

CIVIL AVIATION (SAFETY MANAGEMENT) REGULATIONS, 2016

Arrangement of Regulations

PART I

PRELIMINARY

1. Citation
2. Interpretation
3. Applicability

PART II

STATE SAFETY MANAGEMENT RESPONSIBILITIES

4. Establishment of a state safety programme
5. Acceptable level of safety performance
6. Every service provider to implement a safety management system
7. Requirement of international aviation operators of large or turbojet aeroplanes
8. Safety oversight

PART III

SAFETY MANAGEMENT SYSTEMS

9. Every service provider to have a safety management system

10. Approved training organisation shall submit a safety management system to the Director for approval
11. Certified operator of aeroplanes or helicopters to submit a safety management system to the Director for approval
12. An approved maintenance organisation shall submit a safety management system to the Director for approval
13. Organisation responsible for type design of aircraft to submit a safety management system to the Director for approval
14. Organisation responsible for the manufacture of aircraft in Barbados shall submit a safety management system to the Director for approval
15. An air traffic service provider to submit a safety management system to the Director for approval
16. Certified aerodrome operator to submit a safety management system to the Director for approval
17. International general aviation operator of large aeroplanes to submit safety management system to the Director for approval

PART IV

SAFETY DATA COLLECTION, ANALYSIS AND EXCHANGE

18. Safety data collection
19. Safety data analysis
20. Data protection

21. Safety information exchange

PART V

MISCELLANEOUS

22. Implementing standards
23. Director may make standards

S.I. 2016 No. 49

Civil Aviation Act

CAP. 288B

CIVIL AVIATION (SAFETY MANAGEMENT) REGULATIONS, 2016

The Minister, in exercise of the powers conferred on him by section 10 of the *Civil Aviation Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Civil Aviation (Safety Management) Regulations, 2016*.

Interpretation

2. In these Regulations,

“accident” means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which

(a) a person is fatally 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; or

(iii) direct exposure to jet blast,

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

- (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 from engine failure or damage, when the damage is limited to the engine, its cowlings or accessories or for damage limited to propellers, wing tips, antennas, tyres, brakes, fairings, small dents or puncture holes in the aircraft skin; or

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

“aeroplane” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“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;

“hazard” means any condition, object or activity with the potential of causing injury to personnel, damage to equipment or structures, loss of material or reduction of ability to perform a prescribed function;

“helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes;

“incident” means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;

“occurrence” means accident or incident;

-
- “oversight” means a function that ensures the effective promulgation and implementation of the safety-related standards, requirements, regulations and associated procedures and ensures that the acceptable level of safety risk is not exceeded in the air transportation system;
- “safety” means the state in which risks associated with aviation activities related to or in direct support of the operation of aircraft are reduced and controlled to an acceptable level;
- “safety management system (SMS)” means the systematic approach to managing safety including the necessary organisational structure, accountabilities, policies and procedures;
- “safety performance” means a state or service provider’s safety achievement as defined by its safety performance targets and safety performance indicators;
- “safety performance indicator” means a data-based parameter used for monitoring and assessing safety performance;
- “safety performance target” means the planned or intended objective for safety performance indicators over a given period;
- “safety risk” means the predicted probability and severity of the consequences or outcomes of a hazard;
- “serious injury” means an injury which is sustained by a person in an accident and which
- (a) requires hospitalization for more than 48 hours commencing within 7 days from the date the injury was received;
 - (b) results in a fracture of any bone except 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 or third degree burns or any burns affecting more than 5 per cent of the body surface; or
- (f) involves verified exposure to infectious substances or injurious radiation;

“service provider” means any organisation providing safety management functions related to, or in direct support of, the safe operation of aircraft and encompasses an air operator, an approved maintenance organisation, an air traffic service provider, an approved aviation training organisation, an organisation responsible for design or manufacture of aircraft and an aerodrome operator;

“state safety programme” means an integrated set of regulations and activities aimed at improving safety;

“severity” means the possible consequences of a situation of danger taking as reference the worst foreseeable situation.

Applicability

3.(1) These Regulations describe the requirements in respect of the safety management systems to be operated by every service provider in accordance with the

- (a) *Civil Aviation (General Application and Personnel Licensing) Regulation, 2007* (S.I. 2007 No. 172);
- (b) *Civil Aviation (Air Operator Certification and Administration) Regulations, 2007* (S.I. 2007 No. 173);
- (c) *Civil Aviation (Aircraft Operations) Regulations, 2007* (S.I. 2007 No. 174);
- (d) *Civil Aviation (Foreign Operator) Regulations, 2007*; (S.I. 2007 No. 177)
- (e) *Civil Aviation (Airworthiness) Regulations, 2007*; (S.I. 2007 No. 175)

- (f) *Civil Aviation (Approved Maintenance Organisation) Regulations, 2007* (S.I. 2007 No. 179);
- (g) *Civil Aviation (Aerial Work) Regulations, 2007* (S.I. 2007 No. 180);
- (h) *Civil Aviation (Aviation Training Organisation) Regulations, 2007* (S.I. 2007 No. 182);
- (i) *Civil Aviation (Air Navigation Services) Regulations, 2007* (S.I. 2007 No. 183); and
- (j) *Civil Aviation (Aerodrome Certification) Regulations, 2016* (S.I. 2016 No. 50).

