shall not knowingly or otherwise remove or attempt to remove any goods from a port area unless he or she—
- (a) is in possession of a written permit issued by an authorised person permitting the removal thereof;
 - (b) has satisfied customs requirements in connection with the goods;
 - (c) has paid or secured to the satisfaction of the Chief Executive Officer all port dues, rates, rents and charges which may have accrued on the goods.
- (2) Every person in a port area removing or about to remove any goods from a port area shall produce the written permit in paragraph (1)(a) on demand to any authorised person and shall if requested by the authorised person permit such authorised person to inspect the goods at such place in the port area as the authorised person may direct.
- (3) Any person or vehicle in a port area entering within or leaving a port area may be searched by an authorised person.
- (4) A person shall not tamper or interfere with goods or other property in a port area.

Lost Property

16. (1) Any person who finds any property at an airport shall immediately hand it in the state in which he or she finds it to the office of the Chief Executive Officer.
- (2) The Chief Executive Officer shall retain the property in safe keeping until the owner is ascertained or the property disposed of in accordance with this regulation.
- (3) If the owner of any property so retained by the Chief Executive Officer is not ascertained within 3 months of the date when it was handed over to his or her office, it shall thereupon vest in the Chief Executive Officer who shall,

without undue delay, sell such property and from the proceeds of the sale pay such award as he or she sees fit not exceeding ½ to the finder and the balance into the funds of the Authority..

- (4) If any property so retained by the Chief Executive Officer appears to him or her to be of a perishable nature or is or becomes objectionable, and the owner thereof be not ascertained within 48 hours from the time when it was handed in at the office of the Chief Executive Officer, the Chief Executive Officer may thereupon destroy or otherwise dispose of it as he or she sees fit.
- (5) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

Animals

17. (1) A person except with the permission of the Chief Executive Officer shall not bring or cause to be brought into a port area any animal except a guide dog for the blind.
- (2) It shall be lawful for the Chief Executive Officer and any person authorised by the Chief Executive officer or a police officer to seize and impound any livestock found straying or tethered in a port area.
- (3) Any animal found at large in a port area may be destroyed by an authorised person and the carcass disposed of by the Authority without compensation to the owner.
- (4) Any animal on board an aircraft in a port shall be properly secured thereon and only allowed ashore with the permission of the veterinary authority.

Burials

18. (1) A dead body of any kind shall not be buried within a port area.
- (2) A dead animal shall not be deposited in a port.

Admission of Children

19. A child under the age of 16 years shall not be allowed into a port area unless accompanied by an adult who shall be responsible for the child.

Carrying on Trade or Business

20. (1) A person shall not carry on any trade or business on an airport except with the approval of the Chief Executive Officer or other person approved by the Chief Executive Officer and under such terms and conditions as he or she may determine.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

Soliciting

21. (1) A person shall not solicit for any purpose whatever in an airport without the permission of the Chief Executive Officer.

- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

Advertisements

22. (1) A person shall not post signs, advertisements, circulars, printed or written matter at an airport without the approval of the Chief Executive Officer and except in such manner as he or she may determine.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

Photography

23. (1) A person shall not take still, motion or sound pictures on any restricted area of airport without the permission of the Chief Executive Officer.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

Pedestrians

24. (1) Pedestrians within pedestrian lane markings have the right of way over vehicular traffic.
- (2) A person shall not cross any runway except at such place and subject to such conditions as the Chief Executive Officer may consider fit, or by the special permission of the air traffic control officer on duty at the control tower.
- (3) Any person who contravenes subregulation (2) commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

Use of Roads and Paths

25. (1) A person shall not—
 - (a) travel on an airport, other than on the roads, paths, or places provided for the particular class of traffic;
 - (b) occupy the roads or paths in such manner as to obstruct their proper use;
 - (c) operate any type of vehicle for the disposal of garbage, ashes or other waste materials without the approval of the Chief Executive Officer.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

In the Event of Fire in a Port Area

26. In the event of a fire in a port area persons shall proceed according to Sections 71 and 72 of the Anguilla Air and Sea Ports Act.

Accidents in an Air Port

27. (1) Every person involved in an accident which causes the death or injury to any person or loss or damage to goods or property in a port shall deliver to the authorised officer a written report giving details of the accident.
- (2) The **pilot in command** of any aircraft involved in any accident or incident on the port causing personal injury or property damage shall make to the Governor a full report of the accident or incident within 24 hours of the occurrence of the accident or, as the case may be, the incident.
- (3) Notwithstanding subsection (1), where the master of an aircraft referred in that subsection is disabled so as to be incapable of making such report, any other person acting as his representative shall make the report on his behalf.
- (4) The **pilot in command** of an aircraft or his agent or assign shall be responsible for the prompt removal of any wrecked or disabled aircraft from the port and its parts as directed by the Governor.
- (5) Where the **pilot in command** of an aircraft or his agent or assign fails to comply with such directions, the Governor may remove or cause to be removed such wrecked or disabled vessel and its parts at the **pilot in command's** expense and without liability for damage which may result from such removal in accordance with Section 70 of the Act.
- (6) Any goods or property in a port that is damaged or destroyed by any person, aircraft or vehicle may be replaced or repaired as the case may be by that person, aircraft or vehicle without prejudice to any other penalty at law.

