

GUYANA

No. 3 of 2004

REGULATIONS**Made Under****THE CIVIL AVIATION ACT 2000
(No. 10 of 2000)**

Citation.

1. These Regulations may be cited as the Civil Aviation (Security) Regulations 2004.

Interpretation.

2. In these Regulations –

“aerodrome operator” means the holder of an aerodrome certificate or licence issued pursuant to regulation 73 of the Civil Aviation (Air Navigation) Regulations 2001;

“airline operator” means any operator providing air services from and to Guyana;

“Airline Security Programme” means the written statement referred to in regulation 8;

“airport operator” means the person having legal responsibility for administration, operation and maintenance of the airport;

“Airport Outstation Security Zone” means an off-airport station or facility designated as such under regulation 11;

“Airport Security Committee” means a Committee established under regulation 5;

“Airport Security Programme” means the written programme referred to in regulation 7;

“Airport Security Zone” means a zone in an airport, building or facility designated as such under regulation 11;

- “airport service provider” means any company, which is duly authorised by the airport operator to provide services at the airport to air-passengers;
- “airport traffic services provider” means an authorised provider of air traffic control service;
- “Air Traffic Services Provider’s Security Programme” means the written statement referred to in regulation 10;
- “Authority” means the Director General of Civil Aviation;
- “AVSEC” means Aviation Security;
- “baggage” means the personal property of a passenger or crew member carried on an aircraft by agreement with the aircraft operator;
- “ICAO” means the International Civil Aviation Organization;
- “National Civil Aviation Security Committee” means the Committee established under regulation 3;
- “National Civil Aviation Security Programme” means the programme referred to in regulation 3;
- “regulated agent” means an agent, freight forwarder or any other entity which conducts business with an aerodrome operator, an airport operator or an airline operator, and provides security controls that are accepted or required by the appropriate authority in respect of cargo, courier, express parcels, mail or stores or supplies for transportation or use on board international or domestic passenger flights from Guyana;
- “Regulated Agent’s Security Programme” means the written statement referred to in regulation 9;
- “screening” means the application of technical or other means which are intended to detect weapons, explosives or other dangerous devices which may be used to commit an act of unlawful interference;

“security” means a combination of measures, including human and material resources, intended to safeguard international and domestic civil aviation against acts of unlawful interference;

“Security Programme” means the measures adopted to safeguard international and domestic civil aviation against acts of unlawful interference;

“security services” means the services referred to in regulation 6.

Establishment of a
National Civil
Aviation Security
Committee.

3. (1) There shall be established a National Civil Aviation Security Committee for the purposes of -

- (a) advising Government and the aviation industry on AVSEC measures required to meet threats to civil aviation and its facilities;
- (b) drawing up a National Civil Aviation Security Programme which shall set out the Government’s security policy in respect of civil aviation within Guyana and for aircraft registered in Guyana, and provide, through standards and guidelines, the necessary safeguards against acts of unlawful interference;
- (c) assigning responsibilities for the implementation of the National Civil Aviation Security Programme and establishing the means of ensuring coordination between the Ministries, Government departments and other relevant agencies for that purpose;
- (d) reviewing and maintaining the effectiveness of the National Civil Aviation Security Programme, including re-evaluating security measures and procedures following an act of unlawful interference and taking such action as may

be necessary to remedy weaknesses and prevent recurrence of any act of unlawful interference;

- (e) considering recommendations made by the Airport Security Committee of Cheddi Jagan International Airport and Ogle Airport and any other designated airport in Guyana and, where appropriate, recommending changes to the Authority;
- (f) co-coordinating the exchange and dissemination of information on incidents, threats and appropriate counter measures relating to Aviation Security; and
- (g) promoting security consideration in the design of new airports or the expansion of existing facilities.

(2) The National Civil Aviation Security Committee may issue advice, not inconsistent with these Regulations to the Authority, and the Authority shall consider and implement such advice where necessary.

