

REGULATIONS

Made Under THE CIVIL AVIATION ACT 2000

ARRANGEMENT OF REGULATIONS

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IN EXERCISE OF THE POWERS CONFERRED UPON ME
BY SECTION 37 OF THE CIVIL AVIATION ACT 2000 (ACT NO. 10 OF 2000)
I HEREBY MAKE THE FOLLOWING REGULATIONS:-

PART I
PRELIMINARY

- Citation.* 1. These Regulations may be cited as the Civil Aviation (Licensing of Air Transport Service) Regulations 2001.
- Application.* 2. These Regulations shall apply to all aircraft registered in Guyana as well as to foreign civil aircraft operating to, from or in transit over Guyana.
- Interpretation.* 3. (1) In these Regulations, unless the context otherwise requires –
- (a) “the International Air Services Transit Agreement” means the Agreement signed at Chicago and ratified by the Government of Guyana on February third 1967;
 - (b) “licence” means a licence granted under regulation 6;
 - (c) “permit” means a permit granted under regulation 24;

- (d) "scheduled journey" means a scheduled air service within the meaning of the Act.

PART II LICENCES FOR SCHEDULED JOURNEYS

*Application of
Part II to a
scheduled
journey.*

4. This Part shall not apply to the carriage of passengers, goods, mail, or other freight by air on a journey other than a scheduled journey.

*Penalties for
contravention
of Regulations.*

5. (1) Subject to the provision of these Regulations, it shall not be lawful for any person to use any aircraft for carriage in Guyana of passengers, goods, mail or other freight upon any scheduled journey between two places of which at least one is in Guyana, except under and in accordance with the provisions of a licence granted by the Authority.
- (2) Any person who uses any aircraft in contravention of the provisions of these Regulations is guilty of an offence and is liable -
- (a) on summary conviction to a penalty of not less than twenty-five thousand dollars nor more than fifty thousand dollars and to imprisonment for a term not exceeding one year;
- (b) on conviction on indictment, to a penalty not exceeding fifty thousand dollars and to imprisonment for a term not exceeding two years.
- (3) The provisions of this regulation shall not apply in respect of any aircraft of any State, which is a party to the International Air Services Transit Agreement, which flies across Guyana without landing, or lands in Guyana in accordance with the provisions of that Agreement.

*Granting of
licences by
the Authority.*

6. (1) The Authority may grant to any person applying therefor a licence to carry passengers, goods, mail or other freight by air on such scheduled journeys, and subject to such conditions, as it may think fit.
- (2) It shall be a condition of every licence -
- (a) that the holder of the licence and any person having a financial interest in the business of the holder of the licence shall refrain from stipulating that any other person shall -
- (i) refuse booking facilities to any holder of a licence;
- (ii) grant such facilities to such holder only on onerous terms;
- (b) that the holder of the licence shall perform all such reasonable services as the Postmaster General may from time to time require in regard to the

conveyance of mails. The remuneration for any such services shall be such as may from time to time be determined by agreement between the Postmaster General and the holder of the licence; and

- (c) that any dispute, difference or question which may arise as to the remuneration to be paid to the holder of the licence in respect of such services, or as to the rights, duties or liabilities of the holder of the licence or the Postmaster General hereunder or otherwise in relation to any of the matters aforesaid, shall in default of agreement be referred to a single arbitrator in pursuance of the provisions of the Arbitration Act.

cap. 7:03

*Application
for a licence.
First Schedule*

7. (1) Applications for a licence shall be made in the form and manner and shall contain the particulars, prescribed in the First Schedule.
- (2) Every applicant shall furnish to the Authority such further information as the Authority may reasonably require for the discharge of its duties in relation to the application.

*Publication of
applications by
the Authority.
First Schedule*

8. The Authority shall cause to be published, in the manner specified in the First Schedule, such particulars of any applications for licences received by it as are prescribed in the said schedule. ✓

*Objection to
applications for
a licence.
First Schedule*

9. Any person providing transport by air for passengers or goods, mail or other freight, any owner of an aerodrome, or any public department, may, in the form and manner, and within the time specified in the First Schedule, make representations or objections with regard to the application for a licence.