Fuelling of Aircraft

28. (1) The aircraft shall not be **started** or running while the aircraft is being fuelled.
- (2) Aircraft fuel storage and fuel handling shall be conducted only in areas designated for that purpose.
- (3) No engine of any aircraft shall be fuelled unless the person supplying the fuel provides and makes available for immediate use in connection therewith fire extinguishers of a capacity of 15 lbs. or larger.
- (4) Smoking is prohibited in or about such aircraft during fuel handling.
- (5) Only personnel engaged in the fuel handling shall be permitted within 25 feet of the fuel tanks of such aircraft during the fuel handling operations.
- (6) No person shall start the engine or engines of any aircraft when there is gasoline, or any fuel under or about the aircraft. In the event of the spillage of gasoline or any type of fuel in any area in the port, no person shall start an aircraft engine in that area, unless permission has been granted for the starting of engines in the area by the Governor or a person authorised by him for that purpose.
- (7) All persons responsible for or engaged in fuelling operations shall take care to avoid spillage of fuel.

Accident Reports

29. (1) All persons involved in any accident on an airport and all witnesses thereto shall report the same without delay, to the Governor, the Chief Executive Officer, or to the air traffic control officer on duty at the control tower, or to a police officer.
- (2) Any person who fails to comply with subregulation (1) commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

Radio Operation

30. (1) A person shall not operate any radio equipment in any aircraft while such aircraft is in a hangar without the prior approval of the Chief Executive Officer.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

Motorised Equipment

31. (1) A person shall not operate any motorised equipment on the taxi tracks or apron or the aircraft landing area, except—
- (a) a person assigned to duty therein;
 - (b) a person so authorised by the Chief Executive Officer or the air traffic control officer on duty at the control tower.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

General Restrictions on Activities of a Person in a Port

32. A person without the permission of the Chief Executive Officer shall not—
- (a) interfere with any board used or intended for use for the purposes of the publication in a port area of public notices issued by the Authority;
 - (b) stick or post up any bill, placard or other notice on any surface in a port area;
 - (c) write, draw or place any marking whatever on any surface in a port area;
 - (d) except in an emergency move or interfere with any life saving equipment, first aid equipment or any light signal, fire hydrant or other appliance provided for use in a port area for the protection or safety of persons or property;
 - (e) interfere with or obstruct or impede the use of any crane, forklift truck or other machinery or gear used in a port area by or on behalf of the Authority;

- (f) deposit or cause to be deposited any refuse, rubbish or waste sweepings in or upon any place in a port area other than a place approved by the Chief Executive Officer by public notice;
- (g) climb upon the roof of any building or upon any crane, mechanical equipment, signal station or navigation mark;
- (h) remove any timber, wood, vegetation or growth from any land of the Authority used by or for the purposes of the Authority;
- (i) cause or participate in any disturbance on port property;
- (j) without lawful excuse, the onus of proving which shall lie upon him or her, loiter in a port area;
- (k) convey or cause to be conveyed intoxicating liquor or dangerous drugs into, within or from a port area;
- (l) remain in a port area while suffering from any infectious or contagious disease;
- (m) use or ignite any inflammable or explosive substance in a port;
- (n) distribute circulars, leaflets or advertising matter;
- (o) bring into a port area any plant, machinery equipment or appliance;
- (p) place any structures in a port whether submerged or not and whether under construction or not;
- (q) remove from a port any sand, stone or gravel.

General Restrictions on Conduct of a Person in a Port Area

33. A person shall not—

- (a) organise or openly call or gather together with other persons at any meeting in a port area unless approved by the Chief Executive Officer;
- (b) gather together with other persons in a port area in such a manner as to cause or be likely to cause a breach of the peace;
- (c) engage in or carry on in a port area any gambling, betting or wagering with playing cards or other device or means whatsoever;
- (d) use any threatening, abusive, indecent, obscene or offensive language in a port area;
- (e) conduct himself or herself in a port area in a riotous, disorderly indecent or offensive manner or in a manner likely to cause a breach of the peace;
- (f) molest or wilfully cause alarm to any other person in a port area;
- (g) engage in smoking in any place in a port area where smoking is prohibited by the Authority;
- (h) kindle a fire in a port area;
- (i) be in possession of any loaded firearm or discharge any firearm or catapult or throw any missile in a port area;

- (j) be or remain in a port area while intoxicated by alcohol or drugs. Have in possession or consume intoxicating liquor or dangerous drugs in a port area;
- (k) urinate or defecate in any place in a port area other than a place provided for use as a urinal or toilet;
- (l) break down or make his or her way through or under or over any fence surrounding a port area;
- (m) spit within a port area;
- (n) undertake personal solicitation or beg in a port area.

Power to Eject

34. Despite anything contained in these Regulations, the Chief Executive Officer, or any police officer may at any time eject or remove any person from any part of an airport for committing any breach of any of these regulations.

Penalties

35. Any person who contravenes or attempts to contravene any of the provisions of this part commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

PART 3

OBLIGATIONS OF LESSEES AND TENANTS

Signs and Bulletin Boards

36. (1) The lessees of hangars shall maintain bulletin boards in a conspicuous place for the purpose of posting all notices issued by the Chief Executive Officer.
- (2) All lessees of hangars or lessees of shop facilities on an airport shall provide in such hangars or shop facilities accessible first aid kits and fire appliances approved by the Chief Executive Officer.
- (3) A lessee of any hangar, or lessee of any shop facility on an airport shall not store or stock material or equipment in such a manner as to constitute a hazard to personnel or property.
- (4) Any lessee or tenant who contravenes subregulations (1), (2) or (3) commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

PART 4

AIRCRAFT

Parking of Aircraft

37. (1) A person shall not park any aircraft in any area on an airport other than that determined by, and with the consent of, the Chief Executive Officer or the air traffic control officer on duty at the control tower.

- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

Interfering and Tampering with Aircraft

38. (1) A person shall not interfere or tamper with any aircraft or put in motion the engines of any aircraft without the permission of the owner or master.
- (2) Any person who contravenes subregulation (1) of this regulation commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

Running of Engines

39. (1) A person shall not start or run any engine in any aircraft unless a competent person is in the aircraft attending the engine controls. Before starting the engine or engines in any aircraft, the wheels shall be adequately scotched.
- (2) Any person who contravenes subregulation (1) of this regulation commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

Repair and Testing of Aircraft

40. (1) No aircraft, aircraft engine, propellers or any other appliances thereof, shall be repaired in any area of an airport other than that specifically designated by the Chief Executive Officer or the air traffic control officer on duty at the control tower.
- (2) Except with the permission of the Chief Executive Officer or the air traffic control officer on duty at the control tower, a person shall not repair any aircraft or run up aircraft engines for test purposes on the parking apron.
- (3) A person shall not test radar equipment on the parking apron without the permission of the Chief Executive Officer or the air traffic control officer on duty at the control tower.
- (4) Any person who contravenes subregulation (1), (2) or (3) commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

PART 5

DANGEROUS GOODS

General

41. (a) The provisions of the Air Navigation (Dangerous Goods) Regulations of the Air Navigation (Overseas Territories) Order 2007 No. 3468 as stated in Schedule 1 of these Regulations apply herein *mutatis mutandis* except otherwise herein provided.

- (b) The provisions of Section 57 of the Air Navigation (Overseas Territories) Order 2007 No. 3468 as stated in Section 46 of these regulations, apply herein mutatis mutandis.

Authority to Supervise

42. Dangerous goods shall not be landed, shipped, or brought into any port except under the direction and superintendence of the Chief Executive Officer whose orders shall be implicitly obeyed.

Liability for Expenses

43. Any expense incurred by or on behalf of the Authority in superintendence, the provision of watchmen or other facility in connection with the handling of dangerous goods shall, except where otherwise provided in these regulations, be borne by the consignee, consignor, or agent, as the case may be.

Master or Agent to Give Notice of Dangerous Goods on Board

44. The pilot in command or agent of every aircraft having on board any dangerous goods shall give notice thereof to the Chief Executive Officer 24 hours before arrival.

If without permission any such goods are landed the Chief Executive Officer may order the same to be placed on board the aircraft whence they came or otherwise deal with or destroy them as he or she considers necessary at the risk and expense of the aircraft from whence they were discharged.

Carriage of Dangerous Goods

45. (1) It is an offence to contravene or permit the contravention of or fail to comply with any of the regulations set out in Schedule 1.
- (2) The Chief Executive Officer may, with the approval of the Governor, make regulations that supplement the regulations set out in Schedule 1, and which prescribe—
- (a) the classification of certain articles and substances as dangerous goods;
 - (b) the categories of dangerous goods which an aircraft may not carry;
 - (c) the conditions which apply to the loading on, suspension beneath and carriage by an aircraft of dangerous goods;
 - (d) the manner in which dangerous goods must be packed, marked, labelled and consigned before being loaded on, suspended beneath or carried by an aircraft;
 - (e) any other provisions for securing the safety of aircraft and any apparatus attached thereto and the safety of persons and property on the surface in relation to the loading on, suspension beneath or carriage by an aircraft of dangerous goods;
 - (f) the persons to whom information about the carriage of dangerous goods must be provided;
 - (g) the documents relating to the carriage by an aircraft of dangerous goods which must be produced to the Governor in Council or an authorised person on request;

- (h) the powers to be conferred on an authorised person relating to the enforcement of the regulations made hereunder.
- (3) The provisions of this article and of any regulations supplementing, amending or replacing the regulations set out in Schedule 1 shall be additional to and not in derogation from the provisions of Section 44.

Carriage of Weapons and of Munitions of War

46. (1) An aircraft shall not carry any munition of war unless—
- (a) such munition of war is carried with the written permission of the Governor and in accordance with any conditions relating thereto;
 - (b) the pilot-in-command of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any such munition of war on board or suspended beneath the aircraft and any conditions of the permission of the Governor in Council.
- (2) In the case of an aircraft which is flying under and in accordance with the terms of a police air operator's certificate the pilot-in-command of the aircraft shall be informed of the matters referred to in sub-paragraph (1)(b) but he need not be so informed in writing.
- (3) It shall be unlawful for an aircraft to carry any sporting weapon or munition of war in any compartment or apparatus to which passengers have access.
- (4) It shall be unlawful for a person to carry or have in his possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage thereon any sporting weapon or munition of war unless—
- (a) the sporting weapon or munition of war—
 - (i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereby;
 - (ii) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and
 - (iii) in the case of a firearm, is unloaded.
 - (b) particulars of the sporting weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences; and
 - (c) without prejudice to paragraph (1) the operator consents to the carriage of such sporting weapon or munition of war by the aircraft.
- (5) Paragraphs (3) and (4) do not apply to or in relation to an aircraft which is flying under and in accordance with the terms of a police air operator's certificate.
- (6) Nothing in this article applies to any sporting weapon or munition of war taken or carried on board an aircraft registered in a country other than the

Territory if the sporting weapon or munition of war, as the case may be, may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

- (7) For the purposes of this article—
- (a) ‘munition of war’ means—
 - (i) any weapon or ammunition;
 - (ii) any article containing an explosive, noxious liquid or gas; or
 - (iii) any other thing which is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article;
 - (b) ‘sporting weapon’ means—
 - (i) any weapon or ammunition;
 - (ii) any article containing an explosive, noxious liquid or gas; or
 - (iii) any other thing, including parts, whether components or accessories, for such weapon, ammunition or article; which is not a munition of war.

