



MONTSERRAT

CHAPTER 7.05

AVIATION ACT

Subsidiary and Related Legislation

Revised Edition
showing the law as at 1 January 2025

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

	Page
AERODROMES ACT	3
Act 1 of 1957 .. in force 7 February 1957	
Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)	
AERODROMES (SHOOTING OF ANIMALS) REGULATIONS – Section 3	5
S.R.O. 2/1957	
W.H. BRAMBLE AIRPORT REGULATIONS – Section 3	7
S.R.O. 32/1970 .. in force 20 February 1970	
Amended by Implication by S.R.O.s 34/1995 and 35/1995	
AIR NAVIGATION (COMMUNICATIONS AND NAVIGATION USER CHARGES) REGULATIONS	15
S.R.O. 19/2013 .. in force 1 April 2013	
Amended by S.R.O. 87/2020 .. in force 4 December 2020	
AIR NAVIGATION (AIRPORT CHARGES) REGULATIONS	17
S.R.O. 29/2013 .. in force 1 April 2013	
Amended by S.R.O. 88/2020 .. in force 4 December 2020	
AIR NAVIGATION (FEES) REGULATIONS	21
S.R.O. 20/2013 .. in force 1 April 2013	
CIVIL AVIATION (INVESTIGATION OF AIR ACCIDENTS AND INCIDENTS) REGULATIONS	37
S.R.O. 4/2021 .. in force 27 April 2021	
AIR NAVIGATION (SIGHTSEEING) REGULATIONS	57
S.R.O. 16/2012 .. in force 1 April 2012	



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CHAPTER 7.05

AERODROMES ACT

(Acts 1 of 1957 and 9 of 2011)

Commencement

[7 February 1957]

Short title

1. This Act may be cited as the Aerodromes Act.

Interpretation

2. In this Act—

“**aerodrome**” means any area of land or water designed, equipped or set apart or commonly used for affording facilities for the landing and departure of aircraft;

“**aircraft**” shall have the meaning assigned to it under the Colonial Air Navigation Order 1949.

Power to make regulations

3. (1) The Governor, acting on the advice of the Cabinet, may make regulations for the management, control and supervision of aerodromes.

- (2) Without prejudice to the generality of the powers conferred by the foregoing subsection, any regulations made under this section may provide for all or any of the following matters, that is to say—

- (a) the placing or removal of erections adjacent to aerodromes;
- (b) the shooting of any animals found trespassing on aerodromes;
- (c) declaring any building or part of a building or any area of land or water at the aerodrome to be a restricted place or area;
- (d) regulating and restricting the admission of persons whether as passengers or otherwise to any part of an aerodrome;
- (e) regulating and restricting the use of motor vehicles or seacraft or other objects of any class or description on any part of an aerodrome;
- (f) appointing parking places for motor vehicles at an aerodrome;
- (g) the issue of permits and conditions to be observed by the holders of such permits;
- (h) prescribing penalties for the breach of any regulations made hereunder.

(3) Every regulation made by the Governor, acting on the advice of the Cabinet, under this section shall within twenty-one days of the making thereof be submitted to the Legislative Assembly and the Legislative Assembly may by resolution confirm, amend or revoke such regulation. If the regulation be not submitted within such period it shall thereupon expire.

(Amended by Act 9 of 2011)

AERODROMES (SHOOTING OF ANIMALS) REGULATIONS – SECTION 3

(S.R.O. 2/1957)

Short title

1. These Regulations may be cited as the Aerodromes (Shooting of Animals) Regulations.

Interpretation

2. In these Regulations—

“owner”, in relation to an animal, includes a person having possession or control of the animal.

Shooting of animals on aerodromes

3. (a) Any person holding a written licence from the Governor may, subject to the conditions laid down in the licence, shoot any animal found trespassing on any aerodrome specified in the licence.
- (b) Any person shooting an animal under the provisions of this regulation shall take all practicable steps forthwith to ascertain the owner of such animal, and immediately upon ascertaining the owner, shall serve on him a written notice of such shooting, such notice to contain a direction that the owner immediately removes the carcass of the animal from the aerodrome.
- (c) If within twenty-four hours of the shooting of an animal under the provisions of this regulation the owner of the animal has not been ascertained, or having been ascertained and notified, has not removed the carcass of the animal, such carcass shall be deemed to be abandoned by the owner and to be the property of the Governor.
- (d) If the owner of any animal which has been shot at an aerodrome under the provisions of these regulations fails to remove the carcass of such animal from the aerodrome within twelve hours of the service of a notice upon him under paragraph (b), he shall be liable on summary conviction to a fine of \$25.
- (e) The Governor may in his absolute discretion take any steps he may deem expedient, and may authorise any person in writing to take any such steps, for the preservation of the carcass of any animal shot under the provisions of this regulation between the time of the shooting and the time of the removal or the abandonment of such carcass by the owner.

W.H. BRAMBLE AIRPORT REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title
2. Interpretation

GENERAL RULES AND REGULATIONS

3. Control
4. Restricted areas
5. Particular areas
6. Carrying on of business
7. Soliciting
8. Advertisements
9. Animals
10. Disposal of lost articles

MOTOR VEHICLE REGULATIONS

11. General
12. Motorized equipment
13. Use of roads and paths
14. Operation rules
15. Parking
16. Passengers
17. Intoxication
18. Accident reports

GENERAL RULES OF CONDUCT

19. Disorderly conduct
20. Gambling
21. Sanitation
22. Preservation of property
23. Airport and equipment
24. Firearms, explosives and inflammable materials
25. Fire hazards
26. Radio operation

AIRCRAFT

27. Parking of aircraft
28. Interfering and tampering with aircraft
29. Running of engines
30. Repair of aircraft

MISCELLANEOUS

31. Penalties

W.H. BRAMBLE AIRPORT REGULATIONS – SECTION 3

(S.R.O.s 32/1970, 34/1995 and 35/1995)

Commencement

[20 February 1970]

Short title

1. These Regulations may be cited as the W.H. Bramble Airport Regulations.

Interpretation

2. In these Regulations—

“**Airport**” means the Airport and includes all buildings, installations, and roads thereon;

“**Authorised Officer**” means the person appointed by the Governor to govern, control and protect the airport and includes any person acting in his place;

“**parking area**” means a place defined by studs or lines on the ground and provided for the purpose of parking any class of vehicle;

“**restricted area**” means any place at the airport, designated by a notice signed by the authorised officer as a restricted area.

GENERAL RULES AND REGULATIONS

Control

3. All persons on any part of the property comprising the airport shall be governed by the provisions prescribed in these Regulations and by orders and instructions of the authorised officer relative to the use or occupation of any part of the property comprising the airport.

Restricted areas

4. No person shall enter any restricted area except with the general or specific written permission of the authorised officer and subject to such conditions as may be prescribed.

Particular areas

5. No person shall enter or be upon the runway, control tower, any hangar, the loading platform or the Customs area of the airport except—
 - (a) persons assigned to duty thereon;
 - (b) authorised representatives of the Government;
 - (c) persons authorised by the authorised officer;

- (d) passengers entering on the loading platform or the Customs area for purposes of embarkation or debarkation; and
- (e) persons authorised by the Comptroller of Customs.

Carrying on of business

6. No person shall carry on any trade or business at the airport except with the approval of the authorised officer and under such terms and conditions as may be prescribed.

Soliciting

7. No person shall solicit for any purpose at the airport or cause any annoyance to any person at the airport.

Advertisements

8. No person shall post, distribute, or display any signs, advertisements, circulars, printed or written matter at the airport except with the approval of the authorised officer and in such manner as may be prescribed.

Animals

9. (1) No person shall bring into the airport or tether or cause to be tethered or permit to stray on the airport any animal: Provided that, this Regulation shall not apply in respect of any animal which has arrived by air or is intended for despatch by air and which is restrained by leash or confined in such other manner as to be under control.

(2) It shall be lawful for the Commissioner of Police or any police officer to seize and impound any animal found straying or tethered on the airport, or to shoot any animal found straying on the airport.

Disposal of lost articles

10. Any person finding a lost article on the airport shall deposit it at the office of the authorised officer or at Police Headquarters.

MOTOR VEHICLE REGULATIONS

General

11. No person shall operate any motor vehicle at the airport otherwise than in accordance with the Road Traffic Regulations in force in Montserrat unless otherwise prescribed by the authorised officer except in the cases of emergency involving danger to life or property.

Motorized equipment

12. No person shall operate any motorized equipment on the taxi tracks or loading platform of the terminal building or the aircraft landing area, except—

- (a) person assigned to duty thereon;

(b) persons authorised by the authorised officer;

Use of roads and paths

13. No person shall—

- (a) travel on the airport other than on the roads, paths, or places provided for the particular class of traffic;
- (b) occupy the roads or paths in such a manner as to hinder or 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 authorised officer.

Operation rules

14. (1) Pedestrians within pedestrian land markings shall have the right of way over vehicular traffic.