*Power of
Authority to hold
enquiries in
connection with
application for a
licence.*

First Schedule

First Schedule

10. (1) The Authority may, if it thinks fit, for the purpose of determining an application for a licence, hold an enquiry in public or private and shall hold an enquiry in public if the applicant, or any person who had duly made an objection, requires the Authority to do so, by such notice, in such form as is specified in the First Schedule.
- (2) Before holding any enquiry the Authority shall give to the applicant and to any person who has duly made representations or objections with regard to the application, such notice, in such form, as is specified in the First Schedule and shall give the applicant and any such person an opportunity of being heard at the enquiry.

*Exception to
requirement
to publish an
application.*

11. Where an application is made to the Authority for a licence to remain in force for a period not exceeding thirty days and if the Authority is satisfied that it is in the public interest that the application should be determined with expedition, it may determine the application and grant a licence accordingly; and in that case, the provisions of this Part as to the publication of particulars of applications, the making of objections and representations, and the holding of an enquiry at the instance of the applicant or an objector shall not apply.

*Grant or
refusal of
a licence.*

12. In exercising its authority to grant, or to refuse, a licence and to stipulate conditions to any licence the Authority shall have regard to the co-ordination and development of air services generally with the object of ensuring the most effective service to the public while avoiding uneconomical overlapping, and generally to the interests of the public including those of persons requiring facilities for air transport as well as those of persons providing such facilities. In particular the Authority shall have regard 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 demand for air transport in that area;
 - (c) the degree of efficiency and regularity of the air services, if any, already provided in that area, whether by the applicant or by other operators;
 - (d) the period for which such services have been operated by the applicant or by other operators;
 - (e) the extent to which it is probable that the applicant will be able to provide a satisfactory service in respect of safety, continuity, regularity of charges, and general efficiency;
 - (f) the financial resources of the applicant;
 - (g) the type of aircraft to be used;
 - (h) the remuneration and general conditions of employment of aircrew and other personnel employed by the applicant;
 - (i) the adequacy of the applicant's insurance in respect of its liability to passengers, shippers of goods, mail or other freight and third parties,

and the Authority shall take into consideration any objections or representations duly made in accordance with the provisions of these Regulations.

*Period in which
licences may
remain in force.*

13. The Authority may grant licences to remain in force for such period, not exceeding five years, as it may in each case determine, commencing on the date on which the licence is expressed to take effect:

Provided that if, on the date of the expiration of the existing licence held by the applicant, an application to the Authority is pending for the grant of a new licence in substitution for the existing licence, such licence shall continue in force until the application is granted or refused.

*Grant of
provisional
licence.*

14. The Authority may if it thinks fit, pending the determination of an application for a licence, grant to the applicant a provisional licence which shall remain in force until the application is determined.

*Term of
provisional
licence.*

15. Where a person has, within one month of the date when these Regulations come into operation, duly applied for a licence authorising him to perform such journeys as may be

necessary to enable him to continue to operate any air service and satisfies the Authority that he was immediately before that date operating that service the Authority shall grant to the applicant a provisional licence authorising him to continue to operate that service and such provisional licence shall remain in force, if the application -

- (a) is granted, until the date from which the licence is expressed to take effect; or
- (b) is refused, for a period of three months from the date of the decision of the Authority.

*Publication of
particulars of a
decision.
First Schedule*

16. The Authority shall cause to be published in the manner prescribed in the First Schedule such particulars of its decisions on applications for licences and of its decisions to revoke or suspend licences as are prescribed in the said schedule.

*Revocation or
suspension
of a licence.*

17. (1) Subject to the provisions of subparagraph (2), the Authority may revoke or suspend a licence -
- (a) if the holder of the licence has, since the licence was granted, been convicted of an offence against regulation 5 or regulation 23;
 - (b) where the holder of a licence is a body corporate, if any officer of that body corporate has, since the licence was granted, been convicted, in his capacity as such officer, of an offence against regulation 5 or regulation 23; or
 - (c) if the holder of the licence has failed to comply with any condition subject to which the licence was granted or if the holder has in the opinion of the Authority, failed to maintain a satisfactory level of service.