(3) The National Civil Aviation Security Committee shall consist of –

- (a) the Permanent Secretary of the Ministry of Home Affairs;
- (b) a representative of the Prime Minister's Office (or the Minister with responsibility for Civil Aviation) as Secretary;
- (c) a Security Adviser to the President or Prime Minister;
- (d) the Permanent Secretary of the Ministry responsible for civil aviation (as Chairman);
- (e) the Commissioner of Police;
- (f) the Commanding Officer of the Guyana Defence Force;
- (g) the Commissioner of Customs and Trade Administration;
- (h) the Director General of the Guyana Civil Aviation Authority (as Deputy Chairman);

- (i) the Chief Executive Officer of the Cheddie Jagan International Airport;
- (j) the Chief Executive Officer of the Ogle Airport Inc;
- (k) the Permanent Secretary of the Ministry of Local Government;
- (l) the Chief Fire Officer;
- (m) the Director General of the Ministry of Foreign Affairs;
- (n) the representative of Aircraft Owners Association of Guyana;
- (o) the Representative of Airlines Association:

Provided that an official mentioned in this paragraph may send a representative where he is not in a position to attend a meeting.

(4) The Chairman may co-opt any other person with specialised knowledge of a matter under consideration by the National Civil Aviation Security Committee to be present at any meeting of the Committee.

(5) Subject to paragraph (6), the National Civil Aviation Security Committee shall regulate its own procedures.

(6) Eight members or their representative of the National Civil Aviation Security Committee, including not less than five of the members referred to in sub-paragraphs (a), (b), (c), (d), (h), (i), and (j) of paragraph (3), shall constitute a quorum.

Responsibilities
of the
Authority.

4. For the purpose of these Regulations, the Authority shall be the designated as the appropriate AVSEC agency responsible for the development and implementation of the National Civil Aviation Security Programme of Guyana and shall be responsible, inter alia, for –

- (a) monitoring the implementation of the National Civil Aviation Security Programme by the Government agencies and bodies to which responsibilities have been assigned by the National Civil Aviation Security Committee;
- (b) approving the security programmes drawn up by aerodrome operators, airline operators, regulated agents and air traffic services providers, prior to their implementation, and monitoring the implementation of the security programmes; and
- (c) liaising with the National Civil Aviation Security Committee and the National Security Service on all matters of aviation security and taking adequate measures to respond to different levels of threats.

Establishment
of Airport
Security
Committees.

5.(1) There shall be established an Airport Security Committee at each certified airport in Guyana for the purposes of –

- (a) coordinating matters of security among the various departments or organizations involved in the running of the airport;
- (b) monitoring the implementation of the Airport Security Programme;
- (c) making reports to the Authority on the current state of security measures and procedures in force at the airport and on any security issues which cannot be resolved at the airport level;
- (d) making suggestions and recommendations likely to improve security in the field of civil aviation to the National Civil Aviation Security Committee; and
- (e) ensuring that basic minimum security measures and

procedures in force at the airport are adequate to meet threats and are under constant review, with regard to normal situations and contingency measures available for periods of heightened security threats.

(2) The Airport Security Committee shall consist of -

- (a) the Chief Executive Officer of the aerodrome operator as the Chairman;
- (b) the officer-in-charge of the Airport Police;
- (c) a representative of the air traffic services provider;
- (d) a representative of the Customs and Trade Administration;
- (e) a representative of the airlines handling companies;
- (f) representative of the major airlines operating at the airport, to be designated by the National Civil Aviation Security Committee;
- (g) a representative of the Passport and Immigration Office;
- (h) a representative of the Guyana Defence Force;
- (i) a representative of the aerodrome operator; and
- (j) a representative of the regulated agents.

(3) Subject to paragraph (4), the Committee shall regulate the procedure at its meetings in such a manner as it thinks fit and shall meet at least once quarterly.

(4) Six members of the Committee shall constitute a quorum.

Responsibilities
of aerodrome
operator.

