

Schedule 20

Foreign Operators

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SUBPART A: GENERAL

20.001 APPLICABILITY

- (a) This Schedule prescribes requirements applicable to the operations in the Commonwealth of The Bahamas—
- (1) Of any foreign-registered civil aircraft by a foreign citizen who does not hold resident status in The Bahamas; or
 - (2) Involving commercial air transport by a foreign air operator.

20.005 DEFINITIONS

- (a) For the purpose of this Schedule, the following definitions shall apply—

Aeroplane flight manual means a manual, associated with the certificate of airworthiness, containing limitations within which the aeroplane is to be considered airworthy, and instructions and information necessary to the flight crew members of the safe operation of the aeroplane.

Air operator certificate means a certificate authorising an operator to carry out specified commercial air transport operations.

Aircraft operating manual means a manual, acceptable to the State of the Operator, containing normal, abnormal and emergency procedures, checklists, limitations, performance information, details of the aircraft systems and other material relevant to the operation of the aircraft

Authority means The Bahamas Civil Aviation Authority.

Cabotage means an operation involving flights in commercial air transport which enplaned passenger at one aerodrome in The Bahamas and deplaned those same passengers at another aerodrome in The Bahamas.

Commercial air transport operation means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire.

Foreign air operator means any operator, not being an air operator holding an Air Operator Certificate issued by The Bahamas, which undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in commercial air transport operations within borders or airspace of The Bahamas, whether on a scheduled or charter basis.

Foreign Operator means a foreign person, organisation or enterprise engaged in or offering to engage in an operation in The Bahamas with foreign registered aircraft.

Foreign person means a person that is not a citizen or legal resident of The Bahamas

General aviation operation means an aircraft operation other than a commercial air transport operation or an aerial work operation.

Minimum equipment list means a list which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the Master Minimum Equipment List (MMEL) established for the aircraft type.

Operations manual means a manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties.

Personal possession means that a document, manual or piece of equipment shall be contained upon the person or readily assessable at the crew member's station during the exercise of the licence privileges.

Prevent Flying Order means a formal document issued by a person authorised by the Authority to conduct safety oversight inspection and resolution of safety issues to advise the operator or pilots of an imminent safety concern of the Authority.

Rotorcraft flight manual means a manual, associated with the certificate of airworthiness, containing limitations within which the rotorcraft is to be considered airworthy, and instructions and information necessary to the flight crew members of the safe operation of the rotorcraft.

State of the Operator means the State which issued the air operator certificate.

State of Registry means the State which issued the registration certificate of the aircraft.

State of Design means the Contracting State which approved the original type certificate and any subsequent supplemental type certificates for an aircraft, or which approved the design of an aeronautical product or appliance.

State of Manufacture means the Contracting State, under whose authority an aircraft was assembled, approved for compliance with the type certificate and all extant supplemental type certificates, test flown and approved for operation. (The State of Manufacture may or may not also be the State of Design.)

20.010 ACRONYMS & ABBREVIATIONS

(a) The following abbreviations are used in this Schedule—

AFM – Aeroplane Flight Manual;

AOC – Air Operator Certificate;

AOM – Aeroplane Operating Manual;

ATS – Air Traffic Service

MEL – Minimum Equipment List;

RFM – Rotorcraft Flight Manual.

20.015 CONFORMANCE TO APPLICABLE REQUIREMENTS

(a) No pilot or foreign operator may operate an aircraft in The Bahamas contrary to the requirements of—

(1) This Schedule;

(2) Applicable standards contained in the Annexes to the Convention on International Civil Aviation for the operation to be conducted; and

(3) Any other requirements that the Authority may specify in the—

(i) Aeronautical Information Publication issued by The Bahamas; or

(ii) For commercial air transport operations, the operations specifications issued by The Bahamas for such purpose.

SUBPART B: SAFETY OVERSIGHT OF FOREIGN OPERATORS

20.020 APPLICABILITY

(a) This Subpart provides the requirements for safety oversight that shall be applicable to foreign operators during their operations in The Bahamas.

20.025 PROGRAM OF INSPECTIONS

(a) The Authority shall establish procedures for—

(1) The surveillance of operations in their territory by foreign operators; and

(2) Taking appropriate action when necessary to preserve safety.