(2) Drivers of motor vehicles on the airport shall comply with every direction for the regulation of traffic given by the authorised officer or by a police officer, or indicated by any traffic sign, and shall remove their vehicles to or from any parking area when required so to do by the authorised officer or a police officer.

(3) No person shall operate any taxicab, omnibus or other motor vehicle carrying passengers for hire or regard within the airport without being the holder of a permit issued by the authorised officer.

(4) For the purposes of this regulation the authorised officer shall not issue a permit unless he is satisfied that the taxicab, omnibus or other motor vehicle is—

- (a) licensed for public hire; and
- (b) is available, while at the airport, for hire by any member of the general public.

(5) The authorised officer may cancel any permit issued by him under this regulation if the holder thereof is guilty of any offence against any of these Regulations:

Provided that, the person whose permit has been cancelled shall have a right of appeal to the Permanent Secretary to the Minister of Communications and Works.

Parking

15. (1) No person shall park a motor vehicle on the airport other than in the manner prescribed by the authorised officer.

(2) Taxi drivers and drivers of public service vehicles shall remain with their vehicles at the prescribed parking area while passengers are passing through Immigration and Customs and shall not enter the terminal building for the purpose of contracting business.

(3) Drivers of motor vehicles shall, on arrival at the airport, and after letting out their passengers, if any, park their vehicles in the appropriate parking area provided for that class of vehicle, and if so directed by the authorised officer or a police officer, they shall park such vehicles in accordance with the direction of such person.

(4) Taxi drivers shall on arrival at the airport, park their vehicles in the appropriate parking area and in case they have arrived at the airport to meet a particular passenger or passengers, they shall so inform the authorised officer and any police officer on traffic duty at the airport.

Passengers

16. (1) Drivers of motor vehicles shall not pick up or set down passengers or passengers' baggage except at such places as the authorised officer or a police officer may from time to time designate or direct.

(2) Passengers arriving by air at the airport, unless being met by the drivers of private motor vehicles or taxis arriving for the particular purpose of picking them up, shall not arbitrarily choose a taxi from among the group of taxis awaiting hire in their designated places, but shall where practicable employ the services of the taxi which is first in line in the public service vehicle parking area.

Intoxication

17. No person under the influence of liquor or narcotic drugs shall operate a vehicle of any kind at the airport.

Accident reports

18. All persons involved in any accident at the airport shall report without delay to a police officer at the airport or to the nearest Police Station.

GENERAL RULES OF CONDUCT

Disorderly conduct

19. No person shall commit any disorderly, obscene or indecent act or cause any nuisance at the airport.

Gambling

20. No person shall engage in gambling in any form or operate gambling devices anywhere at the airport.

Sanitation

21. No person shall—

- (a) dispose of garbage, papers, or refuse or other material on the airport except in the receptacles provided for that purpose;
- (b) use a sanitary convenience other than in clean and sanitary manner.

Preservation of property

22. (1) No person shall—

- (a) destroy, injure, deface or disturb in any way any building, sign, equipment, marker or other structure, tree, flower, lawn or other public property at the airport;
- (b) trespass on lawns and planted areas at the airport;
- (c) abandon any personal property at the airport.

(2) No person shall, without the permission of the said authorised officer, in addition to any other approval that may be required—

- (a) erect, alter, move, paint or distemper any buildings, signs, markers or other structure at the airport;
- (b) lay any cable, wire or pipe, or dig on any part of the airport.

Airport and equipment

23. No person shall interfere with, tamper with or injure any part of the airport or any of the equipment thereof.

Firearms, explosives and inflammable materials

24. (1) No persons except duly authorised members of the Armed Forces on official duty shall carry firearms, explosives, or inflammable materials on the airport without the written permission of the Commissioner of Police.

(2) All persons other than the excepted classes shall surrender all such objects in their possession to the police on the airport.

(3) The Government assumes no responsibility for any loss of or damage to any such objects so surrendered to the police.

Fire hazards

25. A report in writing giving the circumstances of all cases of fire occurring at the airport is to be submitted to the authorised officer by the occupier of any premises where there has been fire, within twenty four hours of the occurrence.

Radio operation

26. No person shall operate any radio equipment in any aircraft when such aircraft is in a hangar nor contrary to any telecommunications regulations, orders or other such legislation in force.

AIRCRAFT

Parking of aircraft

27. No person shall park aircraft in any area on the airport other than that prescribed by the authorised officer or the Air Control Officer on duty and then only with permission.

Interfering and tampering with aircraft

28. No person shall interfere with or tamper with any aircraft or put into motion the engine of any aircraft without the permission of the owner.

Running of engines

29. No person shall start or run any engine in any aircraft, unless a competent person is in the aircraft attending the engine controls. Blocks equipped with ropes or other suitable means of pulling them shall always be placed in front of the wheels before starting the engine or engines unless the aircraft is provided with parking brakes and use is made of such brakes.

Repair of aircraft

30. No aircraft, aircraft engines, propellers or any other appliance thereof, shall be repaired in any area of the airport other than that specifically designated by the authorised officer or Control Officer.

MISCELLANEOUS

Penalties

31. (1) Any person who violates any regulation prescribed herein, or any order or instruction issued by the authorised officer or the Commissioner of Police, may be removed or ejected by the authorised officer or the Commissioner of Police or on their instructions and may be deprived of the further use of the airport and its facilities for such time as may be necessary to insure the safety of the airport and the public.

(2) Any person who contravenes or fails to comply with any of these Regulations shall be liable on summary conviction to a fine of \$50 or to a term of imprisonment of three months.

**AIR NAVIGATION (COMMUNICATIONS AND
NAVIGATION USER CHARGES) REGULATIONS**

(S.R.O. 19/2013, 87/2020)

Commencement

[1 April 2013]

Short title

1. These Regulations may be cited as the Air Navigation (Communications and Navigation User Charges) Regulations.

Interpretation

2. In these Regulations “**aircraft weight**” means the maximum permissible take-off weight authorised by the Aircraft Certificate of Airworthiness.

Fees

3. (1) Subject to subregulation (2), the following communications and navigation fees are payable by the operator of every aircraft for which air navigation services and facilities are provided at the airport (whether or not the services are actually used or could be used with the equipment installed in the aircraft) in accordance with conditions as set out in these Regulations, and the fees shall be assessed on each aircraft as follows:

Where the aircraft weight is—

up to 12,500 pounds	\$ 30 per landing
from 12,500 to 75,000 pounds	\$ 60 per landing
over 75,000 pounds	\$120 per landing

(2) An aircraft is exempted from the payment of the communications and navigation fees under subregulation (1) in relation to a flight conducted—

- (a) as part of a search and rescue mission, certified as emergency operations by the Airport Manager; or
- (b) for the purposes of obtaining or maintaining aerodrome certification.

(Substituted by S.R.O. 87/2020)

Payment of fees

4. The owner, operator or agent of the aircraft shall pay to the Accountant General the fees payable under these Regulations.

Detention of aircraft for unpaid charges

5. Where default is made in the payment of fees in respect of an aircraft, the Manager of the Airport, may with the approval of the Governor take such steps as are necessary to detain until charges are paid, either—

- (a) the aircraft in respect of which the charges were incurred by the operator; or
 - (b) any other aircraft of the owner or other aircraft which the operator in default is operating then, or at a subsequent time.
-

AIR NAVIGATION (AIRPORT CHARGES) REGULATIONS

(S.R.O. 29/2013, 88/2020)

Commencement

[1 April 2013]

Short title

1. These Regulations may be cited as the Air Navigation (Airport Charges) Regulations.

Charges at John A. Osborne Airport

2. The charges which may be made for the use of John A. Osborne Airport, being an aerodrome in respect of which a licence for public use has been granted, are set out in the Schedule to these Regulations.