- (2) Before revoking or suspending any licence under paragraph (1)(c) the Authority -

First Schedule

- (a) shall give to the holder of the licence such notice as is specified in the First Schedule, specifying the grounds upon which it is proposed to revoke or suspend the licence; and

First Schedule

- (b) shall hold a public enquiry, if the holder of the licence, by such notice in such form as is specified in the First Schedule, require it so to do,

and the Authority shall not revoke or suspend the licence unless it is satisfied that, owing to the frequency of the failure on the part of the holder of the licence to comply with conditions or to the failure having been wilful, the licence should be revoked or suspended.

- (3) For the purpose of paragraph (1)(b), "officer" means a director, general manager, secretary or other similar officer and includes any person who, with the authority of the body corporate, acts as such officer.

*Surrender of
licence by
holder.*

18. A licence may at any time be surrendered by the holder to the Authority for cancellation. If, during the currency of a licence, the holder of the licence applies to the Authority for a new licence in substitution for the current licence, he shall, if a new licence is granted,

surrender the current licence for cancellation on the date from which the new licence is expressed to take effect.

*Payment of fees
to the
Authority.*

19. (1) There shall be paid the following fees to the Authority –
- (a) in respect of licences for scheduled journeys within Guyana, a sum of twenty-five thousand dollars per route; and
 - (b) in respect of licences for scheduled international journeys, a sum of twenty-five thousand dollars per route.

*Obligation of
licence holders to
make returns.
First Schedule*

20. (1) Every holder of a licence shall make a monthly return in writing to the Authority, giving, in respect of the month to which the return relates, the particulars set out in Appendix E to the First Schedule with regard to all air services authorised by the licence.
- (2) The monthly return shall be sent to the Authority not later than two months after the expiration of the month to which the return relates.

Annual report.

21. The Authority shall make an annual report to the Minister as to the discharge of its functions during the year. ✓

PART III PERMITS FOR JOURNEYS OTHER THAN SCHEDULED JOURNEYS

*Application of
Part III to
journeys other
than scheduled
journeys.*

22. This Part shall not apply to the carriage of passengers, goods, mail, or other freight by air on scheduled journeys.

*Penalties for
contravention
of regulations*

23. (1) Subject to the provisions of these Regulations, it shall not be lawful for any person to use any aircraft for the provision in Guyana of any air transport service except under, and in accordance with the conditions of, a permit granted by the Authority.
- (2) Any person who uses any aircraft in contravention of the provisions of these Regulations is guilty of an offence and is liable –
- (a) on summary conviction to a penalty not exceeding fifty thousand dollars and to imprisonment for a term not exceeding one year;
 - (c) on conviction on indictment to a penalty not exceeding fifty thousand dollars and to imprisonment for a term not exceeding two years.

*Granting of
permits by
the Authority.*

24. (1) The Authority may grant to any person applying therefor a permit to use any aircraft for the provision of such air transport services (other than a service

referred to in paragraph (1) of regulation 5) for such period and on such conditions as may be specified in the permit.

Second Schedule

- (2) Prior to commencement of operations, all permit holders shall establish a Trust Account and the provisions of the Second Schedule shall have effect as to the opening of the trust account and otherwise in relation thereto.

Applications for permits.

25. Applications for permits shall be made in such forms, and shall contain such information as the Authority may from time to time require.

Payment of fees for permit to the Authority, revocation or suspension of a permit.

26. (1) There shall be paid the following fees to the Authority –
- (a) in respect of permits for unscheduled journeys within Guyana, a fee of twenty-five thousand dollars per journey; and
 - (b) in respect of permits for unscheduled international journeys, a fee of fifty thousand dollars per journey.
- (2) The Authority may revoke or suspend any permit –
- (a) if the holder of the permit, has since the permit was granted, been convicted under regulation 5 or regulation 23;
 - (b) where the holder of the permit is a body corporate, if any officer of that body corporate has, since the permit was granted, been convicted, in his capacity as such officer, under regulation 5 or regulation 23; or
 - (c) if the holder of the permit has failed to comply with any condition subject to which the permit was granted.
- (3) For the purpose of paragraph (1)(b), “officer” means a director, general manager, secretary or other similar officer and includes any person who, with the authority of the body corporate, acts as such officer.