(b) This program will include both planned and no-notice inspections of the foreign operators.

(c) Foreign operators and their personnel shall permit and facilitate these inspections to ensure their accomplishment in a reasonable period of time.

20.030 AUTHORITY TO INSPECT

(a) The pilot-in-command and the operator shall permit a person properly authorised by the government of The Bahamas, at any time and without prior notice—

(1) To board any foreign aircraft operated in The Bahamas; and

- (2) To inspect the documents and manuals required by this Schedule and the applicable ICAO Annexes; and
 - (3) To conduct an inspection of the aircraft and its payload.
- (b) No person may intentionally obstruct or impede any authorised person from accessing locations necessary to the conduct of these inspections.
- (c) Failure to permit these inspections may result in the intervention of law enforcement authorities and the detention of—
- (1) Aircraft;
 - (2) Crew members;
 - (3) Passengers; and/or
 - (4) Cargo.

20.035 PROVISION OF DOCUMENTS FOR INSPECTIONS

- (a) Any documents, manuals or records required under the provisions of this Schedule and the ICAO Annex Standards and Recommended Practices applicable to the specific flight operation shall be provided to an authorised person upon his request for such information.
- (b) Each person involved or participating in an aviation activity shall, within a reasonable time after being requested to do so by an authorised person, provide the licences, certificates and documents which he is required to have, carry, complete or preserve during the course of his activities.
- (c) For the purpose of this Section, a reasonable time is considered to be—
- (1) *At the time of the request*, for documents required to be—
 - (i) Carried on the person; or
 - (ii) On board the aircraft during flight;
 - (2) *During normal business hours*, for documents required to be—
 - (i) Completed and retained at an aerodrome;
 - (ii) Completed and retained at the administrative facilities; or
 - (iii) Preserved.

20.040 PRESERVATION OF REPORTS, DOCUMENTS AND RECORDS

- (a) Any reports or documents generated during activities subject to the requirements of this Schedule shall—
- (1) Be made within time,
 - (2) Comply with the methods; and
 - (3) Contain such information as determined by the Authority.
- (b) A person assigned under these Regulations to preserve any document or record shall continue to preserve that document or record until such time as the responsibility may be transferred to another assigned person.
- (c) Unless otherwise directed by the Authority, a foreign operator of an aircraft on which a flight recorder is carried shall preserve the original recorded data for a period of not less than 60 days, following an accident or incident in The Bahamas involving an aircraft of the foreign operator.

20.045 UNAIRWORTHY AIRCRAFT OR UNQUALIFIED CREW MEMBERS

- (a) The pilot-in-command and the operator shall ensure that the—
- (1) Aircraft being operated is in conformance with the applicable airworthiness standards and documentation;
 - (2) Crew members are qualified in conformance with the applicable minimum requirements for the flight operation; and
 - (3) Aircraft is operated within the applicable structural, performance and mass and balance limitations.

- (b) If the Authority determines that the requirements specified in paragraph (a) of this Section are not met, a Prevent Flying Order will be issued.
- (c) Failure of the pilot-in-command or foreign operator to comply with the Prevent Flying Order may result in the intervention of law enforcement authorities and the detention of the aircraft and/or crew members.

20.050 NOTIFICATION OF NON-COMPLIANCE

- (a) The Authority shall immediately notify the foreign operator when it identifies a case of non-compliance or suspected non-compliance by a foreign operator or its personnel with—
 - (1) A serious safety issue;
 - (2) ICAO Annex Standards; or
 - (3) Laws, regulations and procedures applicable within The Bahamas territory or airspace.
- (b) If warranted by the seriousness of the issue, the Authority shall notify the—
 - (1) State of the Operator; and
 - (2) State of Registry, if the issue falls within the responsibilities of that State.
- (c) If the issue and its resolution warrant it, the Authority shall engage in consultations with the State of the Operator and the State of Registry, as applicable, concerning the safety standards maintained by the operator.

SUBPART C: CONFORMANCE TO ICAO STANDARDS

20.055 APPLICABILITY

- (a) The Subpart clarifies the ICAO Standards and Recommended Practices that will be applicable to foreign operators in The Bahamas.