Exemptions for Aircraft and Transport

45. (1) Aircrafts of war and military transports may be exempted from this Part subject to such terms and conditions as the Authority may consider fit.
- (2) Every aircraft having the following dangerous goods on board shall be exempt from this Part and such dangerous goods may be landed and dealt with at such places and under such conditions as the Chief Executive Officer may direct—
- (a) safety-cartridges, safety-fuses, percussion caps fireworks, and any other dangerous goods, specially exempted by the Minister;
 - (b) any other dangerous goods of the nature of any explosives which do not exceed 50 pounds in weight and are properly stored in an approved magazine.

Parking of Aircrafts Carrying Dangerous Goods

46. Every aircraft carrying, or about to carry, dangerous goods shall be parked only in the position assigned to it by the Chief Executive Officer and shall not be moved therefrom without the written order or permission of the Chief Executive Officer.

Red Flag to be Exhibited

47. The **pilot in command** of every aircraft having dangerous goods on board shall, whilst within the limits of a port, keep conspicuously exhibited at the fore of the aircraft by day a red flag ‘B’ (International Code) in size not less than 4 feet by 3 feet, and at night in addition to the lights ordinarily required and above them a red light showing a clear uniform unbroken light all round the horizon, visible on a clear night at a distance of one nautical mile from such aircraft.

Fires and Fire Fighting

48. (1) A person, when in or upon any aircraft in a port, where dangerous goods or highly flammable goods are located, shall not smoke or have in his or her possession any match or fire-producing device or have in his or her possession any article or substance that may cause explosion or fire. For the purpose of enforcing this section, the Chief Executive Officer may search any person who in his or her opinion is in possession of any such article or device.
- (2) Artificial lights or other activities which in the opinion of the Chief Executive Officer may cause either explosion or fire shall not be permitted in a port where dangerous goods are being loaded, unloaded, or handled.

However, this regulation—

- (a) shall not prevent the use of an electric lighting installation or a safety lamp of a construction approved by the Authority or of an aircraft's signal lights so disposed as to prevent any risk of fire or explosion;
- (3) Sufficient fire-extinguishing equipment of a type for coping with incipient fires while dangerous goods are on port property, or being loaded, unloaded or handled in a port shall be provided by the owner or agent of such dangerous goods and shall be in readiness for immediate use.
- (4) Every aircraft having on board explosives or dangerous goods shall display "No smoking" signs in prominent places on board the aircraft.

Only Dangerous Goods to be Handled at One Time

49. (1) During the time any dangerous goods are being handled other goods shall not be dealt with at or near the place thereof.
- (2) Persons other than those actually engaged in or superintending the work of handling shall not be allowed access to the aircraft without permission of the Chief Executive Officer.

Permits to Land Dangerous Goods

50. Dangerous goods shall not be landed from any port except on production of a certificate on oath of a duly qualified chemist to the effect that the dangerous goods have been transported in good order and condition, properly packed and labelled, and safe to be transported through the tropics and handled in a warm climate.

Licence for Special Small Craft

51. (1) A small aircraft shall not be used for the storage of dangerous goods except under a special licence granted on a certificate from the Chief Executive Officer and subject to such condition as it may impose.
- (2) Such small aircraft shall exhibit a red flag by day and a red light in an elevated position at night.
- (3) A dangerous cargo shall not be carried on board of a small aircraft licenced to carry dangerous cargo and hatches shall be properly secured.

Inspection and Examination

52. Every person in control of any dangerous goods or of any aircraft or vehicle containing such goods shall when so required by the Chief Executive Officer show all such goods under his or her control and shall afford every reasonable facility to enable inspection and examination of such goods so as to ascertain whether these Regulations are being duly observed.

Petroleum

53. For the avoidance of doubt it is hereby declared that in the case of petroleum and all other inflammable liquids including turpentine, these Regulations shall apply in addition to and not in derogation of any relevant legislation of Anguilla.

Offences and Penalties

54. (1) Any person who commits an offence under these regulations is liable on the conviction for that offence—
- (a) on indictment, to a fine not exceeding 200,000 dollars or to imprisonment for a term of not more than 5 years, or to both; or
 - (b) on summary conviction to a fine not exceeding 50,000 dollars or to imprisonment for a term of not more than 2 years, or to both.
- (2) Any person who commits an offence under these regulations is liable on the second or any subsequent conviction for that offence—
- (a) on indictment, to a fine not exceeding 400,000 dollars or to imprisonment for a term of not more than 5 years, or to both; or
 - (b) on summary conviction to a fine not exceeding 100,000 dollars or to imprisonment for a term of not more than 2 years, or to both.