PART IV GENERAL PROVISIONS

Compliance with laws of Guyana whilst operating under licence or permit.

27. It shall be a condition of every licence or permit that the requirements of any law or instrument having the force of law, for the time being in force in Guyana, relating to air navigation or air transport shall be complied with at all times during the currency of the licence or permit in connection with all journeys made under the licence or permit.

*Prohibition
of transfer of
licence or
permit.*

28. A licence or permit shall not be capable of being transferred or assigned,

Provided that in the event of the death, incapacity, bankruptcy, insolvency, sequestration or liquidation of the holder of a licence or permit, or of the appointment of a receiver or manager or trustee in relation to the business of the holder of the licence or permit, the person for the time being carrying on that business shall, if within fourteen days of his commencing to do so, he makes application to the Authority for a new licence or permit, be entitled to provide the air services authorised by the existing licence or permit subject to the conditions thereof, until the application is determined.

*Confidentiality
of financial
information.*

29. Nothing in these Regulations shall require the disclosure by any applicant for a licence or permit to any person other than the Authority of information as to the financial resources of the applicant, and any such information received by the Authority from any such applicant shall be treated as confidential.

*No continuation
of benefits.*

30. Nothing in these Regulations shall confer upon the holder of a licence or permit or upon any other person any right to the continuance of any benefits arising from the provision of these regulations or from any licence or permit granted thereunder or from any conditions attached to any such licence or permit.

*Responsibility
of corporate
officials.*

31. Where an offence against these Regulations has been committed by a body corporate, every person who, at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

*Right of appeal
to the Minister.*

32. Notwithstanding the power of the Authority in exercising its discretion to grant, or to refuse, a licence and its discretion to attach conditions to any licence an applicant may appeal to the Minister for a review if, in his opinion, his application has not been given fair consideration.

FIRST SCHEDULE **PARTICULARS FOR THE APPLICATION FOR A LICENCE.**

regs. 7,8,9,10,16,17 and 20

1. Every application for a licence shall be made to the Authority on a form to be obtained from them on demand and shall contain the particulars specified in Appendix A hereto.
2. Every application for a licence shall be signed by the person applying for the licence and if made by any corporate body or partnership firm shall be signed by a person duly authorised in that behalf by such body, or a partner of the partnership firm, as the case may be.

3. A copy of every application shall be available for inspection at the office of the Authority until the application has been determined by the Authority:

Provided that information contained in the application as to the financial resources of the applicant shall not be available for inspection.

4. The Authority shall, within fourteen days of the receipt of an application for a licence, cause to be published, in the manner provided in paragraph 16 hereof, a notice containing the particulars of the application specified in Appendix B hereto and specifying a date not less than fourteen days nor more than twenty-one days after the publication of the notice by which any representation or objections with regard to the application must be made to the Authority.
5. Every representation or objection with regard to an application for a licence shall be in writing, and made by any corporate body or partnership firm, shall be signed by a person duly authorised in that behalf by such body or a partner of the partnership firm, as the case may be.
6. Every representation or objection shall state the specific grounds on which it is based and shall specify any conditions which it may desire shall be attached to the licence if granted.
7. A copy of every such representation or objection shall be sent by the person making it, to the applicant for the licence at the same time as it is sent to the Authority.
8. In cases where the applicant for a licence or any person who has duly made an objection with regard to the application requires the Authority to hold an enquiry in public for the purpose of determining the application, notice in writing, requiring the Authority to hold such an enquiry shall be sent by the applicant or such person to the Authority so as to reach them within 7 days after the expiration of the time within which representations or objections must be made under paragraph 4 hereto.
9. In cases where for the purpose of determining an application for a licence an enquiry in public or in private is to be held by the Authority the notice to be given by the Authority to the applicant and to any person who had duly made representations or objections with regard to the application shall be not less than seven days of notice in writing, and such notice shall specify the place where and the time when the enquiry shall be held.
10. The notice to be given by the Authority to the holder of a licence specifying the grounds upon which it is proposed to revoke or suspend the licence, shall be not less than twenty-eight days of notice in writing, and any request by the holder of the licence that a public enquiry shall be held shall be sent to the Authority so as to reach them within seven days from the date of such notice.
11. Particulars of the decisions of the Authority-
 - (a) on application for a licence, and
 - (b) to revoke or suspend a licence,

as specified in Appendix C and Appendix D respectively hereto, shall be published by the Authority in the manner provided in paragraph 16 hereof.

