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FRIDAY 30TH SEPTEMBER, 2022

THE OFFICIAL GAZETTE 30TH SEPTEMBER, 2022
LEGAL SUPPLEMENT — B

GUYANA No. 29 of 2022

REGULATIONS

Made Under

THE CIVIL AVIATION ACT

(No. 21 of 2018)

IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTIONS 58 AND 140 OF THE CIVIL AVIATION ACT, I MAKE THE FOLLOWING REGULATIONS: -

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REGULATION

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PART I

PRELIMINARY

Citation.

1. These Regulations may be cited as the Civil Aviation (Navigation Service Charges) Regulations 2022.

Interpretation.

2. In these Regulations—

"AIP Guyana" means a document in force in Guyana at the date of the making of these Regulations entitled "Aeronautical Information Publication of Guyana" or "AIP Guyana" and published by the Guyana Civil Aviation Authority;

"domestic flight" means a flight other than an international flight;

"international flight" means any flight to or from a place outside of Guyana or a flight which is part of a through journey of the aircraft to or from a place outside of Guyana;

"off-shore installation" means any installation which is maintained, or is intended to be established, for underwater exploitation or exploration;

"Terminal Navigation Service" means Aerodrome and Approach Control Services provided in Terminal Control Area.

(2) Unless otherwise defined in this regulation and unless the context otherwise requires, expressions used in these Regulations shall have the same respective meanings as in the Civil Aviation Act and the Civil Aviation (Air Navigation Services) Regulations 2016 and amendments thereto.

No. 21 of 2018
No. 11 of 2016

General applicability of these Regulations.

3. These Regulations shall apply to all aircraft operating in or from Guyana for which Air Navigation Services are made available in the Georgetown Flight Information Region.

PART II
GENERAL REQUIREMENTS

Charges for Air Navigation.

4. (1) Subject to the provisions of these Regulations, the operator of every aircraft for which air navigation facilities and services are made available by the Authority to ensure the safety and efficiency of air traffic flow within the Georgetown Flight Information Region shall pay to the Authority for those services provided, a charge known as Navigation Services Charges.

(2) Subregulation (1) shall apply whether or not the air navigation services are actually used or may be used with the equipment installed in the aircraft.

(3) A Navigation Services Charge is made up of two charges as follows-

(a) Terminal Navigation Charges;

(b) En-route Charges.

(4) Where the Authority is unable, after taking reasonable steps, to ascertain who is the operator, it may give notice to the owner of the aircraft that it shall treat the owner as the operator until the owner establishes to the reasonable satisfaction of the Authority that some other person is the operator.

(5) After the notice is given, the Authority shall be entitled for so long as the owner is unable to establish as aforesaid that some other person is the operator, to treat the owner as if the owner were the operator and for that purpose the provisions of these Regulations other than this subregulation shall apply to the owner of the aircraft.

PART II
CHARGES FOR INTERNATIONAL FLIGHTS

Calculation of charges for international flights.

5. Except in the case of flights specified in regulation 13, charges for all international flights shall be calculated in United States dollars or its equivalent in Guyana dollars.

International Terminal

6. (1) Terminal Navigation Charges shall be levied on all international arrival and departure at Cheddi Jagan International Airport and Eugene F. Correia

Navigation Charge.

Schedule I

International Airport and any other designated International airports where such services are provided, on a per flight basis in accordance with the formula set out in Schedule I.

(2) The unit rate (U) for Terminal Control Area/s listed in the AIP Guyana is two United States Dollars (USD$2.00) or its equivalent in Guyana dollars.

(3) Notwithstanding subregulation (1) and Schedule I, the minimum charge shall be twenty United States Dollars (USD$20.00) or its equivalent in Guyana dollars, except for a "non-commercial air transport operation", where the minimum charge shall be twenty-five percent (25%) less than the minimum charge, for each arrival and each departure.

En-route charge for Arrival and Departure.

Schedule II.

7. (1) En-Route charge shall be levied on all flights operating within the Georgetown Flight Information Region (FIR) as published in the AIP Guyana, except the Terminal Control Area or areas, on a per flight basis in accordance with the formula set out in Schedule II.

(2) The unit rate (U) for Control Area, Upper Control Area or Uncontrol Areas (CTA/UTA/UCA) listed in the AIP Guyana is nine United States Dollars (USD$9.00) or its equivalent in Guyana dollars.

(3) Notwithstanding subregulation (1) and Schedule II, the minimum charge shall be ninety-five United States Dollars (USD$95.00) or its equivalent in Guyana dollars, except for a "non-commercial air transport operation", where the minimum charge shall be twenty-five percent (25%) less than the minimum charge, for each arrival and each departure.

En-route Charge for International Overflight.

Schedule III.