20.060 INTERNATIONAL AIRCRAFT REGISTRATION STANDARDS

- (a) No foreign person or entity may operate an aircraft in The Bahamas, unless it displays registration markings and documentation in conformance with—
 - (1) ICAO Annex 7; and
 - (2) The State of Registry registration requirements.

20.065 INTERNATIONAL AIRWORTHINESS STANDARDS

- (a) No foreign person or entity may operate an aircraft in The Bahamas, unless that aircraft is in conformance with the—
 - (1) Airworthiness Standards of ICAO Annex 8;
 - (2) Type Certificate issued for that type of aircraft by the State of Design, Manufacture or Registry;
 - (3) Certificate of Airworthiness issued for that aircraft by the State of Registry;
 - (4) The continuing inspection requirements of the State of Registry; and
 - (5) Requirements for a valid maintenance release.

20.070 INTERNATIONAL NOISE & ENVIRONMENT STANDARDS

- (a) No foreign person or entity may operate an aircraft in The Bahamas, unless that aircraft is—
 - (1) Carrying on the flight deck, a noise certificate or equivalent document issued by the State of Registry in conformance with ICAO Annex 16;
 - (2) Operated in conformance with any limitations specified in the issuance of that noise certificate.

20.075 INTERNATIONAL PERSONNEL LICENCING STANDARDS

- (a) No foreign person or entity may exercise the privileges of a licence issued by a State of Registry, other than The Bahamas, to operate an aircraft within The Bahamas unless—

- (1) That licence was issued in conformance with Standards and Recommended Practices specified in ICAO Annex 1;
- (2) That licence is carried in the personal possession of the licence holder during all operations of aircraft in The Bahamas;
- (3) The licence holder is in conformance with the applicable State of Registry requirements for—
 - (i) Currency;
 - (ii) Proficiency; and
 - (iii) Recency of experience.

20.080 INTERNATIONAL SECURITY STANDARDS

- (a) No foreign person or entity may conduct operations of aircraft in The Bahamas unless those operations conform to—
 - (1) ICAO Annex 17 applicable for such operations;
 - (2) Any security measures required by the authorities at the aerodromes of departure and arrival; and
 - (3) *For commercial air transport operations*, the security policies and procedures approved for the air operator.
- (b) A foreign operator shall take measures to ensure that no persons conceal themselves or cargo on board an aircraft.

20.085 INTERNATIONAL DANGEROUS GOODS STANDARDS

- (a) No foreign person or entity may operate an aircraft in The Bahamas transporting dangerous goods not exempted by ICAO Annex 18 or the Technical Instructions, whether in general aviation or commercial air transport operations, unless—
 - (1) Those operations conform to the Standards and Recommended Practices of ICAO Annex 18; and
 - (2) The notification requirement under Section 20.120 has been met.

20.090 INTERNATIONAL RULES OF THE AIR STANDARDS

- (a) No foreign person or entity may operate an aircraft in The Bahamas unless those operations conform to—
 - (1) Annex 2, Rules of the Air; or
 - (2) At the option of the operator, Schedule 10 of these Regulations.

20.095 INTERNATIONAL GENERAL AVIATION STANDARDS

- (a) No foreign person or entity may operate an aircraft in general aviation operations in The Bahamas, unless those operations conform to the Standards and Recommended Practices for those operations that are specified in—
 - (1) *For aeroplanes*, Annex 6, Part 2; or
 - (2) *For helicopters*, Annex 6, Part 3; or
 - (3) At the option of the operator, Schedules 7, 10, 13, 17 and 28 of these Regulations, as applicable.

20.100 INTERNATIONAL COMMERCIAL AIR TRANSPORT STANDARDS

- (a) No foreign person or entity may operate an aircraft in commercial air transport operations in The Bahamas unless those operations conform to the—
 - (1) Operations specifications issued by the Authority;
 - (2) Air operator certificate and operations specifications of the State of the Operator;
 - (3) International Air Transit Agreement (1944);
 - (4) ICAO Convention (1944); and
 - (5) The Standards and Recommended Practices for those operations that are specified in—
 - (i) *For aeroplanes*, ICAO Annex 6, Part 1; or

- (ii) *For helicopters*, ICAO Annex 6, Part 3.