12. Notice that a public enquiry is to be held by the Authority for the purpose of determining an application for a licence shall be published by the Authority in the manner prescribed in paragraph 16 hereof not less than seven days before the date fixed for the holding of the enquiry, and such notice shall specify, the name and address of the applicant, the nature of the application including the places to be served by the proposed service, the date and manner of publication of the particulars of the application, and the place where and the time when the public enquiry is to be held.
13. (1) In cases where it is proposed to revoke or suspend a licence and the holder of the licence requests the Authority to hold a public enquiry, notice that the public enquiry is to be held shall be published by the Authority in the manner provided in paragraph 16 hereof not less than seven days before the date fixed for the holding of the enquiry, and such notice shall contain such particulars as will enable the licence in question to be identified and shall specify the grounds on which it is proposed to revoke or suspend the licence and the place where and the time when the enquiry is to be held.

(2) A copy of such notice shall be sent by the Authority to the holder of the licence.
14. On the holding of any public enquiry the Authority shall, after hearing representation of objections with regard to an application for a licence, give the applicant an opportunity of replying to such representations or objections but otherwise may determine the order of procedure.
15. The Authority may adjourn from time to time the consideration of any application:

Provided that, in cases where notice that a public enquiry is to be held has been published, notice of any such adjournment other than an adjournment at the enquiry shall be published in the same manner as the notice that the enquiry was to be held.
16. (1) Publication under this Schedule shall be by advertisement in a newspaper (selected by the Authority) circulating in Guyana.

(2) The Authority shall, in addition to such advertisement, give such special or general notices as appear expedient to the Authority.

APPENDIX A

PARTICULARS TO BE PROVIDED IN CONNECTION WITH AN APPLICATION FOR A LICENCE

1. Name and address of applicant.
2. Places between which passengers or goods are to be carried.
3. Places at which intermediate landings are to be made for the purpose of loading or landing passengers or goods.
4. Times or frequency of the service.
5. Number and types of aircraft proposed to be used on this service.
6. Whether the service is to carry passengers, goods or both.
7. Maximum fares to be charged to passengers in respect of any journey or portion of a journey for which separate fares are charged
8. Date on which the service is to commence.
9. Period for which the licence is desired.
10. If the service for which a licence is sought is already in operation by the applicant-
 - (a) the period for which the service has been operated;
 - (b) the number of passengers and weight of goods carried on the service in the past twelve years;
 - (c) the number and types of aircraft employed on the service during the past twelve months;
 - (d) the percentages of scheduled journeys commenced but not completed during the past twelve months -
 - (i) on account of weather;
 - (ii) for other causes.
11. Other services operated by the applicant at the time of the application or immediately prior to that time.
12. Particulars of working arrangements with other companies.
13. Particulars of any financial interest which any other person providing passengers transport facilities, or controlling the business of any person who provides such facilities, has in the business of the applicant.
14. Particulars of any financial interest which the applicant has in any other undertaking providing passenger transport facilities or controlling the business of any person who provides such facilities.
15. The nature of the person making the application, whether an individual, partnership firm or corporate body, public or private, with or without limited liability. If a company, public or private-
 - (a) the nominal and issued capital;
 - (b) the names of the directors;
 - (c) the names of any other companies holding shares in the applicant's business;
 - (d) the names of any subsidiary companies of the applicant.
16. Such particulars of the accounts of the applicants' business during the last twelve months as the Authority shall require.

APPENDIX B

PARTICULARS OF APPLICATION TO BE PUBLISHED

1. Name and address of applicant.
2. Places between which passengers or goods are to be carried.
3. Places at which intermediate landings are to be made for the purpose of loading or landing passengers or goods.
4. Times or frequency of the service.
5. Date on which the service is to commence.
6. Period for which the licence is applied for.