8. (1) En-Route charge shall be levied on all flights operating within the Georgetown Flight Information Region (FIR) as published in the AIP Guyana, except the Terminal Control Area or areas, on a per flight basis in accordance with the formula set out in Schedule III.

(2) The unit rate (U) for Control Area/Upper Control Area/Uncontrol Areas (CTA/UTA/UCA) listed in the AIP Guyana is eleven United States Dollars (USD$11.00) or its equivalent in Guyana dollars.

(3) Notwithstanding the preceding subregulation (1) and Schedule III, the minimum charge shall be two hundred and thirty United States dollars (US$230.00) or its equivalent in Guyana dollars, except for a "non-commercial air transport operation", where the minimum charge shall be twenty-five percent (25%) less than the minimum

charge, per flight.

PART IV
CHARGES FOR OFFSHORE HELICOPTER OPERATIONS

Charges for services provided for offshore helicopter operations.

9. (1) Subject to the provisions of these Regulations, the operator of every helicopter whether or not registered in Guyana shall pay to the Authority for the navigation services made available by it in relation to that flight a charge of fifteen United States dollars (US$15.00) or its equivalent in Guyana dollars per one hundred nautical miles or part thereof on a per flight basis where the helicopter –

(a) operates within the area specified in subregulation (2);

(b) is on a flight from any place in Territorial Guyana to a vessel or an off-shore installation within the said area.

(2) The geographical coordinates established and published to delimit the Exclusive Economic Zone of Guyana for Offshore exploration and exploitation as detailed in the Maritime Zone Legislations of Guyana shall be the boundary coordinates for offshore helicopter operations.

PART V
CHARGES FOR DOMESTIC FLIGHTS

Calculating charges for domestic flights.

10. Except in the case of flights specified in regulation 13, the charges shall be calculated in Guyana dollars for all Domestic flights.

Domestic Terminal Navigation Charge. Schedule IV.

11. (1) Terminal Navigation Charges shall be levied on all Domestic arrival and departure at Cheddi Jagan and Eugene F. Correia International airports and any other designated airports where such services are provided, on a per flight basis in accordance with the formula as set out in Schedule IV.

(2) The unit rate (U) for Terminal Control Area/s listed in the AIP Guyana is two hundred Guyana Dollars (GYD$200.00).

(3) Notwithstanding the preceding subregulation (1) and Schedule IV, the minimum charge shall be three hundred Guyana dollars ($300.00), except for a "non-commercial air transport operation", where the minimum charge shall be twenty-five percent (25%) less than the minimum charge, for each arrival and each departure.

Domestic en-route Charge.

12. (1) En-Route charge shall be levied on all flights operating within the Georgetown Flight Information Region (FIR) as published in the AIP Guyana,

Schedule V.

except the Terminal Control Area or areas, on a per flight basis in accordance with the formula as set out in Schedule V.

(2) The unit rate (U) for Control Area/Upper Control Area/Uncontrol Areas (CTA/UTA/UCA) listed in the AIP Guyana is three hundred Guyana dollars ($300.00).

(3) Notwithstanding the preceding subregulation (1) and Schedule V, the minimum charge shall be four hundred Guyana dollars ($400.00) except for a "non-commercial air transport operation" where the minimum charge shall be twenty-five percent (25%) less than the minimum charge per flight.

(4) Subregulation (1) shall not apply to flights that depart and land at aerodromes within uncontrol airspace that are thirty minutes or less, between departure and arrival times.

(5) Flights under subregulation (3) shall pay a nominal fee of one hundred Guyana Dollars (GYD$100.00) per flight for Alerting service.

PART V
EXEMPTIONS

Exemptions.

13. (1) These Regulations shall not apply to the following flights -
(a) flights by military aircraft;
(b) flights made for the purpose of search and rescue operations;
(c) flights terminated shortly after takeoff and immediately returned to the aerodrome from which the aircraft had departed;
(d) flights other than the flights referred to in paragraph (a) of this Regulation made by aircraft which are the property of a State (including customs and police aircraft) and which are not made for commercial purposes;
(e) test flights and flights made exclusively for the purpose of checking or testing equipment used or intended to be used as aids to air navigation;
(f) test flights made exclusively for the purpose of instructions or testing of flight crew.

(2) Notwithstanding subregulation 1, the Minister may by order exempt other categories of flights.

PART VI
REVOCATION

Revocation. Schedule VI

14. The Regulations specified in Schedule VI are hereby revoked.

SCHEDULE I

Reg. 6

TERMINAL NAVIGATION CHARGES

(a) The charge (A) for a given flight is equal to the product of the unit rate (U) established for the Terminal Control Area and service units (SU) for such a flight.

Formula: A =U x SU.