SCHEDULE

The owner, operator or agent of any aircraft using John A. Osborne Airport, shall pay the following charges assessed on the maximum take-off weight authorised by the aircraft certificate of airworthiness (hereinafter referred to as the “aircraft weight”)—

1	LANDING OF AIRCRAFT	Fees
	Day-Time Rates	
	<i>Aircraft Weight</i>	Charges per landing per 1,000 lbs
	Up to 10,000 lbs	\$3.00, but the minimum amount payable is \$15.00
	Over 10,000 lbs to 50,000 lbs	\$2.50, but the minimum amount payable is \$45.00
	Over 50,000 lbs	\$2.25
	Night-Time Rates	
	(i.e. between 6:00 pm and 6:00 a.m. local time) or 2200 -1000 universal time check (UTC)	An additional 35% of the respective day-time rate
2	PARKING, HANGARAGE AND LONG-TERM STORAGE OF AIRCRAFT PARKING OF AIRCRAFT	
	<i>Aircraft Weight (lb)</i>	<i>Charge per hour or part of an hour after the first 6 hours</i>
	10,000	\$5.00
	10,001 lbs to 30,000	\$6.50
	30,001 lbs to 50,000.....	\$7.75
	50,001 lbs to 70,000.....	\$12.00

	Exceeding 70,001	\$17.00
3	OTHER CHARGES	
(a)	Rental of Space in the Terminal Building	Fee
(i)	Airline Office Space	\$5.00 per sq. ft. for all airline offices, but the maximum payable shall not exceed \$655.00 per month for Office 1; and \$550.00 per month for Office 2.
(ii)	Duty Free Space	\$5.00 per sq. ft./Month
(iii)	Restaurant Space	\$5.00 per sq. ft., but the maximum payable shall not exceed \$600.00 per month
(iv)	Counter Space.....	E.C. \$100.00 per position /Month
(b)	Utility	
	The Aerodrome Authorities should be consulted. Renters will be charged a utility fee based on anticipated usage for substantial increase in office equipment	
(c)	Advertising	Fee
	Type 1 (Non-electrical)	
	Small (1 x 2 ft. max).....	\$30.00 per month
	Medium (2 x 3 ft. max).....	\$50.00 per month
	Large (3 x 4 ft. max).....	\$70.00 per month
	X-large (over 3 x 4 ft.)	\$90.00 per month
	Type 2 (Electrical)	
	Small (1 x 2 ft. max).....	\$45.00 per month
	Medium (2 x 3 ft. max).....	\$75.00 per month
	Large (3 x 4 ft. max)	\$105.00 per month
	X-large (over 3 x 4 ft.).....	\$140.00 per month

4	EXEMPTIONS AND SURCHARGES	
(a)	Exemptions	
(i)	The following is exempted from the payment of landing fees and charges under item 1—	
	An aircraft landing at John A. Osborne Airport immediately following the completion of a flight conducted for the purposes of obtaining or maintaining aerodrome certification.	
(ii)	The following are exempted from the payment of all fees and charges under this Schedule—	

		Diplomatic and Military aircraft and their personnel on official duty.
		An aircraft involved in search and rescue or volcano monitoring, provided that these fees and charges are excluded from the cost of the service to the Government of Montserrat.
		<i>(Substituted by S.R.O. 87/2020)</i>
	<i>(b)</i>	Surcharge
		Fees and charges that remain unpaid for sixty days after payment is required by the Airport Authority will be charged an additional 5% monthly cumulative charge.

AIR NAVIGATION (FEES) REGULATIONS

(S.R.O. 20/2013)

Commencement

[1 April 2013]

Short title

1. These Regulations may be cited as the Air Navigation (Fees) Regulations.

Interpretation

2. In these Regulations—

“maximum total weight authorised” means—

- (a) for purpose of paragraph 1 of the Schedule, the maximum total weight authorised in the certificate of airworthiness in force in respect to that aircraft, or, if no such certificate is in force, in the certificate of airworthiness last in force in respect of that aircraft; and
- (b) in any other case, the maximum total weight authorised of the prototype or modification thereof to which the aircraft in the opinion of the Governor conforms.

“Order” means the Air Navigation (Overseas Territories) Order 2007 (S.I. 2007 No. 3468); and

“OTAR” means Overseas Territories Aviation Requirements, enforced by Air Safety Support International (ASSI), a subsidiary of the United Kingdom Aviation Authority;

“relevant period” means the period for which the aircraft remains on the air operator's certificate.

Fees

3. The fees payable under these Regulations are set out in the Schedule.

Air Operator's Certificate

4. (1) An air operator's certificate has a maximum validity of one year.
(2) Fees are payable in advance in quarterly instalments, the first instalment of which shall be paid upon application.

Professional and private pilot licence

5. (1) A professional pilot licence comprises a licence of one of the following classes—
 - (a) Basic commercial pilot's licence (aeroplanes);
 - (b) Commercial pilot's licence (aeroplanes);

- (c) Commercial pilot's licence (balloons);
 - (d) Commercial pilot's licence (airships);
 - (e) Commercial pilot's licence (gliders);
 - (f) Commercial pilot's licence (helicopters and gyroplanes);
 - (g) Airline transport pilot's licence (aeroplanes);
 - (h) Airline transport pilot's licence (helicopters and gyroplanes).
- (2) A private pilot licence comprises a licence of one of the following classes—
- (a) Private pilot's licence (aeroplanes);
 - (b) Private pilot's licence (balloons and gyroplanes).
-

SCHEDULE

The fees payable under the Regulations are as follows:

1. Certificate of Registration

Application for issue of certificate of registration of an aircraft, where the maximum total weight authorised:		Fee
(a)	does not exceed 6,000 lbs	\$200
(b)	exceeds 6,000 but does not exceed 12,500 lbs	\$300
(c)	exceeds 12,500 but does not exceed 30,000 lbs	\$450
(d)	exceeds 30,000 but does not exceed 100,000 lbs	\$600
(e)	exceeds 100,000 lbs	\$750

2. Air Operator's Certificate

(1) Application for issue or renewal of an air operator's certificate:		Fee (Per annum)
(a)	a fixed charge per operator	\$5,000
(b)	a fleet charge where maximum total weight authorised for each fleet type:	
	(i) does not exceed 6,000 lbs	\$14,500
	(ii) exceeds 6,000 but does not exceed 30,000 lbs	\$21,750
	(iii) exceeds 30,000 lbs	\$43,500
(c)	a weight charge per 1000 lb or part thereof for each aircraft	\$222
(2) Application for variation of an air operator's certificate:		Fee
(i)	If the variation relates only to the number of aircraft, the fleet type remaining the same, only the weight charge component of the annual fee shall be varied.	
(ii)	If the variation relates both to number of aircraft and the fleet type, then both the weight charge and the fleet charge components of the annual fee shall be varied.	
	For the computation of the fee under sub-paragraph (2)—	
(a)	any relevant period of up to six months is deemed to be six months and only half the annual fee is applicable; and	
(b)	any relevant period over six months and up to one year is deemed to be one year.	

(3)	Application for a foreign registered aircraft to be operated on a leasing basis by the holder of an air operator's certificate for the purposes of public transport or aerial work:	Fee
(a)	General	\$10,000
(b)	Where the actual cost of investigations required by the Governor exceeds \$10,000	to be decided by the Governor, having regard to the expense incurred in making the investigations
(c)	Where the operator fails to bring the leased aircraft under the purview of the air operator's certificate	fees payable as in paragraph 2 (2) in respect of the aircraft.

3. Permit for an aircraft to fly without a certificate of airworthiness

(1)	For any investigation required by the Governor in connection with the application:	Fee
(a)	for aircraft having maximum total weight authorised not exceeding 6,000 lbs	\$1,150
(b)	for aircraft having maximum total weight authorised exceeding 6,000 lbs	\$1,500
(c)	where the actual cost of investigations exceeds the amounts in subparagraph (1)(a) or (b).	to be decided by the Governor, having regard to the expense incurred in making the investigations
(2)	For the issue or renewal of the permit to fly in respect of each year of validity applied for:	Fee
(a)	for aircraft having maximum total weight authorised not exceeding 6,000 lbs	\$1,150
(b)	for aircraft having maximum total weight authorised exceeding 6,000 lbs	\$1,500

4. First issue of certificate of airworthiness

Application for the first issue of a certificate of airworthiness:		Fee
(a)	for the investigations required by the Governor in respect of a prototype aircraft	\$450 per 1,000 lbs of the maximum total weight authorised of the aircraft
(b)	where the total cost of investigations exceeds the amount calculated in sub-subparagraph (a).	to be decided by the Governor, having regard to the expense incurred in making the investigations
(c)	for the issue of the certificate with a maximum validity of one year, in the case of a prototype or a series aircraft	\$324 per 1,000 lbs of the maximum total weight authorised of the aircraft

5. Renewal of certificate of airworthiness

Application for the renewal of a certificate of airworthiness:		Fee
	for the renewal of the certificate with a maximum validity of one year	\$324 per 1,000 lb of the maximum total weight authorised of the aircraft

6. Validation of certificate of airworthiness

Application for the validation of a certificate of airworthiness:		Fee
(a)	for the issue of a certificate of validation of a certificate of airworthiness in respect of any aircraft	\$324 per 1,000 lb of the maximum total weight authorised of the aircraft

(b)	for the renewal of a certificate of validation	\$324 per 1,000 lb of the maximum total weight authorised of the aircraft
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7. Issue of noise type certificate

Application for noise type certificate:		Fee
(a)	Application fee for the issue or variation of a noise type certificate	\$1,000
(b)	Where the cost of investigations required by the Governor exceeds \$1000	to be decided by the Governor, having regard to the expense incurred in making the investigations

8. Approval of Engine

Application for the approval of an engine or an auxiliary power unit:		Fee
(a)	in case of gas turbine engines	\$10,000
(b)	in the case of any other engines of 300 kW or less	\$ 1,000
(c)	in the case of any other engines or auxiliary power units	\$ 2,000
(d)	where the cost of investigations required by the Governor, including investigations concerning defects in or modifications to an approved engine or an approved auxiliary power unit, exceeds the amount in sub-paragraphs (a), (b) or (c)	to be decided by the Governor, having regard to the expense incurred in making the investigations