SCHEDULE 1

THE AIR NAVIGATION (DANGEROUS GOODS) REGULATIONS

PART I

Interpretation

Interpretation

1. (1) In these Regulations—

“**acceptance check list**” means a document used to assist in carrying out a check on the external appearance of packages of dangerous goods and their associated documents to determine that all appropriate requirements have been met;

“**cargo aircraft**” means any aircraft which is carrying goods or property but not passengers and for the purposes of these Regulations the following are not considered to be passengers—

- (a) a crew member;
- (b) an operator’s employee permitted to be carried by, and carried in accordance with, the instructions contained in the operations manual
- (c) an authorised representative of a competent national aviation authority;
- (d) a person with duties in respect of a particular shipment on board;

“**dangerous goods**” means any article or substance which is identified as such in the Technical Instructions for the Safe Transport of Goods by Air of the International Civil Aviation Organisation ;

“**dangerous goods accident**” means an occurrence associated with and related to the carriage of dangerous goods by air which results in fatal or serious injury to a person or major property damage;

“**dangerous goods incident**” means an occurrence, other than a dangerous goods accident, which—

- (e) is associated with and related to the carriage of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained; or
- (f) relates to the carriage of dangerous goods and which seriously jeopardises the aircraft or its occupants;

“**dangerous goods transport document**” means a document which is specified by the Technical Instructions for the Safe Transport of

Goods by Air of the International Civil Aviation Organisation and contains information about those dangerous goods;

“freight container” means an article of transport equipment for radioactive materials, designed to facilitate the carriage of such materials, either packaged or unpackaged, by one or more modes of transport, but does not include a unit load device;

“handling agent” means an agent who performs on behalf of the operator some or all of the functions of the latter including receiving, loading, unloading, transferring or other processing of passengers or cargo;

“ID number” means an identification number specified in the Technical Instructions for an item of dangerous goods which has not been assigned a UN number;

“non-Territory operator” means an aircraft operator who holds an air operator’s certificate issued otherwise than by the Governor in Council;

“overpack” means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage, but does not include a unit load device;

“package” means the complete product of the packing operation consisting of the packaging and its contents prepared for carriage;

“packaging” means the receptacles and any other components or materials necessary for the receptacle to perform its containment function;

“proper shipping name” means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packagings;

“serious injury” means an injury which is sustained by a person in an accident and which—

- (g) requires hospitalisation for more than 48 hours, commencing within seven days from the date the injury was received; or
- (h) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or
- (i) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or
- (j) involves injury to any internal organ; or
- (k) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or
- (l) involves verified exposure to infectious substances or injurious radiation.

“Technical Instructions” means the 2009-2010 English language edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air approved and published by decision of the Council of the International Civil Aviation Organisation;

“UN number” means the four-digit number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or a particular group of substances;

“unit load device” means any type of container or pallet designed for loading onto an aircraft but does not include a freight container for radioactive materials or an overpack; and

“Territory operator” means an aircraft operator who holds an air operator’s certificate issued by the Governor in Council.

- (2) Other expressions used in these Regulations shall have the same respective meanings as in the Air Navigation (Overseas Territories) Order No. 3468
- (3) For the avoidance of doubt any reference in the Technical Instructions or these Regulations to the taking on board, loading onto or carriage of dangerous goods in or on an aircraft shall for the purpose of these Regulations be interpreted as applying also to the placing, suspending or carriage of such goods beneath an aircraft unless the context makes it otherwise apparent.

PART II

REQUIREMENT FOR APPROVAL OF OPERATOR

Requirement for Approval of Operator

2. (1) An aircraft shall not carry or have loaded onto it any dangerous goods unless—
 - (a) the operator is approved under this regulation; and
 - (b) such goods are carried or loaded in accordance with—
 - (i) any conditions to which such approval may be subject; and
 - (ii) in accordance with the Technical Instructions.
- (2) An approval under this regulation—
 - (a) shall be granted by the Governor if he is satisfied the operator is competent to carry dangerous goods safely;
 - (b) shall be in writing; and
 - (c) may be subject to such conditions as the Governor thinks fit.

Prohibition of Carriage of Dangerous Goods

3. (1) Subject to paragraphs (2) and (3) a person shall not—
- (a) deliver or cause to be delivered for carriage in, or
 - (b) take or cause to be taken on board;
- an aircraft any dangerous goods, which he knows or ought to know or suspect to be goods capable of posing a risk to health, safety, property or the environment when carried by air, unless the Technical Instructions have been complied with and the package of those goods is in a fit condition for carriage by air.
- (2) Subject to paragraph (3), these Regulations shall not apply to those dangerous goods specified in the Technical Instructions as being—
- (a) for the proper navigation or safety of flight;
 - (b) to provide, during flight, medical aid to a patient;
 - (c) to provide, during flight, veterinary aid or a humane killer for an animal;
 - (d) to provide, during flight, aid in connection with search and rescue operations;
 - (e) permitted for carriage by passengers or crew members; or
 - (f) intended for use or sale during the flight in question.
- (3) (a) The goods specified in paragraph (2) shall only be carried provided they comply with the following sub-paragraphs and Part 8 and the applicable provisions in paragraphs 1.1.3 and 2.2 of Part 1 of the Technical Instructions.
- (b) The goods specified in sub-paragraph (2)(a) shall only be carried if—
- (i) they are required to be carried on an aircraft by or under this Order or are otherwise intended for use on an aircraft for the purpose of the good order of the flight in accordance with the normal practice whether or not, in either case, such goods are required to be carried or intended to be used on that particular flight;
 - (ii) when they are intended as replacements or have been removed for replacement, they comply with paragraph 2.2.2 of Part 1 of the Technical Instructions;

- (c) The goods specified in sub-paragraph (2)(b) and (2)(c) shall only be carried if—
 - (i) they are or may be required for use during the flight;
 - (ii) they are or may be required for use during a subsequent flight by the same aircraft and it will not be practicable to load the goods onto the aircraft in the intervening period before the commencement of that subsequent flight; or
 - (iii) they were used or might have been required for use during a previous flight by the same aircraft and it has not been practicable to unload them from the aircraft since that flight;
- (d) The goods specified in sub-paragraph (2)(e) shall only be carried by passengers or crew members if they comply with the provisions in Part 8 of the Technical Instructions;
- (e) The goods specified in sub-paragraph (2)(f) shall only be carried if the Technical Instructions identify them as being items which can be carried on an aircraft for sale or use during a flight or, when they are intended as replacements for such items or have been removed for replacement, they are carried in accordance with paragraph 2.2.3 of Part 1 of the Technical Instructions.