20.105 No CABOTAGE

- (a) No foreign person or operator may conduct commercial air transportation operations involving cabotage between aerodromes in The Bahamas
- (b) No foreign person or air operator may conduct commercial air transport operations from an aerodrome in a foreign country to and from aerodromes in The Bahamas unless those operations are authorised by the Authority and in accordance with the 5 freedoms specified in the International Air Transit Agreement or as provided in applicable bilateral agreements.

SUBPART D: REQUIRED NOTIFICATIONS

20.110 APPLICABILITY

- (a) This Subpart provides the notification requirements that are applicable to operations by foreign operators in The Bahamas.

20.115 OPERATIONAL DIFFERENCES TO ICAO STANDARDS

- (a) No foreign person or entity may engage in operations in The Bahamas that are not in compliance, or have differences, with applicable ICAO Standards and Recommended Practices unless—
 - (1) The Authority has been provided with prior notification of the operation, including—
 - (i) Names of the persons and licences involved;
 - (ii) Type and registration number of the aircraft involved;
 - (iii) Specific dates for the proposed operations;
 - (iv) Specific difference with the Standard or Recommended Practice involved; and
 - (v) Proposed provision for an equivalent level of public safety;
 - (2) The foreign operator has received formal written authorisation for the proposed operations from the Authority; and
 - (3) A copy of the signed authorisation is carried within the aircraft during all operations within The Bahamas.

20.120 DANGEROUS GOODS NOTIFICATION

- (a) No foreign person or operator may carry dangerous goods on an aircraft in The Bahamas unless prior notification of the presence and type of dangerous goods on the aircraft has been included in the remarks section of the filed ATC flight plan.

20.125 BASING A FOREIGN-REGISTERED AIRCRAFT IN THE BAHAMAS

- (a) No foreign person or operator may base a foreign-registered aircraft in The Bahamas for an extended period of 30 days or more, while conducting operations within, to and from the airspace of The Bahamas unless they have made written notification to the Authority with the following information—
 - (1) Aircraft registration number;
 - (2) Aircraft make, model and series;
 - (3) Aircraft serial number;
 - (4) Aerodrome where the aircraft is based;
 - (5) Operator name, address and telephone contact numbers; and
 - (6) A current copy of the aircraft insurance papers.

SUBPART E: DOCUMENTS TO BE CARRIED & RETAINED

20.130 APPLICABILITY

- (a) This Subpart clarifies the requirements for documents, manuals and records that must be carried aboard the aircraft or retained at the point of departure by foreign operators in The Bahamas.

20.135 DOCUMENTS TO BE CARRIED ON AIRCRAFT: ALL OPERATIONS

- (a) No foreign person or entity may operate a civil aircraft unless it has within that aircraft the current and approved documents appropriate to the operations to be conducted, including—
- (1) A current and properly displayed registration certificate issued by the State of Registry;
 - (2) A current and properly displayed airworthiness certificate issued by the State of Registry;
 - (3) An Approved Flight Manual appropriate to the aircraft type;
 - (4) Normal, abnormal and emergency checklists for all phases of flight;
 - (5) A pilot operating handbook (or aircraft operating manual) appropriate to the aircraft type;
 - (6) Performance and Mass and Balance tables or graphs;
 - (7) An aircraft radio licence (if radio is installed and being used by the crew) issued by the State of Registry;
 - (8) Current and suitable charts for—
 - (i) The route of the proposed flight, and
 - (ii) All routes along which it is reasonable to expect that the flight may be diverted;
 - (9) Air-ground signals for search and rescue;
 - (10) Notification documents for any special cargo, including any dangerous goods; and
 - (11) Passenger and third-party liability insurance certificate issued to the owner and operator of the aircraft.
- (b) No foreign person or entity may operate a civil aircraft in The Bahamas unless the following documents issued by the State of Registry are in the personal possession of each crew member—
- (1) Licences;
 - (2) Medical certificates, if applicable; and
 - (3) Radio telephone endorsement or equivalent document, if applicable.