9. Approval/authorisation of persons

(1) In respect of an application for the approval or for the annual renewal of the approval of a person for the purposes Articles 8(7), 10, 12 and 14(1) and (2) or for the purposes of OTAR PART-21 or PART-39 or PART-145, or for any variation of the terms of such an approval and for the purposes of this paragraph variation shall include the conversion of any equivalent approval to an OTAR PART approval, for the investigations required by the Governor, the applicant shall pay on application:

Type of approval		Fee for approval/ annual renewal
(a)	sub-parts C, K, M and Q of OTAR 21 or Sub-parts A and B of PART 145 or OTAR 145	\$23,000
(b)	group A2, Group E2 or Group F2 of BCAR chapters A8 or Sub-parts C and D of PART 145 or OTAR 145	\$ 11,500
(c)	any other Sub-parts of PART 145 or SUB-parts A, B, C, D, E and F of OTAR 39	\$5,750
(d)	any other approval including B2 (Material Manufacturer), B3 (Companies), B4 (Test Houses), C1 (Material Distributors) and C2 (Distributors) of BCAR Chapter	\$5,750
(e)	where more than one site is inspected	\$5,750 for each additional site inspected
(f)	application to vary an approval granted under sub-subparagraphs (a), (b) and (c)	reduction of the fee by 50%.
(g)	where the cost of the investigations for granting approval under sub-subparagraphs (a) to (d), exceeds the fee specified	to be decided by the Governor having regard to the expense incurred in making the investigations
(h)	investigations required by the Governor for the purposes of satisfying himself that such an approval or approvals should remain in force following a major structural and/or managerial change	to be decided by the Governor having regard to the expense incurred in making the investigations
(i)	application for the issue of revised documents of approval or approvals following a change of name of the approved person	\$230, provided that where a charge is payable under paragraph 9 (1), no charge shall be payable under this subparagraph.

(2) For the purposes of paragraph 9(a) all references to PART 21 and PART 39 (Continued Airworthiness Requirements) and PART 145 shall, unless otherwise stated, be deemed to pertain to JAR 21 (Approval of Certification Procedures) and

JAR 145 (Approval of Maintenance Organisations), respectively, which obtain in the United Kingdom, with particular references to the OTARs.

10. Approval/authorisation of persons

Application for approval of persons under Articles 8(7), 11(4), 16(2) and 17 (other than the approval of an engine)				
		Aircraft weight	Fee	Maximum charge
1.	Approval of aircraft including radio apparatus or the manner of its installations (excluding engines)	Up to 6,000 lbs	\$2,200	\$189,000
		Over 6,000 lbs	\$3,100	\$189,000
2.	Approval of modification, repair, etc. of aircraft equipment including radio apparatus or the manner of its installation (excluding engines)		\$900	\$189,000
3.	Approval of the modification, repair, etc. of aircraft (excluding engines)	Up to 6,000 lbs	\$1,800	\$189,000
		Over 6,000 lbs	\$2,600	\$189,000
		Minor repairs & modifications	\$350	Not applicable
4.	Where the total cost of investigations for any approval exceeds the relevant fee amount		-	to be decided by the Governor having regard to the expense incurred in making the investigations but not exceeding the relevant maximum charge amount for any year, or part of the year, during

			which the investigations are carried out
5.	where a number of related modifications is being investigated under a single application for the approval of the modification, repair, etc. of aircraft (other than minor repairs & modifications)		maximum charge for any year, or part of the year, shall be increased in proportion to the number of individual modifications included in the application

11. Grant or renewal of aircraft maintenance engineer's licence

Application for a licence to act as an Aircraft Maintenance Engineer or for the inclusion of a type rating under Article 13 of the Order:		Fee
(a)	for the grant of a licence, valid for one year, with the inclusion of a single Without Type Rating subdivision	\$600
(b)	for the inclusion of each additional Without Type Rating subdivision	\$400
(c)	for the inclusion of each type rating or group rating	\$350
(d)	for the annual renewal of a licence (without examination)	\$600
(e)	for the annual renewal of a licence (with examination)	\$200 per paper
(f)	for validation of an aircraft maintenance engineer's licence	\$600

12. Licences for flight crew and rating

(1) Application for the grant or renewal of a licence for members of flight crew (Article 22 of the Order):

		Grant Fee	Renewal Fee	Validity
(a)	a professional pilot	\$600	\$300	6 months
(b)	a flight navigator	\$600	\$300	6 months
(c)	flight engineer	\$400	\$400	12 months
(d)	a flight radio telephony operator	\$100	\$100	24 months
(e)	a private pilot	\$250	\$125	Under 40 years: 24 months 40 years and over: 12 months

(2) Application for the inclusion or variation of other ratings in respect of flight crew members:

		Fee
(a)	inclusion of a Flying Instructor's Rating	\$300
(b)	inclusion of an Assistant Flying Instructor's Rating	\$200
(c)	variation of a Flying Instructor's Rating and an Assistant Flying Instructor's Rating	\$200
(d)	an Instrument Rating (Aeroplanes)	\$200
(e)	a Night Rating	\$200
(f)	an Instrument Meteorological Conditions Rating	\$200
(g)	a towing rating	\$200

(3) Application for an examination for the grant or renewal of a licence to act as a member of the flight crew of an aircraft or for the inclusion or variation of a rating in a licence:		Fee
(a)	on the performance of aircraft (for each Aircraft Performance Group)	\$420
(b)	on Loading	\$220
(c)	on Human Performance and Limitations	\$220
(d)	(i) for the Aircraft (General) examination	\$880
	(ii) for a consequential re-sit of the Aircraft (General) examination:	
	(A) Principles of Flight	\$220
	(B) Electrics	\$220
	(C) Engines	\$220
	(D) Airframe Systems	\$220
(e)	for the inclusion or extension of an Aircraft (Type) Rating in a licence for each type of aircraft where the maximum total weight authorised of the aircraft:	
	(i) does not exceed 12,500 lbs	\$350
	(ii) exceeds 12,500 lbs but does not exceed 75,000 lbs	\$700
	(iii) exceeds 75,000 lbs	\$1,050
(f)	(i) on radiotelephony	\$100
	(ii) for a consequential re-sit (per part)	\$50
(g)	(i) on aviation law flight rules and procedures on seamanship	\$110
(h)	(ii) on seamanship, seaplanes and collision regulations	\$110
(i)	a private pilot's licence:	
(j)	(i) examination for grant of licence	\$250

	(ii) for a consequential resit per paper	\$50
	where an aircraft type with MTWA exceeding 12,500 lb is to be included in the Aircraft Rating a charge for Aircraft Type examination as per sub-paragraph 12(3)(e) is also applicable	
(k)	by applicants for a commercial pilot's licence for an Instrument Rating:	
	(i) Radio Aids	\$110
	(ii) Instruments	\$110
	(iii) Flight Planning and Flight Monitoring	\$110
	(iv) Navigation	\$110
	(v) Meteorology Paper 1 - Theory	\$110
	(vi) Meteorology Paper 2 - Practical	\$110
(l)	by applicants for commercial pilot's licence:	
	(i) Radio Aids	\$220
	(ii) Instruments	\$220
	(iii) Flight Planning and Flight Monitoring	\$220
	(iv) Navigation	\$220
	(v) Meteorology Paper 1 – Theory	\$220
	(vi) Meteorology Paper 2 – Practical	\$220

(m)	by applicant for an airline transport pilot's licence or a flight navigator's licence:	
	(i) Radio Aids	\$500
	(ii) Instruments	\$500
	(iii) Flight Planning and Flight Monitoring	\$500
	(iv) Navigation	\$500
	(v) Meteorology Paper 1 – Theory	\$500
	(vi) Meteorology Paper 2 – Practical	\$500

13. Approval of flight simulators

Application for the approval or renewal of approval or validation of a flight simulator:		Fee
(a)	for first application for qualification of a simulator for its use	\$20,000
(b)	for an application for the renewal of a qualification of a simulator for its use	\$10,000
(c)	for validation of approval of a simulator	\$10,000
(d)	for the first and any subsequent application for approval by an aircraft operator to use a simulator qualified under sub-subparagraph (a) or (b)	\$4,000
(e)	where the total cost of the approval or renewal of approval exceeds the amount stated in sub-subparagraph (a) or (b)	to be decided by the Governor, having regard to the expense incurred in carrying out the work

14. Approval of training/examiner

(1) Application for appointment or reappointment as an authorised examiner to conduct tests, including on simulators and to sign certificates of test or experience for the purposes of instrument or type ratings:	Fee
(a) for training and examination	\$7,000
(b) for appointment or reappointment	\$500
(2) Application for the approval of a training course and the appointment or reappointment as a person approved to conduct the approved courses of training	\$22,600

15. Validation of a flight crew licence

	Fee
Application for the issue of a certificate of validation of a flight crew licence under Article 27 of the Order	\$600