APPENDIX C

PARTICULARS OF DECISIONS ON APPLICATIONS FOR LICENCES, TO BE PUBLISHED

1. Name and address of applicant.
2. Name and date of newspapers in which notice of the application was published.
3. Such particulars as will enable the application to be identified.
4. An indication whether the licence was granted as applied for, granted with modifications (the modifications to be stated) or refused.

APPENDIX D

PARTICULARS OF DECISIONS ON APPLICATION TO REVOKE OR SUSPEND A LICENCE, TO BE PUBLISHED

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

APPENDIX E

Particulars to be given by licence holder in monthly returns.

1. The names of the places between which the services authorised by the licence are operated within the Guyana or between the Guyana and other places outside the Guyana.
2. The names of regular stage stopping places en route and of places where stops are made on request.
3. In respect of each stage (distinguishing where ever applicable under each between journeys on licensed services and other journeys) –
 - (a) length of stage in miles or kilometres;
 - (b) number of paying passengers carried;
 - (c) weight of goods carried;
 - (d) weight of mails carried;
 - (e) total paying load, weight;
 - (f) paying load capacity (weight) on flights commenced;
 - (g) period of month during which services were scheduled during the month;
 - (h) frequency of schedules (e.g. once daily each way week days);
 - (i) number of flights scheduled;
 - (j) number of flights commenced;
 - (k) number of flights completed without interruption;
 - (l) number of flights completed after interruption en route;
 - (m) number of flights interrupted en route and not completed;
 - (n) number of flights not commenced –
 - (i) because no passengers, goods or mails required transport;
 - (ii) because no aircraft was available;
 - (iii) because of weather conditions;
 - (iv) for other reasons which should be stated;
 - (o) numbers of unpremeditated landings –
 - (i) for fuel;
 - (ii) on account of weather conditions;
 - (iii) on account of mechanical failure of aircraft or engines;
 - (iv) on account of wireless equipment failure;
 - (v) for other causes;
 - (p) particulars of the type and characteristics of aircraft used (e.g. landplanes, or seaplanes); power and make of engines, maximum total weight authorised, tare weight; and seating capacity;

- (q) the fares, freight and other charges made.
4. Number of paying passengers, weight of goods and weight of mail carried during the month –
 - (a) on licensed services; and
 - (b) on other journeys over the same routes.
 5. Number of pilots, and number of other personnel employed on flying duties during the month.

SECOND SCHEDULE

reg. 24

TRUST ACCOUNT FOR DEPOSIT OF FARES.

1. On approval of a permit by the Authority, and prior to commencing operations, the permit holder shall establish a trust account at a Bank mutually agreed by the permit holder and the Authority and the account shall be controlled by the Authority. The purpose of the said account shall be to honour the permit holder's liability to its passengers in the event of its failure to do so.
2. The trust account shall be opened in an approved financial institution in accordance with the guidelines issued in this behalf by the Authority.
3. All proceeds of ticket sales to passengers shall be paid into the said account and only the Authority may authorise withdrawals or release of funds from such account.
4. Signatories to the trust account shall be two officials, one named by the Authority and the other named by the permit holder.
5. The permit holder will provide the Authority with statements certifying:
 - (a) the number of tickets sold; and
 - (b) the amount of revenue collected and deposited to the account,and will take the form of a copy of the statement on ticket sales and the remission of the ticket tax to the Guyana Revenue Authority on the departure of each flight.
6. The bank where the account is established will provide a statement of deposits which shall be expected to corroborate the information provided at paragraph 5.
7. On receipt of the statements referred to in paragraphs 5 and 6, and on confirmation of the safe arrival of the flight at its destination, the Authority will approve release of one half of the revenue for that flight, but no earlier than twenty-four hours after the departure of the aircraft from Guyana.
8. The Authority will approve the release of the balance of the deposits for a particular flight on the return of the flight and/or the passengers to Guyana.
9. All records relating to the operation of the trust account shall be made available to the Authority's auditors.
10. The Authority may at its discretion make amendments to the foregoing.

Made this twenty-fourth day of October, 2001



ANTHONY XAVIER
Minister of Transport and Hydraulics

