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STATUTORY RULES AND ORDERS NO. 1 OF 2020

(Gazetted 14th January, 2020).

PRELIMINARY

CIVIL AVIATION (AERONAUTICAL TELECOMMUNICATIONS)
REGULATIONS, 2020.

“Act” means the Civil Aviation Act, Chapter 54A;

“Aerodrome” means any area of land, water or other supporting surface used, designed, prepared, equipped or set apart for use or designated either in whole or in part for the arrival, departure and surface movement of aircraft and includes any buildings, installations and equipment situated thereon or associated therewith:

“Applicant” means a person who has applied to the Authority for ATS approval, to operate an Aeronautical Telecommunication Service;

“Aeronautical Information Publication” and “AIP” mean a publication issued by or with the authority of a State and containing aeronautical information of a lasting character essential to air navigation;

“Aeronautical Station” means a land station in the aeronautical mobile service, and may, in certain instances, be located, for example, onboard ship or a platform at sea;

“Aeronautical Telecommunication Equipment” means any equipment used to support an aeronautical telecommunication service;

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“aeronautical telecommunication service” means a telecommunication service provided for any aeronautical purpose;

“Agreement” means the agreement establishing the Eastern Caribbean Civil Aviation Authority made on 21st day of October, 2003, and to which the Government of Grenada is a party;

“air traffic service” mean flight information service, alerting service, air traffic advisory service, air traffic control service (area control service, approach control service or aerodrome control service);

“approval holder” means a holder of an ATS approval;

“ATS approval” means an aeronautical telecommunication service approval;

“Authority” means the Eastern Caribbean Civil Aviation Authority established by Article 3 of the Agreement;

“Director-General” means the Director-General of Civil Aviation appointed under Article 11 of the Agreement;

“NOTAM” means a notice distributed by means of telecommunication containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations.

(2) In these Regulations words other than the words defined pursuant to sub-regulation (1) have the same meaning as that given to them in the Act.

PART II

CUSTOMS COMPUTERISED SYSTEM

3. Purpose. These Regulations prescribe—

- (a) operating and technical standards for Aeronautical Telecommunications Services, and Facilities;
- (b) rules governing the continuing operation, surveillance, inspection and audit of organisations providing aeronautical telecommunication

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services in support of Instrument Flight Rule operations or air traffic services; and

- (c) the mandatory requirements applicable to persons providing or operating aeronautical telecommunications services or facilities.

4. Aeronautical Telecommunication Service.—(1) No person shall establish or cause to be established any aeronautical telecommunication service in Grenada otherwise than under and in accordance with an ATS approval granted by the Authority to the person in charge of the aeronautical telecommunication service.

(2) The Authority shall grant an ATS approval upon the Authority being satisfied—

- (a) as to the intended purpose of the aeronautical telecommunication service;
- (b) that the aeronautical telecommunication service is fit for its intended purpose; and
- (c) that the person is competent to provide the aeronautical telecommunication service.

(3) The operator of an aeronautical telecommunication service at an aerodrome shall notify the Authority, in relation to that aeronautical telecommunication service, of the type and availability of operation of any service that is available for use by any aircraft.

(4) An ATS approval under sub-regulation (2) may include—

- (a) a condition requiring a person in charge of an aeronautical telecommunication service at any other aerodrome or place to notify the Authority of the information specified in regulation 4 (3);
- (b) a condition requiring the person in charge of the aeronautical telecommunication service to use a person approved by the Authority under sub-regulation (6) for the provision of particular services in connection with the aeronautical telecommunication service; and
- (c) a condition requiring that any associated equipment be flight checked by such an approved person.

(5) The Authority may approve a person to provide particular services in connection with approved aeronautical telecommunication service.

(6) For the purpose of sub-regulations (2) and (4) an ATS approval may be granted in respect of one or more than one person or generally.

(7) An Aeronautical Telecommunication Service shall not be provided in such a way that it is in any way available for use without the prior approval of the Authority.

5. Use of English. All documentation, written communications and data (electronic or otherwise) for submission to the Authority in support of an application for an ATS approval shall be provided in English.

6. Laws, regulations and procedures. Each approval holder shall take reasonable care to ensure that all persons employed, engaged, or contracted (in relation to the provision of the approved service) by the approval holder to perform safety-related activities, are familiar with the Act, these Regulations and any applicable conditions on the ATS approval and the procedures specified in the approval holder's Operations Manual.