16. Aerodrome licence

Application for aerodrome licence (subject to Article 105 of the Order):	Fee
(a) official inspection of an aerodrome not followed by the grant or renewal of a licence	\$300
(b) grant or renewal of a Day Licence for a period not exceeding eight consecutive days	\$425
(c) grant or renewal of a Day and Night licence for a period not exceeding eight consecutive days	\$650
(d) grant or renewal of a licence for a period exceeding eight days and up to one year:	

	(i)	Maximum total weight authorised of the heaviest aircraft which the applicant expects will use the aerodrome while the licence is in force for the purpose of the public transport of passengers, cargo or for instruction in flying	For Day Licence	For Day and Night Licence
	(ii)	Not exceeding 6,000 lbs	\$1,000	\$2,000
	(iii)	Exceeding 6,000 lbs but not exceeding 75,000 lbs	\$2,000	\$4,000
	(iv)	Exceeding 12,000 lbs but not exceeding 75,000 lbs	\$3,000	\$6,000
	(v)	Exceeding 75,000 lbs but not exceeding 300,000 lbs	\$4,000	\$8,000
	(vi)	Exceeding 300,000 lbs	\$5,000	\$10,000
(e)		in sub-subparagraph (a) or (b), where the cost of the inspection required by the Governor exceeds the amount stated	to be decided by the Governor, having regard to the expense incurred in making the inspection	

17. Copies of Documents

	Fee
Issue or a copy or replacement of a document issued under these Regulations	\$20
copy or replacement of a licence or a flight manual or performance schedule relating to a certificate of airworthiness	an amount equal to the cost of preparing the copy or replacement as the case may be, not exceeding \$300

18. Amendment of document

	Fee
Amendment to any document, except for the documents referred to in paragraph 9(1)(i) of the Schedule	\$20

**CIVIL AVIATION (INVESTIGATION OF
AIR ACCIDENTS AND INCIDENTS) REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title
2. Interpretation
3. Application
4. Purpose of the investigation of accidents and incidents
5. Duty to furnish information relating to accidents and serious incidents
6. Preliminary report on accident or incident to be published
7. Protection of evidence and removal of damaged aircraft
8. Air Accident Investigations
9. Powers and duties of Investigators
10. Form and conduct of investigations
11. Investigation report
12. Notice of safety investigation report and representations
13. Publication of reports
14. Safety recommendations
15. Reopening of investigation
16. Participation in an investigation - accredited representatives, advisers and experts
17. Contraventions and penalties
18. Non-disclosure of relevant records
19. Release of evidence to owner
20. Service of notices and other documents
21. Revocation

**CIVIL AVIATION (INVESTIGATION OF
AIR ACCIDENTS AND INCIDENTS) REGULATIONS – SECTION 75(1)**

(S.R.O. 4/2021)

Commencement

[27 April 2021]

Short title

1. These Regulations may be cited as the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations.

Interpretation

2. In these Regulations—

“**AAIB**” means that part of the United Kingdom Department for Transport known as the Air Accidents Investigation Branch;

“**accident**” means an occurrence associated with the operation of an aircraft which, in the case of a manned aircraft takes place between the time a person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which—

(a) a person is fatally injured or seriously injured as a result of—

- (i) being in the aircraft;
- (ii) direct contact with any part of the aircraft including parts which have become detached from the aircraft;
- (iii) direct exposure to jet blast,

except when the injuries are from natural causes, self-inflicted or were inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

(b) the aircraft sustains damage or structural failure which—

- (i) adversely affects the structural strength, performance or flight characteristics of the aircraft; and
- (ii) would normally require major repair or replacement of the affected component,

except for engine failure or damage when damage is limited to a single engine (including its cowlings or accessories), to propellers, wing tips, antennas, probes, tyres, brakes, wheels, fairings, panels, landing gear doors, windcreens, the aircraft skin (such as small dents or puncture holes) or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or

(c) the aircraft is missing or is completely inaccessible;

“accident investigation authority” means the authority designated by a Contracting State as responsible for aircraft accident and incident investigation within the context of Annex 13 to the Chicago Convention;

“accredited representative” means a person designated by a Contracting State (which person would normally be from that State’s accident investigation authority) on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another Contracting State;

“adviser” means a person appointed by a State, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation;

“aerodrome authority” means, in relation to an aerodrome, the person by whom the aerodrome is operated or managed;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

“Annex 13” means Annex 13 (Aircraft Accident and Incident Investigation) to the Chicago Convention as that Annex has effect from time to time;

“authorised person” means a person authorised by the Chief Inspector or the Investigator in Charge either generally or in relation to a particular investigation;

“causes” means actions, omissions, conditions, or a combination thereof, which led to the accident or incident;

“Chicago Convention” means the Convention on International Civil Aviation which was, on 7th December 1944, signed in Chicago on behalf of the Government of the United Kingdom;

“Chief Inspector” means the AAIB’s Chief Inspector of Air Accidents;

“Contracting State” means any State which is party to the Chicago Convention;

“contributing factors” means actions, omissions, events, conditions, or a combination thereof, which, if eliminated, avoided or absent, would have reduced the probability of the accident or incident occurring, or mitigated the severity of the consequences of the accident or incident;

“crew” includes every person employed or engaged by the operator in an aircraft in flight in relation to the operation of the aircraft including, where the operator and the pilot in command are the same person, the pilot in command;

“dangerous goods” means articles or substances which are capable of posing a risk to health, safety, property or the environment when carried on board an aircraft;

“fatal injury” means an injury which is sustained by a person in an accident and which results in his or her death within 30 days of the date of the accident, and references to **“fatally injured”** shall be construed accordingly;

“flight recorder” means any type of recorder installed in an aircraft for the purpose of complementing accident or incident investigation;

“ICAO” means the specialised agency of the United Nations known as the International Civil Aviation Organisation;

- “incident”** means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;
- “investigation”** means a process conducted for the purpose of accident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and/or contributing factors and, when appropriate, the making of safety recommendations;
- “Investigator”** means a person appointed as such under regulation 8;
- “Investigator in Charge”** means a person charged, on the basis of his or her qualifications, with responsibility for the organisation, conduct and control of an investigation conducted pursuant to these Regulations;
- “maximum mass”** means certificated maximum take-off mass of an aircraft;
- “military aerodrome”** means any aerodrome in the Territory that is under the control of His Majesty’s naval, military or air forces or of any visiting force;
- “operator”** means a person, organisation or enterprise engaged in, or offering to engage in the operation of an aircraft, whether for valuable consideration or otherwise;
- “owner”** means, where an aircraft is registered, the registered owner;
- “person involved”**, in relation to an accident or serious incident, means the operator, and any member of the crew, of the aircraft involved in the accident or serious incident; any person involved in the maintenance of that aircraft or in the training of its crew; or any person involved in the provision of an air traffic control, flight information or aerodrome service who has provided services to that aircraft;
- “pilot in command”** means the pilot designated by the operator as being in command of an aircraft and charged with the safe conduct of its flight or, if no such designation has been made, the person who for the time being is in charge of piloting the aircraft without being under the direction of any other pilot in the aircraft;
- “preliminary report”** means the communication used for the prompt dissemination of data obtained during the early stages of the investigation;
- “safety investigation”** means a process conducted by the AAIB under regulation 8(5) for the purposes of accident and incident prevention, which includes the gathering and analysis of information, the drawing of conclusions (including the determination of causes and contributing factors) and, when appropriate, the making of safety recommendations;
- “safety recommendation”** means a proposal of an accident investigation authority, based on information derived from an investigation, made with the intention of preventing accidents or incidents and which in no case has the purpose of creating a presumption of blame or liability for an accident or incident;
- “serious incident”** means an incident involving circumstances indicating that there was a high probability of an accident and is associated with the operation of an aircraft which, in the case of a manned aircraft takes place between the time a person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft takes place

between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down;

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

- (a) requires hospitalisation for more than 48 hours, commencing within seven days from the date the injury was received;
- (b) results in a fracture of a bone, excluding simple fractures of fingers, toes or nose;
- (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;
- (d) involves injury to an internal organ;
- (e) involves second-degree or third-degree burns, or any burns affecting more than five per cent of the body surface;
- (f) involves verified exposure to infectious substances or harmful radiation,

and references to **“seriously injured”** shall be construed accordingly;

“State of Design” means the State having jurisdiction over the organisation responsible for the type design of an aircraft or aircraft engine;

“State of Manufacture” means the State having jurisdiction over the organisation responsible for the final assembly of an aircraft, aircraft engine, or major components of the aircraft;

“State of Occurrence” means the State in the territory of which an accident or serious incident occurs;

“State of the Operator” means the State in which the operator’s principal place of business is located or, if there is no such place of business, the operator’s permanent residence;

“State of Registry” means the State on whose register an aircraft is entered;

“State Safety Programme (SSP)” means an integrated set of regulations and activities aimed at improving aviation safety;

“the Territory” means Montserrat.