(2) These Regulations describe the responsibilities of the Director in the conduct of safety management functions through the establishment of a state safety programme.

- (3) Every service provider who operates in accordance with these Regulations
- (a) is responsible for the safety of services or products contracted to or purchased from other organisations; or
 - (b) shall meet the requirements of these Regulations and may establish more stringent requirements where necessary.

PART II

STATE SAFETY MANAGEMENT RESPONSIBILITIES

Establishment of a state safety programme

4.(1) The Director shall establish a state safety programme in order to achieve an acceptable level of safety performance in civil aviation in Barbados.

(2) The state safety programme referred to in paragraph (1) shall include the following:

- (a) state safety policy and objectives;

- (b) state safety risk management;
- (c) state safety assurance; and
- (d) state safety promotion.

(3) The framework for the implementation and maintenance of a state safety programme shall meet the requirements set out in the safety management standards.

Acceptable level of safety performance

5. The Director shall establish the acceptable level of safety performance to be achieved by Barbados or by a service provider.

Every service provider to implement a safety management system

6. The Director, as part of the state safety programme, shall require that each of the following service providers implement a safety management system:

- (a) an approved training organisation that is exposed to safety risks that are related to aircraft operations during the provision of its services in accordance with the *Civil Aviation (General Application and Personnel Licensing) Regulations, 2007* (S.I. 2007 No. 172) and the *Civil Aviation (Aviation Training Organisation) Regulations, 2007* (S.I. 2007 No. 182);
- (b) an operator of aeroplanes or helicopters that is authorised to conduct international commercial air transport, in accordance with the *Civil Aviation (Aircraft Operations) Regulations, 2007* (S.I. 2007 No. 174) or the *Civil Aviation (Air Operator Certification and Administration) Regulations* (S.I. 2007 No. 173);
- (c) an approved maintenance organisation that provides services to operators of aeroplanes or helicopters engaged in international commercial air transport, in accordance with the *Civil Aviation (Approved Maintenance Organisation) Regulations, 2007* (S.I. 2007 No. 179);

- (d) an organisation that is responsible for the type design or manufacture of aircraft, in accordance with the *Civil Aviation (Airworthiness) Regulations, 2007* (S.I. 2007 No. 175);
- (e) an air traffic service provider in accordance with the *Civil Aviation (Air Navigation Services) Regulations, 2007* (S.I. 2007 No. 183); and
- (f) an operator of a certified aerodrome in accordance with the *Civil Aviation (Aerodrome Certification) Regulations, 2016* (S.I. 2016 No. 50).

Requirement of international aviation operators of large or turbojet aeroplanes

7. As part of the state safety programme, the Director shall require each international aviation operator of large or turbojet aeroplanes to implement a safety management system.

Safety oversight

8.(1) The Director shall ensure that an appropriate safety oversight system is established and implemented in accordance with the safety management standards.

(2) The Director shall ensure that an appropriate air operator safety oversight system is established and implemented in accordance with the safety management standards.

PART III

SAFETY MANAGEMENT SYSTEMS

Every service provider to have a safety management system

9.(1) The safety management system of a service provider shall contain the following components and elements:

- (a)* safety policy objectives that include
 - (i) management commitment and responsibility;
 - (ii) safety accountability;
 - (iii) the appointment of key safety personnel;
 - (iv) co-ordination of emergency response planning; and
 - (v) safety management systems documentation;
- (b)* safety risk management that includes
 - (i) hazard identification; and
 - (ii) safety risk assessment and mitigation;
- (c)* safety assurance that includes
 - (i) safety performance monitoring and measurement;
 - (ii) the management of change; and
 - (iii) the continuous improvement of the safety management system; and
- (d)* safety promotion that includes
 - (i) training and education; and
 - (ii) safety communication.

(2) The contents of a service provider's safety management system shall be in accordance with the safety management standards.

(3) The safety management system of a service provider shall be commensurate with the size of the service provider and the complexity of the service provider's products or services.

Approved training organisation shall submit a safety management system to the Director for approval

10. An approved training organisation that is exposed to safety risks that are related to aircraft operations during the provision of its services shall submit a safety management system to the Director for approval.

Certified operator of aeroplanes or helicopters to submit a safety management system to the Director for approval

11.(1) A Barbados certified operator of aeroplanes or helicopters who is authorised to conduct international commercial air transport shall submit a safety management system to the Director for approval.

(2) When maintenance activities are not conducted by an approved maintenance organisation but are done under an equivalent system, the activities shall be included in the scope of the certified operator's safety management system.

An approved maintenance organisation shall submit a safety management system to the Director for approval

12. An approved maintenance organisation that provides services to an operator of aeroplanes or helicopters that is engaged in international commercial air transport shall submit a safety management system to the Director for approval.

Organisation responsible for type design of aircraft to submit a safety management system to the Director for approval

13. An organisation that is responsible for the type design of aircraft in Barbados shall submit a safety management system to the Director for approval.