7. Procedure, Standards and Requirements compliance. Each person performing duties in relation to the approved Aeronautical Telecommunication Service shall conform to the applicable procedures, standards or otherwise requirements specified in the Operations Manual of the approval holder, and any applicable national or international standards or requirements.

8. Power to inspect. (1) Each approval holder shall ensure that any Inspector appointed pursuant to section 12 of the Act or any person delegated pursuant to section 13 the Authority is allowed access to the aeronautical stations, aeronautical telecommunication equipment or any other location otherwise related to the provision of the Aeronautical Telecommunication Service.

(2) Each approval holder shall ensure that any person authorised by the Authority shall have access to any documentation relating to the safety of aircraft in flight.

(3) The approval holder shall be responsible for ensuring that, if requested to do so by an authorised person, documentation is produced within seven (7) days of such request.

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9. Application for ATS approval. A person who wishes to establish or cause to be established an Aeronautical Telecommunication Service shall apply for ATS approval to the Authority by—

- (a) submitting the Operations Manual written in English, in accordance with regulation 14; and
- (b) paying the prescribed fee.

10. Privileges of an approval holder. The approval document shall specify the Aeronautical Telecommunication Services and Aeronautical Telecommunication Equipment that the approval holder is approved to provide.

11. Duration of ATS approval.—(1) An ATS approval may be granted or renewed for a period of up to 5 years, unless revoked prior to this.

(2) A change or variation of the details within the approval shall require a re-issue of the approval document.

12. Renewal of ATS approval.—(1) An application for the renewal of an ATS approval shall be made to the Authority.

(2) The application for the renewal shall be made not less than 30 days before the ATS approval expires.

(3) The application for renewal shall be accompanied by payment of any prescribed fees.

13. Exceptions.—(1) A person that operates Aeronautical Telecommunication Equipment is exempt from holding an ATS approval if—

- (a) the Aeronautical Telecommunication Equipment—
 - (i) is a radio communication transmitter that does not support an air traffic service; and
 - (ii) the establishment and operation of the radio communications transmitter is notified to the Authority; and
- (b) the Aeronautical Telecommunication Equipment is operated in accordance with—

- (i) the applicable system characteristics prescribed in ICAO Annex 10, Volume III, Part II, Chapter 2; and
- (ii) the applicable communication procedures prescribed in ICAO Annex 10, Volume II; and
- (c) the Aeronautical Telecommunication Equipment does not interfere with any other Aeronautical Telecommunication Service, Aeronautical Telecommunication Equipment or air traffic service; and
- (d) the appropriate licence and frequency authorization use of the frequency has been granted by the Minister with responsibility for Telecommunications.

(2) No fees shall payable upon application or renewal of an ATS approval if the Aeronautical Telecommunications Service is maintained or operated by the Authority or subsidiary thereof.

PART III

APPROVAL REQUIREMENTS

14. Operations Manual. (1) The Operations Manual shall contain—

- (a) the titles and names of the Accountable Manager or persons required under regulation 15 (2);
- (b) the duties and responsibilities of the senior persons in regulation 15 (2), including matters for which they have responsibility to deal directly with the Authority on behalf of the organisation;
- (c) an organisational chart;
- (d) a summary of the organisation's staffing structure including job descriptions and safety responsibilities;
- (e) a list of each type of Aeronautical Telecommunication Equipment to be operated under the authority of the ATS approval;
- (f) a summary of the operational details of each Aeronautical Telecommunication Equipment;

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- (g) a summary of services provided at each location where an Aeronautical Telecommunication Service is provided;
- (h) details of the security procedures required under regulation 19;
- (i) the procedures required under regulation 28 regarding the systematic management of safety and quality;
- (j) the procedures, evidence or a reference that identifies the documentation that contains the procedures or evidence, that are required under—
 - (i) regulation 15 (2) regarding the competence of personnel;
 - (ii) regulation 17 (1) regarding the design, installation, and commissioning of facilities;
 - (iii) regulation 17 (2) regarding the operation of temporary, pre-operational or replacement equipment for site tests;
 - (iv) regulation 20 (2) regarding documentation;
 - (v) regulation 21 (1) regarding the maintenance programme;
 - (vi) regulation 22 regarding equipment performance;
 - (vii) regulation 23 regarding the control, calibration, and maintenance of inspection, measuring, and test equipment;
 - (viii) regulation 24 (1) regarding the notification of facility information;
 - (ix) regulation 25 regarding equipment checks after notification of an accident or incident;
 - (x) regulation 26 regarding equipment malfunction incidents;
 - (xi) regulation 27 regarding the maintenance of records;
 - (xii) regulation 30 regarding operating and maintenance instructions; and
- (k) procedures to control, amend, and distribute the manual.

