

Tuvalu

**TUVALU CIVIL AVIATION RULE PART 4 -
DOMESTIC AERODROMES**



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Arrangement of Sections

Rule	Page
Description	5
SUBPART A – GENERAL	5
4.1 Purpose.....	5
4.2 Projects requiring notice	5
SUBPART B – AERONAUTICAL STUDY	6
4.3 Requirement for aeronautical study	6
SUBPART C – DETERMINATIONS	7
4.4 Assessment of an aeronautical study	7
4.5 Aerodrome determinations.....	8
4.6 Qualifying aerodrome operator determination.....	8
4.7 Determination to be advised	8
4.8 Effective date of determination.....	9
4.9 Revocation of determination.....	9
SUBPART D – CERTIFICATION REQUIREMENTS FOR QUALIFYING AERODROME OPERATOR	9
4.10 Requirement for qualifying aerodrome operator certificate	9
4.11 Application for certificate.....	10
4.12 Qualifying aerodrome operator exposition	10
4.13 Grant of certificate	12
4.14 Duration of certificate	12
4.15 Renewal of certificate	12
4.16 Changes to certificate holder's organisation	12

**SUBPART E – OPERATING REQUIREMENTS FOR QUALIFYING
AERODROMES** **13**

4.17	Personnel requirements	13
4.18	Safety management	14
4.19	Aerodrome limitations.....	14
4.20	Public protection	14
4.21	Notification of aerodrome data and information	15
4.22	Movement data reporting	15
4.23	Works on aerodrome	15
4.24	Security	15
4.25	Unsafe conditions.....	16
4.26	Documentation	16
4.27	Deviations	17
4.28	Continued compliance.....	17

**SUBPART F – OPERATING REQUIREMENTS: NON-CERTIFIED
AERODROMES** **17**

4.29	Requirements for non-certificated aerodromes	17
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TUVALU CIVIL AVIATION RULE PART 4 - DOMESTIC AERODROMES

MADE UNDER SECTION 5(4) OF THE CIVIL AVIATION ACT

Description

Part 4 contains Civil Aviation Rules for Domestic Aerodromes in Tuvalu.

This rule does not contain technical standards or certification requirements for International Aerodromes.

SUBPART A – GENERAL

4.1 Purpose

- (1) This part prescribes –
 - (a) Rules for persons proposing to alter, construct activate or deactivate an aerodrome or heliport.
 - (b) Rules governing the operation of domestic aerodromes and heliports.

4.2 Projects requiring notice

- (1) Each person who intends to do any of the following shall notify the Director:
 - (a) modify, construct, activate or otherwise establish an aerodrome or heliport.

- (b) deactivate, discontinue using, or abandon an aerodrome or heliport or any landing or take-off area of such an aerodrome or heliport, for a period of one year or more.
- (2) The notice required by (2)(a) shall be submitted on the applicable form at least 90 days before the day that work is to begin.
- (3) The notice required by (2)(b) shall be submitted in writing at least 30 days before the date planned for deactivation, discontinuance of use, or abandonment.

SUBPART B – AERONAUTICAL STUDY

4.3 Requirement for aeronautical study

- (1) An aerodrome operator or a person who has provided notice under 4.2 (1)(a) may be required by the Director to provide an aeronautical study if –
 - (a) the Director considers that a significant change has occurred or on reasonable grounds is likely to occur that may affect safety and security;
 - (b) a significant concern indicating risk to aviation safety is raised by any person.
- (2) For the purpose of paragraph (a)(1), a significant change includes –
 - (a) the commencement or proposed commencement of a regular air operation using an aeroplane or helicopter; or
 - (b) a significant increase in aerodrome aircraft traffic volumes; or
 - (c) a significant change in type of aircraft using, or type of aircraft operations carried out at, the aerodrome; or
 - (d) a significant change in the aerodrome’s physical characteristics; or
 - (e) an increase in accidents or incidents at or in the vicinity of the aerodrome; or
 - (f) when annual aircraft movements at the aerodrome are forecast to significantly increase.
- (3) If the Director requires an aeronautical study, the request must –
 - (a) be made in writing; and
 - (b) specify a reason for the request; and
 - (c) specify the scope of the aeronautical study required; and

- (d) specify a date, before which, the aeronautical study must be provided.
- (4) A person who has been required by the Director to conduct an aeronautical study must –
- (a) consult with such persons, industry representatives, representative groups and organisations as the Director considers appropriate; and
 - (b) identify the effects the aerodrome design or use has on;
 - (i) safe and efficient use of airspace by aircraft;
 - (ii) existing or contemplated aerodrome traffic circuits of neighbouring aerodromes and heliports;
 - (iii) safety of persons and property on the ground; and
 - (c) identify the effect of the existing or proposed man-made objects and natural objects have on the aerodrome; and
 - (d) identify current and proposed risk mitigation measures to address all identified effects; and
 - (e) submit the aeronautical study to the Director before the date specified in the request.
- (5) The Director may require the person to provide further information if the Director considers that an aeronautical study does not contain sufficient information to enable the Director to make a determination under Part 4.4.
- (6) A person required to provide further information, must provide the required information to the Director.