PART III

OPERATOR'S OBLIGATIONS

Provision of information by the Operator to Crew etc.

4. (1)
 - (a) The operator of an aircraft flying for the purposes of commercial air transport shall ensure that all appropriate manuals, including the operations manual, contain information about dangerous goods so that ground staff and crew members can carry out their responsibilities in regard to the carriage of dangerous goods, including the actions to be taken in the event of emergencies involving dangerous goods.
 - (b) Where applicable, the operator shall ensure such information is also provided to his handling agent.
- (2) The operator of an aircraft in which dangerous goods are to be carried as cargo shall ensure that, before the flight begins, the pilot-in-command of the aircraft is provided with—
 - (a) written information about the dangerous goods as specified in paragraph 4.1 of Part 7 of the Technical Instructions; and
 - (b) information for use in responding to an in-flight emergency as specified in paragraph 4.8 of Part 7 of the Technical Instructions.
- (3) The operator of an aircraft which is involved—
 - (a) in an aircraft accident whilst carrying any dangerous goods as cargo on the aircraft; or
 - (b) a serious incident in which, in the reasonable opinion of the operator, dangerous goods carried as cargo on the aircraft may be involved;

shall notify the Governor, [Chief Executive Officer](#) and a police officer for the area where the accident or serious incident occurred of any dangerous goods carried as cargo on the aircraft.
- (4) For the purposes of this article “serious incident” means an incident involving circumstances indicating that an accident nearly occurred.

Acceptance of Dangerous Goods by the Operator

5. (1) The operator of an aircraft in which dangerous goods are to be carried shall ensure that no package, overpack or freight container which contains dangerous goods is accepted for carriage in an aircraft until such package, overpack or freight container has been inspected to determine that—
 - (a) insofar as it is reasonable to ascertain, the goods are not forbidden for carriage by air in any circumstances by the provisions of the Technical Instructions;

- (b) insofar as it is reasonable to ascertain, the goods are classified as required by the Technical Instructions;
 - (c) insofar as it is reasonable to ascertain, the goods are packed as required by the Technical Instructions;
 - (d) the package, overpack or freight container is marked and labelled in accordance with the provisions of Chapters 2 and 3 of Part 5 of the Technical Instructions;
 - (e) the package, overpack or freight container is not leaking or damaged so that the contents may escape.
- (2) The operator of an aircraft in which dangerous goods are to be carried shall ensure that no package, overpack or freight container which contains dangerous goods is accepted for carriage in that aircraft unless it is accompanied by a dangerous goods transport document, except where the Technical Instructions indicate that such a document is not required, and shall inspect such a document to determine that it complies with the provisions of the Technical Instructions.
- (3) (a) For the purpose of each of the inspections required by paragraphs (1) and (2) an acceptance check list shall be used and the results of the inspection shall be recorded thereon.
- (b) The acceptance check list shall be in such form and shall provide for the entry of such details as will enable the relevant inspection to be fully and accurately made by reference to the completion of that list.

Method of Loading by the Operator

6. (1) The operator of an aircraft in which dangerous goods are to be carried as cargo shall ensure that dangerous goods are not carried in any compartment occupied by passengers or on the flight deck, except in circumstances permitted by the provisions in paragraph 2.1 of Part 7 of the Technical Instructions.
- (2) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any package, overpack or freight container which contains dangerous goods is loaded, segregated, stowed and secured on an aircraft in accordance with the provisions in Chapter 2 of Part 7 of the Technical Instructions.
- (3) The operator of an aircraft in which dangerous goods are to be carried shall ensure that packages, overpacks or freight containers bearing an indication that they can only be carried on a cargo aircraft are loaded and stowed in accordance with the provisions in paragraph 2.4.1 of Part 7 of the Technical Instructions and are not loaded on an aircraft carrying passengers.

Inspections by the Operator for Damage, Leakage or Contamination

7. (1) The operator of an aircraft in which dangerous goods are to be carried shall ensure packages, overpacks or freight containers which contain dangerous goods are inspected for evidence of damage or leakage before being loaded on an aircraft or placed in a unit load device.

- (2) The operator of an aircraft in which dangerous goods are to be carried shall ensure a unit load device containing dangerous goods is not loaded unless it has been inspected and found free from any evidence of leakage from or damage to the packages, overpacks or freight containers contained in it.
- (3) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any package, overpack or freight container which contains dangerous goods which appears to be leaking or damaged is not loaded on an aircraft.
- (4) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any package, overpack or freight container which contains dangerous goods which is found to be leaking or damaged on an aircraft is removed and that other cargo or baggage loaded on that aircraft is in a fit state for carriage by air and has not been contaminated.
- (5) The operator of an aircraft in which dangerous goods have been carried shall ensure after unloading that all packages, overpacks or freight containers which contain dangerous goods are inspected for signs of damage or leakage and if there is such evidence shall ensure that any part of the aircraft where the package, overpack or freight container was stowed, or any sling or other apparatus which has been used to suspend goods beneath the aircraft is inspected for damage or contamination.