(2) The Operations Manual shall contain a policy statement signed by the Accountable Manager, attesting that—

- (a) the manual demonstrates compliance and supporting evidence with the relevant requirements of these Regulations; and
- (b) the organisation will continually comply with the Operations Manual; and
- (c) the manual commits the organisation to safety of the operation.

15. Personnel requirements.—(1) The applicant shall employ, contract, or otherwise engage an accountable manager, acceptable to the Authority, authorised as ultimately accountable and responsible for—

- (a) managing safety;
- (b) ensuring that the organisation complies with the requirements of these Regulations;
- (c) ensuring that safety is given the highest priority when assessing commercial, operational, environmental or social pressures; and
- (d) managing personnel in relation to safety and compliance with these Regulations.

(2) The applicant shall employ competent and qualified personnel in respect of inspection, supervision and maintenance.

(3) The applicant shall establish written records and procedures acceptable to the Authority in respect of the commissioning, operation and maintenance of Aeronautical Telecommunication Services or Equipment, to—

- (a) assess the competence of those authorised personnel; and
- (b) maintain the competence of those authorised personnel; and
- (c) establish a means to provide those personnel with signed written evidence of the scope of their authorisation; and
- (d) establish the job descriptions containing safety responsibilities.

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16. Service operational safety requirements. (1) Notwithstanding the requirements of these Regulations, the applicant shall establish safety requirements for the Aeronautical Telecommunication Service and its constituent equipment by conducting a risk assessment in relation to the purpose of the service and/or equipment.

(2) The analysis and production of these requirements shall be in liaison with all organisations whose services, equipment or procedures may impact upon the provision of the Aeronautical Telecommunication service being approved, including—

- (a) the air traffic service;
- (b) radio navigation service; or
- (c) radio communication service that the Aeronautical Telecommunication Service supports.

(3) The service safety requirement shall be acceptable to the Authority.

17. Aeronautical Telecommunication Equipment requirements.—(1) The applicant shall list the Aeronautical Telecommunication Equipment comprising the service in the Operations Manual which shall provide evidence that—

- (a) the Aeronautical Telecommunication Equipment is designed, installed, and commissioned to meet the operational safety requirements under regulation 16; and
- (b) the Aeronautical Telecommunication Equipment conforms with the applicable standards and recommended practices prescribed in the ICAO Annexes, including guidance material unless a justifiable alternative is agreed with the Authority; and
- (c) the means of monitoring and notification of the operational status meet the operational needs of the related air traffic service; and
- (d) the power supply to the equipment meets the operational continuity requirements of the air traffic service being supported; and
- (e) any critical or sensitive site area necessary for protecting the safe operation of equipment listed is defined and protected; and

- (f) a procedure has been established to ensure sufficient spares are held to ensure the continuity of the Aeronautical Telecommunication Service.

(2) The applicant who intends to operate temporary or pre-operational equipment shall—

- (a) notify the Authority with adequate notice prior to start of the tests;
- (b) demonstrate that operation does not cause any interference with any other operating Aeronautical Telecommunication Equipment;
- (c) ensure that the appropriate licence and frequency authorisation has been granted;
- (d) ensure that appropriate information is provided to the relevant aeronautical information service (AIS).

18. Identification codes, call signs and frequencies.—(1) The applicant shall only operate an aeronautical radio navigation aid or radio communication transmitter, if—

- (a) a current licence and frequency authorisation granted by the Minister with responsibility for Telecommunications is held by the applicant; and
- (b) an identification code has been allocated,

that have been declared in the Operations Manual.

(2) The applicant shall ensure the performance of an aeronautical radio navigation aid or radio communication transmitter is protected against any interference caused by obstructions and other radio emissions.

(3) The applicant shall ensure the performance of an aeronautical radio navigation aid or radio communication transmitter does not cause interference to other transmitters and devices.

19. Security.—(1) The applicant shall ensure that measures which are acceptable to the Authority are made for the security of equipment in relation to its safe operation and are included in the Operations Manual.

(3) The measures under sub-regulation (1) may be contained in an Aerodrome Security Programme approved by the Authority.