SUBPART C – DETERMINATIONS

4.4 Assessment of an aeronautical study

- (1) After receiving an aeronautical study and any requested additional information that was submitted under Rule 4.3, the Director must –
- (a) conduct a safety review to assess the risk to aviation safety of the operation of an aerodrome by taking into account –
 - (i) the aeronautical study provided under Rule 4.3 including all current and proposed risk mitigation measures; and
 - (ii) any other risks identified by the Director in relation to the aerodrome; and

- (iii) any other relevant information; and
 - (b) consult with the aerodrome operator; and
 - (c) consult with any other party that the Director considers may be appropriate.
- (2) The Director must complete the review of the Aeronautical Study within 90 days of receiving it.

4.5 Aerodrome determinations

- (1) On completion of the review of the aeronautical study, the Director must issue a determination which shall be one of the following:
 - (a) **Unobjectionable:** An unobjectionable determination shall be made when the Director is satisfied that there is no adverse effect on the safe and efficient use of the airspace by aircraft or the safety of persons or property on the ground; or
 - (b) **Conditional:** A conditional determination shall be made when the Director identifies objectionable aspects of a proposed action but specifies conditions which, if complied with, satisfy the Director that the proposed action will not adversely affect the safe and efficient use of the airspace by aircraft nor the safety of persons or property on the ground; or
 - (c) **Objectionable:** An objectionable determination shall be made when the Director identifies objectionable aspects of a proposed action and shall specify the Director's reasons for finding the proposed action objectionable.
- (2) The Director must make a determination within 90 days of receiving an Aeronautical study.

4.6 Qualifying aerodrome operator determination

- (1) On completion of the review of the aeronautical study the Director may also determine that an aerodrome is a qualifying aerodrome if the Director considers that the level of risk to aviation safety, is such that it must be managed under the authority of a qualifying aerodrome operator certificate.

4.7 Determination to be advised

- (1) The Director must, as soon as practicable after making a determination, advise the aerodrome operator, in writing of –
 - (a) the determination; and

- (b) the date on which the determination comes into effect; and
- (c) the reasons for the determination; and
- (d) the aerodrome operator's right of appeal under the Act.

4.8 Effective date of determination

- (1) A determination comes into effect on the date specified by the Director.
- (2) An Aerodrome Operator must comply with the determination from the date of determination.

4.9 Revocation of determination

- (1) If requested by an aerodrome operator, the Director may revoke a determination made for an aerodrome if the Director is satisfied that the criterion for making the determination is no longer relevant or the aerodrome is no longer required to be managed under the authority of a qualifying aerodrome operator certificate.
- (2) The onus is on the aerodrome operator to demonstrate to the Director that the criterion for making the determination is no longer satisfied or the aerodrome is no longer required to be managed under the authority of a qualifying aerodrome operator certificate.
- (3) A revocation takes effect from the date specified by the Director.

SUBPART D – CERTIFICATION REQUIREMENTS FOR QUALIFYING AERODROME OPERATOR

4.10 Requirement for qualifying aerodrome operator certificate

- (1) This rule applies to an aerodrome that has been determined by the Director in accordance with Rule 4.6 to be a qualifying aerodrome.
- (2) A person must not operate a qualifying aerodrome except under the authority of a qualifying aerodrome operator certificate granted by the Director under the Act and in accordance with this Subpart.
- (3) An aerodrome operator that is not required to hold a qualifying aerodrome operator certificate may voluntarily apply for a qualifying aerodrome certificate.

4.11 Application for certificate

- (1) An applicant for the grant of a qualifying aerodrome operator certificate must –
 - (a) submit an application to the Director; and
 - (b) pay any required application fee.
- (2) An application must include –
 - (a) The applicable completed application form; and
 - (b) the exposition required by rule 4.12 for a qualifying aerodrome operator certificate, whichever is applicable; and
 - (c) a plan of the aerodrome and its facilities certified by a registered surveyor, if relevant to the application; and
 - (d) evidence of lawful entitlement to use the place as an aerodrome.
- (3) The application must be submitted to the Director not less than 90 days before the certificate is required.