(b) For a given flight, the number of the service units (SU) charge is equal to the "weight" factor (W) of the aircraft.

Formula: SU = W

(c) Calculation of the weight factor: The "weight" factor (W), expressed as a figure taken to two decimals, shall be the square root of the maximum certificated take-off weight (MTOW) of the aircraft, expressed in metric tons (tonnes) as a figure taken to one decimal.

Formula: $W = \sqrt{MTOW}$

SCHEDULE II

Reg. 7

EN-ROUTE CHARGE FOR ARRIVAL AND DEPARTURE

(a) The Charge (R) for a given flight is equal to the product of the unit rate (U) established for the Control Area/Upper Control Area/Uncontrol Area (CTA/UTA/UCA) and service units (SU) for such a flight.

Formula: R= U x SU

(b) For a given flight, the number of service units (SU) for the en-route charge is equal to the "weight" factor (W) of the aircraft.

Formula: SU = W

(c) Calculation of the weight factor: The "weight" factor (W), expressed as a figure taken to two decimals, shall be the square root of the maximum certificated take-off weight (MTOW) of the aircraft, expressed in metric tons (tonnes) as a figure taken to one decimal.

Formula: $W = \sqrt{MTOW}$

SCHEDULE III

Reg. 8

EN-ROUTE CHARGE FOR INTERNATIONAL OVERFLIGHT

(a) The Charge (R) for a given flight is equal to the product of the unit rate (U) established for the Control Area/Upper Control Area/Uncontrol Area (CTA/UTA/UCA) and service units (SU) for such a flight.

Formula R= U x SU

(b) For a given flight, the number of service units (SU) for the en-route charge is equal to the "weight" factor (W) of the aircraft.

Formula: SU = W

(c) Calculation of the weight factor: The "weight" factor (W), expressed as a figure taken to two decimals, shall be the square root of the maximum certificated take-off weight (MTOW) of the aircraft, expressed in metric tons (tonnes) as a figure taken to one decimal.

Formula: $W = \sqrt{MTOW}$.

SCHEDULE IV **Reg. 11**

DOMESTIC TERMINAL NAVIGATION CHARGE

(a) The charge (A) for a given flight is equal to the product of the unit rate (U) established for the Terminal Control Area and service units (SU) for such a flight.

Formula: A =U x SU.

(b) For a given flight, the number of the service units (SU) charge is equal to the "weight" factor (W) of the aircraft.

Formula: SU = W

(c) Calculation of the weight factor: The "weight" factor (W), expressed as a figure taken to two decimals, shall be the square root of the maximum certificated take-off weight (MTOW) of the aircraft, expressed in metric tons (tonnes) as a figure taken to one decimal.

Formula: $W = \sqrt{MTOW}$

SCHEDULE V

Reg. 12

DOMESTIC EN-ROUTE CHARGE

(a) The Charge (R) for a given flight is equal to the product of the unit rate (U) established for Domestic flights in the Control Area/Upper Control Area/Uncontrol Area (CTA/UTA/UCA) and service units (SU) for such a flight.

Formula: R= U x SU

(b) For a given flight, the number of service units (SU) for the en-route charge is equal to the "weight" factor (W) of the aircraft.

Formula: SU = W

(c) Calculation of the weight factor: The "weight" factor (W), expressed as a figure taken to two decimals, shall be the square root of the maximum certificated take-off weight (MTOW) of the aircraft, expressed in metric tons (tonnes) as a figure taken to one decimal.

Formula: $W = \sqrt{MTOW}$

SCHEDULE VI **Reg. 14**

REGULATIONS REVOKED

Regulations Revoked	Reference
Regulations made under The Colonial Air Navigation (application of Acts) Order 1937 & Amendments.	
Air Navigation (Charges at Aerodrome) Regulations, 1949 (Principal Regulations)	No. 8 of 1949
Regulations made under The Colonial Air Navigation Order 1961	S.I 1961 No.2316
(1) Air Navigation (Charges at Aerodrome) (Amendment) Regulations, 1963	No. 3 of 1963
(2) Air Navigation (Charges at Aerodrome) (Amendment) Regulations, 1964	No. 25 of 1964
(3) Air Navigation (Charges at Aerodrome) (Amendment) Regulations, 1987	No. 4 of 1987
Regulations made under the Civil Aviation Act 2000	No. 10 of 2000
Air Navigation (Charges at Aerodrome) (Amendment) Regulations, 2007	No. 6 of 2007
Regulations made under the Civil Aviation Act 2018	No. 21 of 2018
Air Navigation (Charges at Aerodrome) (Amendment) Regulations, 2019	No. 4 of 2019

Dated this 29TH day of September, 2022.

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Hon. Juan Anthony Edghill, M.P.
Minister of Public Works