(2) The applicant shall establish a procedure for the retention and configuration control of the documentation required in relation to these Regulations.

- (a) a schedule of maintenance meeting the manufacturers' recommendations and ICAO Doc 8071 (Manual on Testing of Radio Navigation Aids); and
- (b) personnel maintenance instructions meeting manufacturers' recommendations and ICAO Doc 8071, as required under paragraph (b); and
- (c) the identification of any maintenance or fault rectification that requires a calibration flight check before the equipment is returned to service.

22. Aeronautical Telecommunication Equipment performance.—(1) The applicant shall ensure that a person does not put, or return Aeronautical Telecommunication Service Equipment into operational service unless—

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- (a) the person is assessed as competent and authorised for that specific function according to regulation 15 (2);
- (b) the appropriate checks detailed in the operating and maintenance instructions required under regulation 30 have been carried out to verify the performance of the Aeronautical Telecommunication Equipment;
- (c) the Aeronautical Telecommunication Equipment record has been completed according to the procedures required under regulation 27; and
- (d) the person knows or suspects that the information being provided by that facility is erroneous.

(2) The applicant shall apply the requirements of sub-regulation (1) before returning an Aeronautical Telecommunication System into service following a flight inspection.

23. Tools and test equipment.—(1) The applicant shall ensure that appropriate tools and test equipment are available for personnel to maintain the operation of equipment listed in the applicant's Operations Manual.

(2) The applicant shall establish a procedure to control, calibrate, and maintain all the equipment required under sub-regulation (1) to ensure that it is suitable for its purpose.

(3) If computer systems are used for the testing of any aeronautical telecommunication equipment the procedure required under sub-regulation (1) shall ensure these systems are periodically inspected, and that software is current and appropriate and any associated elements are calibrated if appropriate.

24. Notification of Aeronautical Telecommunication Service information.—(1) A person operating an Aeronautical Telecommunication Service shall have a procedure to inform all relevant AIS providers of—

- (a) information to be promulgated in the Aeronautical Information Publication (AIP) in relation to that Aeronautical Telecommunication Service in relation to type and availability for use by aircraft; and

- (2) A person operating an Aeronautical Telecommunication Service shall verify that the information under sub-regulation (1) has been accurately published by the AIS.

25. Aeronautical Telecommunication Equipment check after an accident or incident.—(1) A person operating an Aeronautical Telecommunication Service shall establish a procedure to check and accurately record the operating condition of any Aeronautical Telecommunication Equipment operated under an ATS approval that may have been used by an aircraft, or an air traffic service, that is involved in an accident or incident.

- (2) The procedure required under sub-regulation (1) shall require that—
- (a) the check of the aeronautical telecommunications facility's operating condition is carried out as soon as practicable after notification to the person operating the Aeronautical Telecommunication Service, of the accident or incident; and
 - (b) the record of that check, and the recorded history of the aeronautical telecommunications facility, is retained in a secure place for possible use by any subsequent accident or incident investigation.

this information shall be subject to the retention requirements in regulation 27.

26. Aeronautical Telecommunication Equipment malfunction.—(1) Where Aeronautical Telecommunication Equipment malfunctions such that it fails to meet the technical requirements of these Regulations, there shall be a procedure—

- (a) to notify, investigate, and record the malfunction;
- (b) to record and implement corrective action; and
- (c) to record where a change has been implemented to prevent recurrence.

27. Records.—(1) The applicant shall record legibly recoverable information relating to maintenance, periodic inspections and test data (including flight checks), overhaul, modification for the equipment listed on the applicant's Operations Manual.

(2) The records under sub-regulation (1) shall be preserved for a period of two years, or such longer period as the Authority may direct.

(3) The applicant shall use recording apparatus that is capable of recording and replaying the terms or content of any air traffic service message transmitted or received through equipment.

(4) The applicant shall ensure that any impounding or changing of ATC recording media is not performed by operational ATC personnel and that access to the original media is controlled to ensure its integrity is preserved.

28. Systematic management of safety and quality. The applicant shall develop and establish a systematic means of managing quality and safety to ensure continued compliance with, and the adequacy of, the procedures required under these Regulations and the safe operation of the Aeronautical Telecommunication Service provided under the ATS approval issued by the Authority.