20.140 ADDITIONAL DOCUMENTS APPLICABLE TO INTERNATIONAL FLIGHTS

- (a) No foreign person or entity may operate a civil aircraft for flights across international borders into or out of The Bahamas unless it has within the additional documents necessary for such flights, including—
- (1) A filed ATC flight plan;
 - (2) A general declaration for customs;
 - (3) A list of passenger names and points of embarkation and destination, if applicable;
 - (4) The procedures and signals in relation to interception of aircraft;
 - (5) An English translation of the Noise Certificate; and
 - (6) Any other documentation that may be required by the Authority or States concerned with such a flight.

20.145 ADDITIONAL DOCUMENT REQUIREMENTS: COMMERCIAL AIR TRANSPORT

- (a) No foreign person, entity or air operator may operate a civil aircraft in The Bahamas in commercial air transport unless it has within it the additional documents necessary for such flights, including—
- (1) A copy of the operations specifications issued by the Authority permitting such operations in The Bahamas;
 - (2) An Aircraft Journey/Technical logbook with properly documented—

- (i) Maintenance release; and
- (ii) If relevant, identification and deferment of any mechanical irregularity;
- (3) A completed Aircraft Load Manifest for the specific flight;
- (4) A completed Operational Flight Plan appropriate to the route;
- (5) The NOTAMS briefing documentation appropriate to the flight;
- (6) The meteorological briefing documentation appropriate to the route of flight;
- (7) Operations manuals relevant to operation(s) conducted and accepted by the State of the Operator;
- (8) An Aircraft Operating Manual accepted by the State of the Operator;
- (9) A MEL approved by the State of the Operator;
- (10) An English translation of a certified true copy of AOC and authorisations, conditions and limitations issued by the State of the Operator for the fleet of aircraft operated;
- (11) A bomb search checklist;
- (12) A Least risk location instruction in the event a bomb is found; and
- (13) Forms for complying with the reporting requirements of the State of the Operator and the AOC holder.

20.150 RETENTION OF AIR OPERATOR RECORDS

- (a) The foreign air operator shall have a copy of the following records retained at a point of departure from The Bahamas—
 - (1) Passenger manifest;
 - (2) Aircraft technical log page(s) containing the maintenance release(s) applicable for the departing flight;
 - (3) Aircraft type-specific load manifest demonstrating compliance with requirements for—
 - (i) Mass and balance; and
 - (ii) Performance; and
 - (4) Operational flight plan.
- (b) The Authority may approve an alternative retention method in the operations specifications.

SUBPART F: FOREIGN AIR OPERATORS

20.155 APPLICABILITY

- (a) This Subpart provides the additional requirements that are applicable to foreign air operators for conduct of commercial air transport operations in The Bahamas.

20.160 MINIMUM STANDARDS FOR COMPLIANCE

- (a) The Bahamas shall recognize as valid an air operator certificate issued by another ICAO Contracting State, provided that the requirements under which the certificate was issued are at least equal to the applicable Standards specified in Annex 6, Part 1.
- (b) If there is not sufficient information or technical reservations regarding the foreign air operator's conformance with Annex 6, the Authority may make an on-site visit to the operator's operations and maintenance bases assess conformance before issuance of the Foreign Air operator's operations specifications.
- (c) The Authority shall not impose more restrictive requirements than those applicable to commercial air transport operations conducted by—
 - (1) Other foreign air operators authorised to operate in The Bahamas; or
 - (2) AOC holders of The Bahamas.