Application

3. These Regulations apply only to—

- (a) the investigation of accidents and incidents involving aircraft engaged in civil aviation in the circumstances detailed in regulation 8(3) and (4);
- (b) the safety investigation of accidents and incidents in the circumstances detailed in regulation 8(5).

Purpose of the investigation of accidents and incidents

4. The sole objective of an investigation of an accident or incident under these Regulations is the prevention of accidents and incidents; and it is not the purpose of this activity to apportion blame or liability.

Duty to furnish information relating to accidents and serious incidents

5. (1) Where an accident or a serious incident occurs any person involved who has personal knowledge of the accident or incident shall—

- (a) give notice of the accident or incident to the Governor, the Chief Inspector and to the designated authority for civil aviation regulation in the Territory by the quickest means of communication available; and
- (b) where an accident occurs in or over the Territory, immediately notify the Commissioner of Police of the accident and of the place where it occurred.

(2) The Chief Inspector shall forward a notification (containing the information detailed in subregulation (3)) of an accident, a serious incident, or an incident to be investigated within the context of Annex 13, with the minimum of delay and by the most suitable and quickest means available to—

- (a) the State of Registry;
- (b) the State of the Operator;
- (c) the State of Design;
- (d) the State of Manufacture; and
- (e) ICAO, when the aircraft involved is of a maximum mass of over 2,250kg or is a turbo-jet powered aircraft.

(3) The notice referred to in subregulation (2) shall contain, to the extent it is available—

- (a) in the case of an accident, the identifying abbreviation “ACCID” or, in the case of a serious incident or incident, “INCID”;
- (b) the manufacturer, model, nationality and registration marks, and serial number of the aircraft;
- (c) the name of the owner, operator and hirer or lessee, if any, of the aircraft;
- (d) the qualifications of the pilot in command, and the nationality of the crew and passengers;
- (e) the date and time (local time or UTC) of the accident or serious incident;
- (f) the last point of departure and the point of intended landing of the aircraft;
- (g) the position of the aircraft with reference to some easily defined geographical point and latitude and longitude;

- (h) the number of—
- (i) crew on board the aircraft at the time of the accident or serious incident and, in the case of an accident, the number of crew killed or seriously injured as a result of the accident;
 - (ii) passengers on board the aircraft at the time of the accident or serious incident and, in the case of an accident, the number of passengers killed or seriously injured as a result of the accident; and
 - (iii) in the case of an accident, other persons killed or seriously injured as a result of the accident;
- (i) a description of the accident or serious incident and the extent of the damage to the aircraft as far as is known as well as an indication of access difficulties or special requirements to reach the site; and
- (j) the presence and description of any dangerous goods or cargo on board the aircraft.

(4) As soon as it is possible to do so, the Chief Inspector shall send any details omitted from the above notification as well as any other relevant information.

(5) Any person having knowledge of an accident or serious incident shall, if so required by notice in writing given to such person by the Chief Inspector, send to the Chief Inspector such information as is in their possession or control, in such form and at such times as may be specified in the notice.

(6) Upon receipt of notification of an accident or a serious incident occurring outside the Territory involving an aircraft registered in the Territory or of which the Territory is the State of the Operator, the operator of the aircraft shall, as soon as possible and by the most suitable and quickest means available, provide the authorities of the State conducting the investigation with any relevant information available regarding the aircraft and flight crew involved in the accident or serious incident, and provide a copy of the passenger manifest and details of any dangerous goods or cargo on board the aircraft.

(7) The Chief Inspector shall inform the authorities of the State conducting an investigation whether the AAIB intends to appoint an accredited representative.

Preliminary report on accident or incident to be published

6. Subject to regulations 11(2), 12 and 18, the Chief Inspector may at any time publish, or cause to be published, a preliminary report or bulletin relating to an accident or serious incident.

Protection of evidence and removal of damaged aircraft

7. (1) Subject to subregulations (2) and (3) and to regulation 9, where an accident or serious incident occurs in or over the Territory—

- (a) no person other than an authorised person shall have access to the aircraft involved in the accident or serious incident;

- (b) neither the aircraft nor its contents shall, except under the authority of the Investigator in Charge, be removed or otherwise interfered with;
 - (c) the Investigator in Charge, or authorised persons, and any person involved shall take all reasonable measures to protect the evidence within their custody or control and to maintain safe custody of the aircraft, its contents and records and all air traffic services communication recordings and documents associated with the flight for such a period as may be necessary for the purposes of an investigation; and
 - (d) the Investigator in Charge or authorised person shall take all necessary steps to ensure that the aircraft, its contents, and any other evidence remain undisturbed pending inspection by an accredited representative, pursuant to a request from the State of Registry, State of Design, State of Manufacture or State of the Operator, so far as this is reasonably practicable and compatible with the proper conduct of the investigation and provided that it does not result in undue delay in returning the aircraft to service where this is practicable.
- (2) Notwithstanding subregulation (1)—
 - (a) the aircraft may be accessed, moved or interfered with to the extent necessary to—
 - (i) extricate persons, animals, mail and valuables;
 - (ii) prevent destruction by fire or other causes;
 - (iii) eliminate any danger or obstruction to air navigation, to other transport or to the public; or
 - (iv) remove other property from the aircraft under the supervision of an Investigator or with the agreement of an Investigator or a police officer; and
 - (b) where an aircraft is in water, the aircraft or any of its contents may be removed to such extent as may be necessary for bringing the aircraft or the contents to a place of safety.
- (3) The Chief Inspector or the Investigator in Charge shall facilitate access to and (subject to the provisions of regulation 19) release custody of the aircraft, its contents or any parts thereof as soon as they are no longer required in the investigation to the owner of the aircraft, or any person or persons nominated by the owner or duly designated by the State of Registry or the State of the Operator as applicable.
- (4) In this regulation, the expression “**authorised person**” means—
 - (a) the Chief Inspector, the Investigator in Charge or a person authorised by either of them;
 - (b) a police officer; or
 - (c) an officer of the Customs and Excise Department.

Air Accident Investigations

8. (1) The AAIB is the accident investigation authority for the Territory for the purpose of carrying out investigations into accidents and incidents to which these Regulations apply.

(2) The Chief Inspector of the AAIB will appoint Inspectors of Air Accidents to be Investigators, one of whom shall be appointed as the Investigator in Charge.

(3) Subject to subregulations (6) and (7), the Chief Inspector shall carry out, or cause an investigation to be carried out into—

- (a) accidents and serious incidents which occur in or over the Territory;
- (b) accidents and serious incidents which occur to aircraft registered in the Territory—
 - (i) in or over a country or territory which is not a Contracting State; or
 - (ii) when the location of the accident or serious incident cannot definitely be established as being in the territory of any State.

(4) The Chief Inspector may, where the Chief Inspector expects to draw air safety lessons from it, carry out or cause an investigation to be carried out into an incident, other than a serious incident, which occurs—

- (a) in or over the Territory; or
- (b) otherwise than in or over the Territory, to an aircraft registered in the Territory.

(5) The Chief Inspector may cause a safety investigation to be conducted in accordance with these Regulations where—

- (a) an accident, a serious incident or any other incident occurs in or over the Territory or to an aircraft registered in the Territory;
- (b) that accident, serious incident or incident involves any aircraft engaged in military, customs, police or similar services; and
- (c) the Chief Inspector expects to draw safety lessons for civil aviation from the safety investigation.

(6) Save for any investigation to be undertaken under subregulation (5), the Chief Inspector may delegate the whole or any part of an investigation into an accident or incident to another State or a regional accident investigation organisation by mutual arrangement and consent.

(7) Where the Chief Inspector delegates the task of carrying out an investigation pursuant to subregulation (6), the Chief Inspector shall to the extent possible facilitate inquiries by the Investigator in Charge appointed by the relevant State.

(8) The Chief Inspector shall not appoint a person as the Investigator in Charge of an investigation where the investigation has been delegated under subregulation (6).

(9) Without prejudice to the power of an Investigator to seek such advice or assistance as the Investigator may deem necessary in undertaking an investigation, the

Chief Inspector may invite the aviation authorities and suitably qualified persons from the Territory and other Contracting States to assist an Investigator in a particular investigation, so far as this is compatible with the proper conduct of the investigation.

(10) Suitably qualified persons or organisations in the Territory shall be nominated by the Territory to facilitate the securing and preservation of evidence under instructions from the Investigator in Charge.

(11) If, in the course of an investigation, it becomes known or it is suspected that an act of unlawful interference was involved in the cause of the accident or serious incident, the Investigator in Charge shall immediately initiate action to ensure that the aviation security authorities of the Territory are informed.

(12) For the purposes of subregulation (11), “**an act of unlawful interference**” means any act which constitutes an offence under the Aviation Security and Piracy (Overseas Territories) Order 2000 (S.I. 2000 No. 3059) (as amended).

(13) There shall be established in the Territory a comprehensive system for providing assistance to aircraft accident victims and their families.