6. (1) Every certified aerodrome operator shall be responsible for the following security services –

- (a) X-ray screening of hold luggage;

- (b) screening of passenger and hand luggage;
- (c) screening of staff;
- (d) airside security;
- (e) control of access within any airport restricted zone;
- (f) airport perimeter fencing control;
- (g) control of inner gates; and
- (h) security in the terminal,

and may be assigned responsibility for any of the following security services by the Minister -

- (i) screening of persons seeking access into an airport restricted zone and persons intending to embark on any departing flight;
- (ii) screening of any cargo and mail intended for uplifting by aircraft; and
- (iii) screening of any person providing any service to an aircraft and any object taken on board the aircraft in connection with that service.

(2) There shall be levied such security charge as may be prescribed, in relation to the security services provided by the aerodrome operator.

Airport
security
programme.

7. (1) Every certified aerodrome operator shall draw up and implement an Airport Security Programme in line with the National Civil Aviation Security Programme and ICAO Annex 17 together with the relevant guidance manual of ICAO on aviation security.

(2) The Airport Security Programme shall be a written statement of the measures to be adopted by the certified aerodrome operator at the aerodrome to safeguard civil aviation against acts of unlawful interference and shall be submitted to the Authority for approval, prior to implementation.

(2) The Airport Security Programme shall include –

- (a) a map identifying restricted and controlled zones at the aerodrome;
- (b) a list of measures designed at preventing the introduction, by any means whatsoever, on board an aircraft or in an Airport Security Zone, of weapons, explosives, or any dangerous devices which may be used to commit an act of unlawful interference;
- (c) a list of response procedures for airport security staff to occurrences and threats;
- (d) a list of procedures for the screening of air passengers and their baggage, and other persons;
- (e) a list of measures for the access, control and movement of persons and vehicles on the airport and contingency plans of action and emergency plans to deal with any situation which may jeopardise aviation security at the airport;
- (f) appropriate coordination measures with the various organizations based at the airport on the question of airport security;
- (g) arrangements for the monitoring and implementation of security measures by airport stakeholders;
- (h) measures designed to ensure that architectural and infrastructure-related requirements necessary for the optimum implementation of international AVSEC measures are integrated in the design and construction of new facilities at international airports;
- (i) an appropriate security training programme for the airport personnel; and
- (j) such other measures as the Authority may direct, in respect of procedures for the protection of the aerodrome and its facilities.

**Airline
Security
Programme.**

8. (1) Every airline operator shall draw up and implement an Airline Security Programme in line with the National Civil Aviation Security Programme and ICAO Annex 17 together with the relevant guidance manual of ICAO on aviation security.

(2) The Airline Security Programme shall be a written statement of the measures to be adopted by the airline operator to safeguard civil aviation against acts of unlawful interference and shall be submitted to the Authority for approval, prior to implementation.

(3) The Airline Security Programme shall include –

- (a) a list of measures aimed at protecting checked baggage, cargo, mail and stores at the airport and preventing unauthorised access to aircraft;
- (b) a list of response procedures for crew members and other staff to occurrences and threats;
- (c) a list of procedures for the screening of passengers and cabin baggage, where the airline operator discharges this function;
- (d) appropriate coordination measures, where technical and traffic handling on behalf of an operator are performed by any other operator or agent approved by the Authority or the airport operator, as the case may be;
- (e) an appropriate security training programme for the airline personnel; and
- (d) such other measures as the Authority may direct, in respect of procedures for the protection of aircraft and their baggage, cargo, mail, stores, crew members and passengers.

Regulated
Agent's
Security
Programme.

9. (1) Every regulated agent shall draw up and implement a Regulated Agent's Security Programme in line with the National Civil Aviation Security Programme and ICAO Annex 17 together with the relevant guidance manual of ICAO on aviation security.

(2) The Regulated Agent's Security Programme shall be a written statement of the measures to be adopted by the regulated agent to safeguard civil aviation against acts of unlawful interference and shall be submitted to the Authority for its approval, prior to implementation.