20.165 GENERAL REQUIREMENTS FOR APPLICATION

- (a) A foreign air operator shall not operate an aircraft in The Bahamas unless the foreign air operator holds operations specifications issued by the Authority.
- (b) Where a foreign air operator wishes to apply to operate in The Bahamas, the foreign air operator shall make application to the Authority in the form and manner prescribed by the Authority.
- (c) An application for Operations Specifications, shall be accompanied by—
 - (1) A copy of a valid air operator certificate and supporting authorisations issued by the State of the Operator;
 - (2) A copy of any equivalent operations specifications issued by the State of the Operator for any demonstrating approvals to be used while conducting operations in The Bahamas;
 - (3) A copy of the licence or authorisation granted to the air operator by the State of the Operator to conduct commercial air transport to and from The Bahamas;
 - (4) A copy of the approval page for a Minimum Equipment List approved by the State of the Operator for each aircraft type intended to be operated in The Bahamas;
 - (5) A representative copy of a Certificate of Registration issued the State of Registry for the aircraft types proposed to be operated in The Bahamas;
 - (6) A copy of a document identifying the maintenance that are required to be carried out for aircraft while they are operated in The Bahamas;
 - (7) A copy of the maintenance contract between the air operator and the AMO approved by the State of Registry to conduct the maintenance while in The Bahamas;
 - (8) A copy of any lease agreements, if the aircraft is not owned by foreign air operator;
 - (9) A proposed Aircraft Operator Security program, for the approval of the Authority; and
 - (10) Any other document the Authority considers necessary to ensure that the intended operations will be conducted safely.
- (d) An applicant under this Schedule shall apply for the initial issue of foreign air operator operations specifications at least 15 days before the date of commencement of intended operation.

20.170 CONDITIONS FOR THE ISSUANCE

- (a) The Authority may issue operations specifications to a foreign air operator to conduct commercial air operations in The Bahamas where the Authority is satisfied that the air operator—
 - (1) Has a valid Air Operator Certificate issued by the State of the Operator;
 - (2) Has an Aircraft Operator Security Program approved by the State of the Operator and The Bahamas for the operations intended;
 - (3) Meets the applicable Standards and Recommended Practices for commercial air transport in ICAO —
 - (i) *For aeroplanes*, Annex 6, Part 1; or
 - (ii) *For helicopters*, Annex 6, Part 3.
 - (4) Meets the standards contained in applicable Annexes to the Chicago Convention for the operation to be conducted; and
 - (5) Has sufficient financial resources to conduct safe operations.

20.175 OPERATIONS SPECIFICATIONS

- (a) The operations specifications issued by the Authority shall specify which specific operations are authorised, prohibited, limited or subject to certain conditions, in the interest of public safety.
- (b) The Authority shall not issue authorisations that have not been authorised for the foreign air operator by the State of the Operator unless those requirements are specifically intended only for operations in The Bahamas.
- (c) Operations Specifications issued under this Subpart shall contain details of the following—

- (1) The purpose of issuance;
 - (2) Application and duration;
 - (3) Limitations to, or actions required by, the operator;
 - (4) Aerodrome authorisations and limitations;
 - (5) Authorised aircraft listing; and
 - (6) Any other limitations to operations in The Bahamas prescribed by the Authority.
- (d) The Operations Specifications issued to a foreign air operator by the Authority shall be supplementary to the requirements of this Schedule of these Regulations.

20.180 CONTINUED VALIDITY OF OPERATIONS

- (a) A foreign air operator shall, when conducting operations authorised by the Authority to, from and within The Bahamas, meet and maintain the requirements established by The Bahamas, including those found in—
- (1) This Schedule;
 - (2) Operations Specifications issued by the Authority;
 - (3) Its approved Aircraft Operator Security program; and
 - (4) Any additional security requirements that may be specified by the Government of The Bahamas.

SUBPART G: SECURITY

20.185 APPLICABILITY

- (a) This Subpart provides additional security requirements that are applicable to foreign air operators for commercial air transport operations in The Bahamas.

20.190 AIRCRAFT SECURITY

- (a) A foreign air operator shall—
- (1) Ensure that all appropriate personnel are familiar, and comply, with the relevant requirements of the national security programs of the State of the operator;
 - (2) Establish, maintain and conduct approved training programs which enable the operator's personnel to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of aircraft and to minimise the consequences of such events should they occur;
 - (3) Following an act of unlawful interference on board an aircraft the pilot-in-command or, in his absence the operator, shall submit, without delay, a report of such an act to the designated local authority and the civil aviation authority in the State of the Operator;
 - (4) Ensure that all aircraft carry a checklist of the procedures to be followed for that type in searching for concealed weapons, explosives, or other dangerous devices; and
 - (5) If installed, the flight crew compartment door on all aircraft operated for the purpose of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorised access.

End of Schedule 20