Removal of Contamination by the Operator

8. (1) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any contamination found as a result of leaking or damaged packages, overpacks or freight containers is removed without delay.
- (2) The operator of an aircraft shall ensure that an aircraft is not permitted to fly for the purpose of carrying passengers or cargo if it is known or suspected that radioactive materials have leaked in or contaminated the aircraft, unless the radiation level resulting from the fixed contamination at any accessible surface and the non-fixed contamination are not more than the values specified in paragraph 3.2 of Part 7 of the Technical Instructions.

PART IV

SHIPPER'S RESPONSIBILITIES

Shipper's Responsibilities

9. Before consigning any dangerous goods for carriage by air the shipper shall ensure that—
- (a) the goods are not forbidden for carriage by air in any circumstances under the provisions in paragraph 2.1 of Part 1 of the Technical Instructions;
 - (b) if the goods are forbidden for carriage by air without approval, all such approvals have been obtained where the Technical Instructions indicate it is the responsibility of the shipper to so obtain them;
 - (c) the goods are classified according to the classification criteria contained in Part 2 of the Technical Instructions;
 - (d) the goods are packed according to paragraphs 2.2 and 2.4 of Part 1, Part 2, chapters 2 and 3 and paragraphs 4.2, 4.3 and 4.4 of Part 3 and Part 4 of the Technical Instructions and the packagings used are in accordance with such provisions of those paragraphs, chapters and Parts and Part 6 of the Technical Instructions as apply to those goods;
 - (e) the package is marked and labelled in English in addition to any other language required by the State of Origin as specified for those goods in paragraph 2.4 of Part 1, chapters 2 and 3 and paragraph 4.5 of Part 3, chapters 2 and 3 of Part 5 and chapter 2 of Part 6 of the Technical Instructions;
 - (f) the package is in a fit condition for carriage by air;
 - (g) when one or more packages are placed in an overpack, the overpack only contains packages of goods permitted to be carried by paragraph 1.1 of Part 5 of the Technical Instructions and the overpack is marked and labelled as required by paragraphs 2.4 and 3.2 of Part 5 of the Technical Instructions;
 - (h) a dangerous goods transport document—
 - (i) has been completed in English in addition to any other language required by the State of Origin as required by paragraph 4.1 of Part 5 of the Technical Instructions; and
 - (ii) contains a declaration signed by or on behalf of the shipper stating that the Technical Instructions have been complied with in that the dangerous goods—
 - (aa) are fully and accurately described;
 - (bb) are correctly classified, packed, marked and labelled; and

- (cc) are in a proper condition for carriage by air;
- (i) the operator of the aircraft has been furnished with the dangerous goods transport document required by paragraph (h) and such other documents in respect of dangerous goods as are required by Part 4 and paragraphs 4.3 and 4.4 of Part 5 of the Technical Instructions.

PART V

PILOT IN-COMMAND'S DUTY TO INFORM AIR TRAFFIC SERVICES

Pilot-in-command's Duty to Inform Air Traffic Services

10. The pilot-in-command of an aircraft carrying dangerous goods as cargo shall, in the event of an in-flight emergency and as soon as the situation permits, inform the appropriate air traffic services unit of those dangerous goods in detail or as a summary or by reference to the location from where the detailed information can be obtained immediately.

PART VI

TRAINING

Provision of Information and Training Programmes by Operators and Shippers

11. (1) The operator of an aircraft in which dangerous goods are to be carried shall, before the flight begins, provide the pilot-in-command of the aircraft with written information specifying the matters required by the provisions of Chapter 4.1 of Part 5 of the Technical Instructions and shall preserve a copy thereof for not less than six months.
- (2) The operator of an aircraft and a shipper of dangerous goods by air and, in each case, any agent thereof shall inform any of their respective employees whose duties include a function connected with the carriage of passengers or cargo by air of the provisions of the Technical Instructions and for the purpose shall establish and undertake training programmes, as required by Chapter 4 of Part 1 of the Technical Instructions, which shall be submitted to the Governor for approval on such occasions as the Governor may require and which shall be amended as the Governor may require.

PART VII

PROVISION OF INFORMATION TO PASSENGERS AND IN RESPECT OF CARGO

Provision of Information to Passengers

12. (1) An airport operator and the operator of an aircraft flying for the purpose of commercial air transport of passengers or his agent shall ensure that persons who are or may become passengers on an aircraft flying for the purposes of commercial air transport are warned as to the types of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them by displaying notices sufficient in number and prominence for this purpose—
- (a) at each of the places at an airport where tickets are issued;
 - (b) at each of the areas at an airport maintained to assemble passengers to board an aircraft; and
 - (c) at any location where a passenger may be checked in.
- (2) The operator of an aircraft flying for the purpose of the commercial air transport of passengers or his agent shall ensure that passengers are warned as to the type of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them either by providing information with each passenger ticket, sufficient in prominence for this purpose, or by some other appropriate means such that passengers receive a warning in addition to that required by paragraph (1).
- (3) Any person who, in the Territory, makes available flight accommodation shall ensure that persons who are or may become passengers on an aircraft flying for the purposes of commercial air transport are warned as to the types of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them by displaying notices sufficient in number and prominence for this purpose at any place where flight accommodation is offered for sale.

Provision of Information in Respect of Cargo

13. The operator of an aircraft in which cargo is to be carried and any agent thereof shall ensure that notices giving information about the carriage of dangerous goods are displayed in sufficient number and prominence for this purpose at those places where cargo is accepted for carriage.