PART IV

OPERATING REQUIREMENTS

29. Continued compliance.—(1) An approval holder shall—

- (a) continue to meet the standards and comply with the requirements of these Regulations;
- (b) comply with all procedures referred to in its Operations Manual;
- (c) hold at least one complete and current copy of Operations Manual;
- (d) ensure that a copy of these Regulations are available to personnel who require these Regulations to carry out their duties; and
- (e) use configuration control procedures to ensure all revisions to manuals and requirements are implemented in timely manner into the copies formally held by all parties.

30. Operating and maintenance instructions. An approval holder shall—

- (a) have operating and maintenance instructions that set out the requirements for operating and maintaining each Aeronautical Telecommunication Equipment listed in its Operations Manual;
- (b) provide the operating and maintenance instructions required under paragraph (a) for the use and guidance of its personnel; and
- (c) arrange for adequate formally recorded training for staff intended for discharging duties in respect of the operating and maintenance instructions.

31. Temporary Aeronautical Telecommunication Equipment. If temporary, pre-operational or replacement Aeronautical Telecommunication Equipment is operated for the purpose of a site test, the approval holder shall not be required to comply with any requirements of Part III, except regulation 17 (2).

32. Limitations on approval holder. Except if a site test is carried out according to the procedures required under regulations 15 (2) and 31, the approval holder may not operate Aeronautical Telecommunication Equipment under the authority of that ATS approval unless—

- (a) the Aeronautical Telecommunication Equipment is listed in the approval holder's Operations Manual;
- (b) the performance of the Aeronautical Telecommunication Equipment meets the applicable information published for that facility under regulation 22;
- (c) the performance of the Aeronautical Telecommunication Equipment meets the applicable requirements in regulations 17 (1) and 22;
- (d) all integrity monitoring systems for the Aeronautical Telecommunication Equipment are fully functional; and
- (e) all the periodic tests for the Aeronautical Telecommunication Equipment are completed according to the programmes established in accordance with the requirements of regulation 21.

33. Operations Manual Changes.—(1) The approval holder shall—

- (a) ensure that its Operations Manual is amended, as required, to remain a current description of the approval holder's organisation, Aeronautical Telecommunication Services, and Equipment;
- (b) ensure that any amendments made to its Operations Manual meet the applicable requirements of these Regulations;
- (c) comply with the Operations Manual amendment procedure;
- (d) provide the Authority with a copy of each amendment to the Operations Manual;
- (e) make such amendments to its Operations Manual as the Authority may consider necessary in the interests of aviation safety; and
- (f) ensure that any such amendments are made in a timely manner to all copies of the Operations Manual held by persons in accordance with a requirement under these Regulations.

(2) The approval holder shall apply and obtain prior acceptance by the Authority if the ATS approval holder proposes to change any of the following—

- (a) the Accountable Manager;
- (b) the maintenance engineering staffing;
- (c) the Aeronautical Telecommunication Equipment operated under the approval.

(3) An application to make any of the changes under sub-regulation (2) shall be made by the approval holder in writing or in the prescribed form.

(4) The Authority may impose any conditions that are considered necessary in the interests of aviation safety, on the approval holder while any changes under sub-regulation (2) are occurring or as a consequence of those changes.

34. Internal Quality Assurance and Safety Management. An organisation providing an Aeronautical Telecommunication Service shall establish an internal quality assurance system to ensure compliance with, and the adequacy of, the procedures required under these Regulations, and, to report, investigate and prevent safety deficiencies.

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PART V

MISCELLANEOUS

35. Implementing Standards.—(1) The Director-General shall, from time to time, issue the Implementing Standards that are applicable to these Regulations.

(2) Implementing Standards issued pursuant to sub-regulation (1) are legally binding and a contravention of any provision of the Implementing Standards is a contravention of these Regulations.

36. Offence of non-compliance with Regulations.—(1) A person who contravenes any of these Regulations commits an offence for the purposes of section 40 of the Act.

(2) An approval holder who wilfully or intentionally contravenes any of these Regulations, or who demonstrates an unwillingness or inability to adequately carry out the respective requirements of these Regulations or the holder's approved Operations Manual, and whose continued operations are determined by the Authority as posing a threat to civil aviation shall be subject to the revocation or suspension of the approval holder's ATS approval.

37. Transitional. Notwithstanding any provision of these Regulations, compliance with the provisions of these Regulations is required within one year of the commencement of these Regulations.

Made by the Minister this 13th day of January, 2020.

CLARICE MODESTE-CURWEN

*Minister with responsibility for
Civil Aviation.*

GRENADA

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