Powers and duties of Investigators

9. (1) For the purpose of enabling an investigation to be carried out into an accident or incident in the most efficient way and within the shortest time, an Investigator is authorised to—

- (a) have unrestricted and unhampered access to and control over the site of the accident or incident, the aircraft, its contents or its wreckage, and all relevant material or evidence including the protection of the aircraft, debris or components for examination or analysis purposes;
- (b) gather, record and analyse all relevant information on that accident or incident;
- (c) ensure an immediate listing of evidence and controlled removal of debris, or components, for examination or analysis purposes;
- (d) recover and have immediate access to and use of the contents of the flight recorders and any other recordings and air traffic service records;
- (e) arrange for the read out of the flight recorders without delay;
- (f) require an expeditious autopsy or medical examination of the crew, passengers and other persons and have immediate access to the results of examination of the bodies of victims or of tests made on samples taken from the bodies of victims;
- (g) have immediate access to the results of examinations of the people involved in the operation of the aircraft or of tests made on samples taken from such people;
- (h) call and examine witnesses and to require them to produce information or evidence relevant to the investigation; and
- (i) have free access to any relevant information or records held by the owner, the operator or the manufacturer of the aircraft, and by the

authorities responsible for civil aviation, air navigation services or airport operations.

- (2) For the purposes of subregulation (1), an Investigator has power—
- (a) by written summons, to examine all persons as the Investigator thinks fit, require persons to answer questions or furnish information or produce books, papers, documents and articles which the Investigator may consider relevant, and to retain any such books, papers, documents and articles until the completion of the investigation;
 - (b) to take statements from all persons as the Investigator thinks fit and to require any person to make and sign a declaration of the truth of the statement made by him;
 - (c) on production of the Investigator's credentials, where these are required, to enter and inspect any place, building or aircraft the entry or inspection whereof appears to the Investigator to be requisite for the purposes of the investigation;
 - (d) on production of the Investigator's credentials, where these are required, to remove, test, take measures for the preservation of or otherwise deal with any aircraft, other than an aircraft involved in the accident or incident, where it appears to the investigating Investigator requisite for the purposes of the investigation; and
 - (e) to take such measures for the preservation of evidence as the Investigator considers appropriate.

(3) A person summoned by an Investigator under subregulation (2)(a) shall be allowed such expenses as the Chief Inspector may determine.

Form and conduct of investigations

10. (1) The AAIB shall have independence in the conduct of an investigation and have unrestricted authority over the extent and conduct of an investigation; and the procedure to be followed in carrying out investigations required or authorised under these Regulations.

- (2) The conduct of an investigation under these Regulations shall be—
- (a) wholly independent of, and separate from, any judicial or administrative proceedings to apportion blame or liability;
 - (b) coordinated with any notified investigation conducted or to be conducted by the judicial authorities of the Territory for the purpose of, and to the extent necessary for, ensuring the traceability and retention of custody of the flight recorders and other physical evidence and for the prompt examination and analysis of such evidence;
 - (c) determined by the Chief Inspector, taking account of the purpose described in regulation 4 and the lessons the Chief Inspector expects to draw from the accident or incident for the improvement of aviation safety.

Investigation report

11. (1) On completion of an investigation into an accident or incident, the Investigator in Charge shall prepare a Final Report of the investigation, appropriate to the type and seriousness of the accident or incident.

(2) On completion of an investigation, the Investigator in Charge shall send a copy of the draft Final Report to the following States, inviting their significant and substantiated comments on the report as soon as possible—

- (a) the State of Registry;
- (b) the State of the Operator;
- (c) the State of Design;
- (d) the State of Manufacture; and
- (e) any other State that participated in the investigation,

and shall take account of such comments received within 28 days on technical aspects of the report and either amend the report to include the substance of the comments or, at the request of the State that provided the comments, append to the Final Report the comments upon which no agreement could be reached.

(3) The report of an investigation into an accident or incident shall state the sole objective of the investigation as described in regulation 4 and, where appropriate, contain a list of findings, cause(s), causal factors and contributing factors, and safety recommendations.

(4) The Chief Inspector shall submit a copy of every report prepared pursuant to subregulation (1) to the Governor without delay.

Notice of safety investigation report and representations

12. (1) Where the Investigator in Charge considers an investigation report (required by regulation 13 to be published) is likely to adversely affect the reputation of any person, the Final report shall not be published until the Investigator in Charge has—

- (a) where it appears practicable to do so, served a notice on the person or, where the person is deceased, on the person who appears to the Investigator in Charge to best represent the interests of the deceased; and
- (b) made such changes to the report as the Investigator in Charge thinks fit following consideration of any representations made in accordance with subregulation (3) by or on behalf of the person served with the notice under paragraph (a).

(2) The notice referred to in subregulation (1)(a) must include particulars of any proposed analysis of facts and conclusions as to the circumstances and causes of the accident or incident which could affect the person concerned.

(3) Subject to subregulation (5), representations made pursuant to subregulation (1)(b) shall be in writing and provided to the Investigator in Charge within 28 days of service of the notice or such longer period as the Chief Inspector may allow.

(4) No person shall disclose or permit to be disclosed any information contained in a notice or report served on such person pursuant to subregulation (1) or (4) to any other person without the prior consent in writing of the Chief Inspector.

(5) A person who contravenes or fails to comply with subregulation (4), commits an offence.

Publication of reports

13. (1) The Chief Inspector shall cause the Final Report of an investigation into an accident or incident to be made public—

- (a) in the shortest time possible;
- (b) where possible, within twelve months of the date of the accident or incident; and
- (c) in such a manner as the Chief Inspector thinks fit.

(2) Notwithstanding the provisions of regulation 6, if the Final Report cannot be made publicly available within twelve months, the Chief Inspector shall make an interim statement publicly available on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.

(3) The Chief Inspector shall send a copy of the Final Report to—

- (a) the parties listed in regulations 11(2) and 12;
- (b) any State that provided relevant information, significant facilities or experts;
- (c) ICAO when the investigation involved an aircraft of a maximum mass of over 5,700 kg; and
- (d) the Governor.

Safety recommendations

14. (1) The Chief Inspector shall cause the report referred to in regulation 13, and the safety recommendations contained in it, to be communicated to ICAO and to all the relevant undertakings or aviation authorities concerned in the Territory and in the States referred to in regulation 11(2).

(2) A safety recommendation shall in no case create a presumption of blame or liability for an accident or incident.

(3) Without prejudice to the investigation or publication of the Final Report, at any stage of an investigation of an accident or incident, the Chief Inspector may recommend in a dated transmittal communication to the appropriate authorities, including those in other States and where appropriate ICAO, any preventative action that the Chief Inspector considers necessary to be taken promptly to enhance aviation safety and shall record the responses.

(4) The addressee of a safety recommendation pursuant to subregulations (1) and (3) shall—

- (a) acknowledge receipt of the transmittal communication;

- (b) consider the safety recommendation and, where it considers it to be appropriate, act upon it; and
- (c) send to the Chief Inspector within 90 days of the letter of transmittal one of the following—
 - (i) full details of the measures, if any, it has taken or proposes to take to implement the recommendation without delay and, where it proposes to implement measures, the timetable for securing that implementation; or
 - (ii) a full explanation as to why the recommendation is not to be the subject of measures to be taken to implement it; and
- (d) give written notice to the Chief Inspector where at any time information provided to him pursuant to paragraph (c)(i), concerning the measures it proposes to take or the timetable for securing their implementation, is rendered inaccurate by any change of circumstances.

Reopening of investigation

15. (1) If after an investigation has been closed new and significant evidence becomes available, or if the Chief Inspector considers it appropriate, the Chief Inspector may cause the investigation of an accident or incident to be reopened.

(2) An investigation that is reopened shall be subject to and conducted in accordance with these Regulations.

Participation in an investigation - accredited representatives, advisers and experts

16. (1) When an investigation of an accident or serious incident is being carried out by an Investigator under regulation 8, accredited representatives may be appointed by—

- (a) the State of Registry;
- (b) the State of Design;
- (c) the State of Manufacture;
- (d) the State of the Operator; and
- (e) a Contracting State which has on request furnished information, facilities or experts to the Inspector in connection with the accident or serious incident.

(2) Where an investigation of an accident or serious incident is being carried out pursuant to regulation 8, an expert may be appointed by a Contracting State which has a special interest in the accident by virtue of fatalities or serious injuries to its citizens.

(3) When an investigation is being carried out under regulation 8, the Chief Inspector shall invite to participate in the investigation—

- (a) the air operator, when neither the State of Registry nor the State of the Operator appoints an accredited representative;

- (b) the organisations responsible for the type design and final assembly of the aircraft, when neither the State of Design nor the State of Manufacture appoints accredited representatives.