(3) The Regulated Agent's Security Programme shall include-

- (a) a list of measures for the security clearance of the cargo, mail, stores or supplies;
- (b) a list of measures for the protection of the cargo, mail, stores or supplies from unlawful interference;
- (c) provision of a secure environment for the preparation, storage and conveyance of the cargo, mail, stores or supplies to the aircraft operator;
- (d) an appropriate security training programme for the regulated agent's personnel;
- (e) such other measures as the Authority may direct in respect of procedures for the protection of cargo, mail, stores or supplies intended for use on board aircraft; and
- (f) a list of response procedures for the regulated agent to occurrences and threats.

Air traffic
Services
provider's
Security
Programme.

10. (1) The air traffic services provider shall draw up and implement an Air Traffic Services Provider's Security Programme in line with the National Civil Aviation Security Programme, and ICAO Annex 17 together with the relevant guidance manual of ICAO on aviation security.

(2) The Air Traffic Services Provider's Security Programme shall be a written statement of measures to be adopted by the air traffic services provider to safeguard against acts of unlawful interference and shall be submitted to the Authority for approval, prior to implementation.

(3) The Air Traffic Services Provider's Security Programme shall include-

- (a) a list of procedures for the provision of air traffic services and alerting service for aircraft which is the subject of an unlawful interference;
- (b) a list of procedures for the collection and transmission of information on aircraft which is the subject of an unlawful interference and notification to States concerned and the ICAO;
- (c) a list of procedures for the provision of assistance to an aircraft subjected to an act of unlawful seizure;
- (d) an appropriate security training programme for the air traffic services personnel; and
- (e) such other measures as the Authority may direct, in respect of procedures for the protection of air navigation facilities.

Power of
the
Minister to
designate
Airport
Security
Zone.

11. (1) The Minister may designate –

- (a) any zone in an airport, building or facility as an Airport Security Zone;
- (b) any off-airport station or facility as an Airport Outstation Security Zone.

(2) The Airport Security Zone may be subdivided into distinct areas, according to the nature of the activities carried out in such areas.

- (3) (a) Subject to sub-paragraph (b), a person shall not be given access to, or enter into, an Airport Security Zone unless -
- (i) he conspicuously displays a valid Airport Pass; or
 - (ii) he is a bona fide passenger or crew member whose presence in certain designated areas within the Airport Security Zone is necessary.
- (b) A person in charge of a vehicle shall not drive, or otherwise bring the vehicle into an Airport Security Zone unless there has been issued in respect of that vehicle a valid airport pass.
- (4) A person shall not be given access to, or enter into or bring any vehicle into, an Airport Outstation Security Zone unless he or the vehicle is duly authorized by the aerodrome operator.
- (5) (a) The Airport Pass specified in paragraph (3) (a) (i) shall be issued by such person or body as may be designated by the Minister, upon payment of such fee as may be approved by the Minister and shall contain such particulars as the Minister may determine.
- (b) The issue of Airport Passes shall require prior security vetting by the relevant law enforcement agencies.
- (c) Any employer providing services at the airport shall, prior to applying for an Airport Pass on behalf of his employee, or on behalf of any contractor providing him with services at the airport, carry out such preliminary checking of the employee or contractor, as may be specified in the National Civil Aviation Security Programme.
- (3) (a) The person or body designated under paragraph 5 (a) shall issue circulars and notices, setting out the administrative provisions and procedures governing the issue and renewal of Airport Passes,

together with the applicable charges.

(b) The procedures mentioned in sub-paragraph (a) shall include a foolproof recording system approved by the Authority and capable of storing information for a maximum period of three years or such other period as the National Civil Aviation Security Committee may direct.

(7) For the purposes of this regulation, the Minister shall declare, by Notice published in the Gazette, the boundaries and description of any zone designated as Airport Security Zone or Airport Outstation Security Zone.

Offences.

12. (1) A person shall not obstruct or impede any public officer or other person acting in the exercise of his powers, or in performance of his duties, under these Regulations

(2) A person shall not without lawful excuse or justification, fail to comply with any directive or instruction given to him under these Regulations.