PART VIII

DOCUMENTS AND RECORDS, ENFORCEMENT POWERS AND GENERAL

Keeping of Documents and Records

14. (1) The operator of an aircraft carrying dangerous goods as cargo shall ensure that a copy of the dangerous goods transport document required by regulation 5(2) and the written information to the pilot-in-command required by regulation 4(2)(a) are retained at a readily accessible location until after the full period of the flight on which the goods were carried.
- (2) The operator of an aircraft in which dangerous goods are carried shall preserve for not less than three months—
 - (a) any dangerous goods transport document or other document in respect of dangerous goods which has been furnished to him by the shipper in accordance with regulation 5(2);
 - (b) the record of any acceptance check list completed in accordance with regulation 5(3); and
 - (c) the written information to the pilot-in-command as required by regulation 4(2)(a).
- (3) The record referred to in paragraph (2)(b) may be in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.

Production of Documents and Records

15. (1) The operator of an aircraft on which dangerous goods are to be or have been carried and any agent thereof shall, within a reasonable time after being requested so to do by an authorised person, cause to be produced to that person such of the following documents as may have been requested by that person—
 - (a) the written approval referred to in regulation 2(1);
 - (b) the dangerous goods transport document or other document in respect of any dangerous goods, referred to in regulation 5(2);
 - (c) the completed acceptance check list in a legible form in respect of any dangerous goods, referred to in regulation 5(3); and
 - (d) a copy of the written information provided to the pilot-in-command of the aircraft in respect of any dangerous goods, referred to in regulation 4(2)(a).
- (2) The aircraft operator, shipper and any agent of either of them shall, within a reasonable time after being requested so to do by an authorised person, cause to be produced to that person any document which relates to goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.

Powers in Relation to Enforcement of the Regulations

16. (1) An authorised person may examine, take samples of and seize any goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.
- (2) An authorised person may open or require to be opened any baggage or package which the authorised person has reasonable grounds to suspect may contain dangerous goods in respect of which the provisions of these Regulations have not been complied with.
- (3) (a) Subject to paragraph (5), any sample taken or goods seized by an authorised person under this regulation shall be retained or detained respectively for so long as the Governor in Council considers necessary in all the circumstances and shall be disposed of in such manner as the Governor in Council considers appropriate in all the circumstances.
- (b) Without prejudice to the generality of sub-paragraph (a) any sample taken or goods seized under this regulation may be retained or detained respectively—
- (i) for use as evidence at a trial for an offence; or
- (ii) for forensic examination or for investigation in connection with an offence.
- (4) (a) The person from whom any goods have been seized by an authorised person under this regulation may apply to the Governor in Council for the item to be released to him.
- (b) An application under this paragraph shall be made in writing and shall be accompanied by evidence of ownership by the applicant.
- (c) Where the Governor is satisfied that the applicant is the owner of the item concerned and that further retention of the item is not necessary for the purposes of any criminal proceedings he shall arrange for the goods concerned to be returned to the applicant.
- (5) Where further retention of goods is, in the opinion of the Governor no longer necessary and no application has been made under paragraph (4) or any such application has been unsuccessful the goods shall be destroyed or otherwise disposed of in accordance with the directions of the Governor.

Occurrence Reporting

17. (1) A Territory operator shall ensure that any dangerous goods accident, dangerous goods incident or the finding of undeclared or misdeclared dangerous goods in cargo or passenger's baggage, wherever it occurs, is reported to the Governor.
- (2) A non-Territory operator shall ensure that any dangerous goods accident, dangerous goods incident or the finding of undeclared or misdeclared

- dangerous goods in cargo or passenger's baggage which occurred in the Territory is reported to the Governor.
- (3) A report required under paragraph (1) or (2) shall contain such of the following information as is appropriate to the occurrence—
- (a) date of the occurrence;
 - (b) location of the occurrence, flight number and flight date;
 - (c) description of the goods and the reference number of the air waybill, pouch, baggage tag and ticket;
 - (d) proper shipping name (including the technical name, if applicable);
 - (e) UN/ID number;
 - (f) class or division in accordance with the Technical Instructions and any subsidiary risk(s);
 - (g) type of packaging and the packaging specification marking;
 - (h) quantity of dangerous goods;
 - (i) name and address of the shipper or passenger;
 - (j) suspected cause of the occurrence;
 - (k) action taken;
 - (l) any other reporting action taken;
 - (m) name, title, address and contact number of the reporter;
 - (n) any other relevant details.
- (4) (a) Subject to sub-paragraph (b) a report containing as much of the information referred to above as is in his possession shall be despatched in writing, or in such other form as the Governor may approve, and by the quickest available means to the Governor within 72 hours of the occurrence coming to the knowledge of the person making the report.
- (b) If at that time any of the said information is not in the possession of that person, he shall despatch the information to the Governor in writing, or in such other form as the Governor may approve, and by the quickest available means within 72 hours of the information coming into his possession.
- (5) Nothing in this regulation shall require a person to report any occurrence which he has reported under article 139 or which he has reason to believe has been or will be reported by another person to the Governor in accordance with that article.

Dropping Articles for Agricultural, Horticultural, Forestry or Pollution Control Purposes

18. Subject to the provisions of regulation 4(1)(a) nothing in these Regulations shall apply to any aircraft flying solely for the purpose of dropping articles for the purpose of agriculture, horticulture, forestry or pollution control.

Police Aircraft

19. Nothing in these Regulations other than regulation 2(1)(a) shall apply to the carriage of dangerous goods by an aircraft flying under and in accordance with the terms of a police air operator's certificate.