(4) Accredited representatives may participate in the investigation and be permitted to—

- (a) visit the scene of the accident;
- (b) examine the wreckage;
- (c) obtain witness information and suggest areas of questioning;
- (d) receive copies of all pertinent documents, saving all just exceptions;
- (e) have full access to all relevant evidence as soon as possible;
- (f) participate in read outs of recorded media;
- (g) participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations;
- (h) participate in investigation progress meetings, including deliberations related to analysis, findings, causes and safety recommendations;
- (i) make submissions in respect of the various elements of the investigation; and
- (j) appoint advisers to assist the accredited representative.

(5) Accredited representatives and their advisers—

- (a) shall provide the Investigator in Charge conducting the investigation with all relevant information available to them; and
- (b) shall not divulge information on the progress and findings of the investigation without the express consent of the Investigator in Charge conducting the investigation.

(6) An expert appointed under subregulation (2) may be permitted to—

- (a) visit the scene of the accident;
- (b) have access to the relevant factual information which is approved for public release and information on the progress of the investigation;
- (c) receive a copy of the Final Report; and
- (d) assist in the identification of victims and in meetings with survivors from their State.

Contraventions and penalties

17. (1) No person shall, without reasonable excuse, obstruct or impede an Investigator or any person acting under the authority of the Chief Inspector in the exercise of any powers or duties under these Regulations.

(2) No person shall, without reasonable excuse, fail (after having had the expenses, if any, to which they are entitled under these Regulations tendered to them) to comply with any witness summons of an Investigator holding an investigation.

(3) No person who receives information from an Investigator, shall cause or permit that information or any part of it to be disclosed, without the prior written consent of the Chief Inspector, to any other person, body or organisation before it is made publicly available by the Chief Inspector (on publication of the Final Report or otherwise).

(4) Any person who knowingly provides false or misleading information to an Investigator in connection with an investigation contravenes these Regulations.

(5) No person shall circulate, publish or give access to a draft report or any part thereof, or any documents obtained during an investigation of an accident or incident conducted by another State without the consent of that State, unless such reports or documents have been released by that State.

(6) Any person involved who—

- (a) has knowledge of the occurrence of an accident or serious incident in or over the Territory; and
- (b) fails, without reasonable excuse, to notify it without delay in accordance with regulation 5(1),

contravenes these Regulations.

(7) If any person contravenes, or fails to comply with, any of the provisions of these Regulations, that person commits an offence and shall be liable to a fine not exceeding the Eastern Caribbean dollar equivalent of £1,000 or to imprisonment for a term not exceeding three months.

Non-disclosure of relevant records

18. (1) Subject to subregulations (3), (4), (5) and (6), no relevant record shall be made available by the AAIB or any member of its staff to any person for purposes other than an accident or incident investigation conducted under these Regulations.

(2) The records listed in subregulation (8) shall be included in the Final Report or its appendices only when pertinent to the analysis of the accident or incident and parts of the records not relevant to the analysis shall not be disclosed.

(3) The names of persons involved in an accident or incident shall not be disclosed to the public by the AAIB.

(4) Nothing in subregulation (1) shall preclude the Chief Inspector making a relevant record available to any other person where—

- (a) in a case where the other person is a party to or otherwise entitled to appear at judicial proceedings, the relevant court has ordered that the relevant record shall be made available to that person for the purpose of those proceedings; or
- (b) in any other circumstances when the relevant court has ordered that the relevant record shall be made available for any other purpose.

(5) Subject to subregulation (6), no order shall be made under subregulation (4) unless the relevant court is satisfied that on balance the interests of justice in the circumstances in question outweigh the adverse domestic and international impact

which disclosure may have on the investigation into the accident or incident to which the record relates or on any future accident or incident investigation.

(6) A relevant record or part thereof shall not be treated as having been made available contrary to subregulation (1) in any case where that record or part is included in the Final Report or the appendices to the Final Report, of the accident or included in a notice served under regulation 12.

(7) The provisions of this regulation apply without prejudice to any rule of law, which authorises or requires the withholding of any relevant record or any part thereof on the ground that the disclosure of it would be injurious to the public interest.

(8) In this regulation—

“**airborne image recording**” means any image recording on a device fitted to an aircraft for the purposes of accident and incident investigation;

“**judicial proceedings**” includes any proceedings before a court, tribunal or person having by law power to hear, receive and examine evidence on oath;

“**relevant court**”, in the case of judicial proceedings or an application for disclosure, means the Supreme Court of the Territory;

“**relevant record**” means cockpit voice recordings and airborne image recordings, and any transcripts from such recordings, and those other records in the possession, custody or power of the Chief Inspector being—

- (a) all statements taken from persons by an Investigator or supplied to an Investigator in the course of the investigation, together with any notes or recordings of interviews;
- (b) all communications between persons having been involved in the operation of the aircraft;
- (c) medical or private information regarding persons involved in the accident or incident;
- (d) recordings and transcriptions of recordings from air traffic control units;
- (e) analysis of and opinions expressed about information, including flight recorder information, made by the accident investigation authority and accredited representatives in the investigation in relation to the accident or incident; and
- (f) the draft Final Report, except as mentioned in regulation 11(2).

Release of evidence to owner

19. (1) This regulation applies where an aircraft, its contents or wreckage (“property”) is held by the AAIB in a hangar or other facility which is being used by the AAIB for the purposes of an investigation.

(2) Subject to subregulation (5), where any such property is no longer required for the purposes of the investigation, the Chief Inspector shall inform the owner of the property, by notice in writing, that it will be released to the owner at the place and on

the date specified in the notice and in accordance with any other arrangements specified in the notice.

(3) An owner on whom such a notice has been served, or the owner's representatives, must collect the property in accordance with the arrangements specified in the notice (or in accordance with alternative arrangements that the owner has agreed in writing with the Chief Inspector), failing which—

- (a) the Chief Inspector may make arrangements for the destruction or disposal of the property; and
 - (b) the reasonable costs of such destruction or disposal shall be recoverable from the owner.
- (4) A notice served under subregulation (2)—

- (a) must not specify a date for collection of the property earlier than one month beginning with the date upon which the notice was served; and
- (b) must include a warning that failure by the owner to collect the property by the date specified in the notice (or such other date that the owner agrees in writing with the Chief Inspector) will entitle the Chief Inspector to arrange for the destruction or disposal of the property and the reasonable costs of such destruction or disposal will be recoverable from the owner.

(5) Where any property referred to in subregulation (1) is no longer required for the purposes of an investigation and the Chief Inspector is satisfied that a person, body or authority (other than the owner) is entitled (under statutory or common law powers that apply in the Territory) to collect that property for the purposes of another investigation and has confirmed their intention to do so—

- (a) subregulation (2) does not apply to that property; and
- (b) the Chief Inspector must release it to that person, body or authority and inform the owner of the property, by notice in writing, that it has been so released.

(6) In this regulation, “owner” means, in relation to an aircraft which is registered, the registered owner of the aircraft or, if the owner is deceased, the owner's personal representatives.

Service of notices and other documents

20. (1) Any notice or other document required or authorised by these Regulations to be served on any person may be served by—

- (a) delivering it to that person in person;
- (b) leaving it at that person's proper address; or
- (c) sending it by post or by electronic means to that person's proper address.

(2) In the case of a body corporate, any such notice or document may be served on a director of that body or on any other office or employee of that body (“authorised person”) who is authorised to accept service of such notices or documents on its behalf.

- (3) For the purposes of this regulation, “**proper address**” means—
- (a) in the case of a body corporate or its director or authorised person—
 - (i) the registered or principal office of that body; or
 - (ii) the email address of the secretary or clerk of that body, the director or the authorised person;
 - (b) in any other case a person’s last known address, which includes an email address.
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AIR NAVIGATION (SIGHTSEEING) REGULATIONS – ARTICLE 149

(S.R.O. 16/2012)

Commencement

[1 April 2012]

Short title

1. These Regulations may be cited as the Air Navigation (Sightseeing) Regulations.

Interpretation

2. In these Regulations—

“operator” means a person, company or a commercial enterprise who at the particular time has management of an aircraft;

“sightseeing operation” means carrying passengers by air over Montserrat for the purpose of aerial observation of landmarks whether natural or manmade or other tourist-related activities, for compensation.

Sightseeing Operation

3. An operator shall not operate a sightseeing operation without authorisation granted in accordance with these regulations.

Application

4. (1) An operator who wishes to operate a sightseeing operation shall apply to the Governor for authorisation.

(2) An application must include the following information—

- (a) name of operator, agent, and name under which that operator does business;
- (b) principal business address and mailing address;
- (c) name of person responsible for management of the business;
- (d) name of person responsible for aircraft maintenance;
- (e) type of aircraft, aircraft certificate of registration, aircraft certificate of airworthiness, make/model/series and call sign;
- (f) copy of incorporation document including names of directors;
- (g) any other document requested by the Airport Manager.

Fees

5. (1) An operator shall pay a fee of US\$50 to the Accountant General for each return trip.

(2) All fees are to be collected by the Airport Manager and paid into the Consolidated Fund.

Offence

6. An operator who violates any provision of these Regulations shall be subject to regulation 134 of the Air Navigation (Overseas Territories) Order 2007.