Organisation responsible for the manufacture of aircraft in Barbados shall submit a safety management system to the Director for approval

14. An organisation that is responsible for the manufacture of aircraft in Barbados shall submit a safety management system to the Director for approval.

An air traffic service provider to submit a safety management system to the Director for approval

15.(1) An air traffic service provider shall submit a safety management system to the Director for approval.

(2) An air traffic service provider that has the authority to provide aeronautical information services, communication navigation and surveillance services, meteorological services and search and rescue services shall include these services in the scope of its safety management system.

(3) When the provision of

- (a) air traffic services;
- (b) communication navigation and surveillance services;
- (c) meteorological services; and
- (d) search and rescue services

are wholly or partially provided by an entity other than an air traffic service provider, the related services that come under the authority of the air traffic service provider or those aspects of the services with direct operational implications shall be included in the scope of the air traffic service provider's safety management system.

(4) The safety management system of an air traffic service provider shall be in accordance with the safety management standards.

Certified aerodrome operator to submit a safety management system to the Director for approval

16. A certified aerodrome operator shall submit a safety management system to the Director for approval.

International general aviation operator of large aeroplanes to submit safety management system to the Director for approval

17.(1) An international general aviation operator that is conducting general aviation operations of

- (a) aeroplanes with a maximum certificated take-off mass exceeding 5700 kg; or
- (b) aeroplanes equipped with one or more turbojet engines

shall submit a safety management system to the Director for approval.

(2) The safety management system submitted pursuant to paragraph (1) shall be commensurate with the size and complexity of the general aviation operation.

(3) The safety management system shall include

- (a) a process that identifies actual and potential safety hazards and assesses the associated risks;
- (b) a process to develop and implement remedial action that is necessary to maintain an acceptable level of safety; and
- (c) provision of a process for continuous monitoring and regular assessment of the appropriateness and effectiveness of safety management activities.

(4) For the purposes of this regulation

“general aviation operations” means aircraft operations other than commercial air transport operations or aerial works operations.

PART IV

SAFETY DATA COLLECTION, ANALYSIS AND EXCHANGE

Safety data collection

18.(1) The Director shall establish a mandatory incident reporting system to facilitate the collection of information on actual or potential safety deficiencies.

(2) The Director shall establish a voluntary incident reporting system to facilitate the collection of information on actual or potential safety deficiencies that may not be captured by the mandatory incident reporting system.

(3) The Director shall ensure that the authorities responsible for the implementation of the state safety programme have access to the necessary information that is available in the incident reporting system referred to in paragraphs (1) and (2) in order to support their safety responsibilities.

Safety data analysis

19.(1) The Director shall establish and maintain a safety database

(a) to facilitate the effective analysis of information obtained in relation to actual or potential safety deficiencies including information that is obtained from incident reporting systems; and

(b) to determine any action required for the enhancement of safety.

(2) The Director shall ensure that following the identification of preventive action required to address actual or potential safety deficiencies that this action is implemented.

(3) The Director shall establish a process to monitor the implementation and effectiveness of the response to preventative action.

(4) Every safety database shall be established and maintained in accordance with safety management standards.

Data protection

20.(1) The Director shall ensure that any information obtained from a safety management system is treated as confidential and is used for preventive purposes except where

- (a) otherwise ordered by a court;
- (b) the information that is disclosed or made available states facts and avoids names of individuals; and
- (c) the Director has reasons to believe that the disclosed information is necessary for the cancellation, suspension or rejection of a certificate or licence.

(2) No person shall use a voluntary report of a violation submitted under the state safety programme in any administrative or criminal proceeding except where

- (a) the violation occurs during the accident investigation process which is investigated within the regulatory framework of accident investigation;
- (b) the violation involves wilful misconduct or negligence;
- (c) there is failure to submit a voluntary report by an official of an operator or aeronautical service provider that has a safety management system that requires or encourages employees to report any fact affecting or representing a risk to safety.

(3) A service provider who is required to maintain a safety management system shall not use the information disclosed for safety purposes by its employees as a basis for taking disciplinary action against those employees except where the conditions defined as unacceptable are within its own safety management system.

(4) The Director may use any information he deems appropriate or necessary in order to safeguard safety.

Safety information exchange

21. The Director may disseminate information obtained voluntarily under the state safety programme amongst states for the purpose of improving safety but the information shall not identify the operators, air service providers or individuals related to the aeronautical activity.

PART V

MISCELLANEOUS

Implementing standards

22. A service provider in meeting the requirements of regulations 10, 11(1), 12, 13, 14 and 15(1) shall ensure compliance with the minimum standards set out in the safety management systems standards.

Director may make standards

23.(1) The Director may make standards or amend standards and incorporate them by reference into these Regulations.

(2) No standard or amendment may come into effect less than 30 days after it is made.

(3) A standard or an amendment to a standard may be made and brought into effect by the Director without regard to paragraph (2) where the standard or

amendment is urgently required to ensure aviation safety or the safety of the public.

Made by the Minister this 8th day of June, 2016.

RICHARD SEALY

Minister Responsible for Civil Aviation