(3) Where, in relation to any aerodrome, an offence under paragraph (2) or regulation 11 is committed by any person -

(a) the employer of that person; or

(b) the owner of the vehicle, baggage, moveable property, or animal, as the case may be, which has been involved in that offence,

shall also commit the like offence unless he proves that the offence was committed without his knowledge or consent and that he took all necessary steps to prevent the commission of the offence.

Regulation of
a controlled
or restricted
zone.

13. (1) Where any person having a valid excuse to be within a controlled or restricted zone is prosecuted for having contravened a direction

given under regulation 14 (3), the aerodrome operator may deny him access to the controlled or restricted zone, for such period as he considers necessary, pending the outcome of the case.

(2) Where the aerodrome operator, having evidence of multiple safety or security infringements committed by any airport service provider, or its employees, or any other person, considers that the airport service provider, any of its employees or the person concerned represents a security risk to the airport and aircraft, he may, within six months of receiving the evidence and after serving due notice, deny access to, and revoke any authorisation or licence issued to, the airport service provider in connection with a service or business on or within airport premises, or in relation to air transportation.

(3) Where a person holds a valid air travel ticket or other acceptable valid document, or intend to purchase the same inside the Airport Passenger Terminal for a departing flight, and the aerodrome operator is satisfied that a security risk is associated with that person, the aerodrome operator may deny access to that person to an Airport Passenger Terminal.

(3) Nothing in this regulation shall be construed as conferring or delegating any authority held by the Commissioner of Police for law and order under the Police Act or any other relevant legislation to the aerodrome operator.

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Directions
issued by
the Authority.

14. (1) The Authority shall, by aeronautical information publication, aeronautical information circular, or notice to aerodrome operators, issue directions, not inconsistent with these regulations, relating to the operation, maintenance and security of any aerodrome in Guyana.

- (2) (a) Subject to sub-paragraph (b) the aerodrome operator shall, by Circular, Airport Security Notice, Aircraft Movement Notice and Airport Operator's Notice, issue directions, not inconsistent with these regulations, relating to the management, operation, maintenance, safety and security of the aerodrome for which he hold a licence.
- (b) The aerodrome operator shall not issue any direction which is the responsibility of the Authority to issue under paragraph (1).
- (3) An aerodrome operator shall not refuse to comply with any direction intended to enforce safety of aircraft operations or the security of aircraft and their passengers, unless he has satisfied the Authority that alternative measures implemented or proposed have secured, or will secure, the desired objectives of the directions.
- (4) (a) Subject to subparagraph (b), the aerodrome operator shall, in compliance with the terms and conditions of the aerodrome operator's certificate issued to him and pursuant to any directions issued by the Authority, take such measures, not inconsistent with these Regulations, as he deems fit and expedient, towards ensuring that the aerodrome, to which the certificate or licence relates, has developed and tested contingency plans and procedures for responding to airport and aircraft related emergencies appropriate for the nature and scale of operations at the airport of which the aerodrome forms part.
- (b) Any guidance, directive, or direction, which may be addressed by the aerodrome operator to airport service providers, passengers, mail and cargo handling agencies, aircraft owners and operators, air travelers and the public, including visitors, relating to general security and safety of airport, may relate to -
- (i) the administrative arrangement for granting access into any part of the airport;
 - (ii) the delimitation and definition of restricted and controlled security zones;
 - (iii) the conduct of persons, and presence of motor vehicles and

- animals, within the airport;
- (iv) the nature of security measures applicable to persons seeking entry with intent to board a departing aircraft or for any other purpose, and their baggage or other property carried into an airport security zone, whether intended for carriage by air or not; and
- (v) the nature of security measures applicable to any vehicle, movable property, machinery, goods, packages, entering and moving within the airport, whether consigned for transportation by air or brought into the airport in relation to any authorized purpose.

(5) The Minister may issue such directions as he deems fit on matters related to aviation security not inconsistent with the Civil Aviation Act 2000 or these Regulations.

Made this 30 day of April, 2004

Carl Anthony Xavier

Minister of Transport & Hydraulics