4.12 Qualifying aerodrome operator exposition

- (1) The exposition submitted by the applicant must include:
 - (a) a statement signed by the chief executive, on behalf of the applicant's organisation, confirming that the exposition and any included manuals –
 - (i) define the organisation and demonstrate its means and methods for ensuring on-going compliance with this Part; and
 - (ii) is to be complied with at all times; and
 - (b) the titles and names, duties and responsibilities of the senior person or persons required by Rule 4.17 including –
 - (i) matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
 - (ii) responsibilities for safety management; and
 - (iii) information identifying the lines of safety responsibility within the organisation; and
 - (iv) if applicable, an organisation chart showing lines of responsibility of the senior person or persons; and
 - (c) a system for safety management required by Rule 4.18; and

- (d) any limitations on the use of the aerodrome required by Rule 4.19; and
 - (e) a description of the safeguards for public protection required by Rule 4.20; and
 - (f) the procedures required by Rule 4.21 for the notification of aerodrome data and information; and
 - (g) the procedures required by Rule 4.22 for the collection and reporting of traffic movement data; and
 - (h) the procedures and precautions required by Rule 4.23 for any works on the aerodrome; and
 - (i) the procedures for management of security if required by Rule 4.24; and
 - (j) the procedures for management of unsafe conditions required by Rule 4.25
 - (k) the procedures required by Rule 4.26 for management and control of documents necessary for the provision and operation of the aerodrome; and
 - (l) procedures for controlling, amending, and distributing the exposition.
- (2) The exposition must, in addition to the matters specified in paragraph (1), include any requirements or procedures that are necessary to manage risks relating to any of the matters that have been identified in an aeronautical study required by rule 4.3, including but not limited to:
- (a) aerodrome design requirements including physical characteristics, obstacle limitation surfaces, visual aids, equipment and installations, and runway end safety areas:
 - (b) aerodrome emergency plan:
 - (c) rescue and firefighting:
 - (d) wildlife hazard management:
 - (e) aerodrome maintenance:
 - (f) visual aids for navigation – maintenance and checking:
 - (g) aerodrome air traffic services:
 - (h) apron management services:
 - (i) aerodrome inspection programme:
 - (j) ground vehicles:
 - (k) protection of navigation aids and ATS facilities:

- (l) aerodrome condition notification.

4.13 Grant of certificate

- (1) The Director, may grant a qualifying aerodrome operator certificate, to a person who has applied under rule 4.11 provided the Director is satisfied that the prescribed requirements specified in Subpart E are met.
- (2) When granting a qualifying aerodrome operator certificate, the Director may impose any requirements or specify any procedures to be followed by the aerodrome operator to address the risks identified in an aeronautical study required by rule 4.3.

4.14 Duration of certificate

- (1) The Director may not specify an expiry date in relation to an aerodrome operator certificate or a qualifying aerodrome operator certificate that is later than 5 years after the date on which the certificate is granted.

4.15 Renewal of certificate

- (1) A holder of a qualifying aerodrome operator certificate that wishes to continue to exercise the privileges of the certificate beyond its expiry date must apply for a new certificate under rule 139.5, not less than 60 days before the certificate expires.

4.16 Changes to certificate holder's organisation

- (1) A holder of a qualifying aerodrome operator certificate must ensure that the exposition is amended so that it remains a current description of the aerodrome and its associated plans, programmes, services, systems, procedures, and facilities.
- (2) The certificate holder must ensure that any amendment made to its exposition meets the applicable requirements of this Part and complies with the amendment procedures contained in its exposition.
- (3) The certificate holder must forward to the Director for retention a copy of each amendment to its exposition as soon as practicable after the amendment is incorporated into its exposition.
- (4) Before a certificate holder changes any of the following, prior acceptance by the Director is required:
 - (a) the chief executive:
 - (b) the listed senior persons:

- (c) the system for safety management, if the change is a material change.
- (5) The Director may impose conditions under which a certificate holder must operate during or following any of the changes specified in paragraph (4).
- (6) The certificate holder must comply with any conditions imposed by the Director under paragraph (5).
- (7) If any change referred to in this rule requires an amendment to the qualifying aerodrome operator certificate, the certificate holder must forward the certificate to the Director for endorsement of the change as soon as practicable.
- (8) The certificate holder must make such amendments to the holder's exposition as the Director may consider necessary in the interests of safety.

SUBPART E – OPERATING REQUIREMENTS FOR QUALIFYING AERODROMES

4.17 Personnel requirements

- (1) An applicant for the grant of a qualifying aerodrome operator certificate must engage, employ or contract –
 - (a) a senior person identified as the chief executive who –
 - (i) has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be financed and carried out in accordance with the requirements and standards prescribed by this Part; and
 - (ii) is responsible for ensuring that the applicant's organisation complies with the requirements and standards prescribed by this Part; and
 - (b) a senior person designated as the Airport Manager, or senior persons –
 - (i) who is or are responsible for ensuring that the aerodrome and its operation complies with this Part; and
 - (ii) who is responsible for the system for safety management required under Rule 4.18; and
 - (iii) who is or are ultimately responsible to the chief executive, if the senior person is a person other than the chief executive; and

- (c) sufficient personnel to operate and maintain the aerodrome and its services and facilities in accordance with the requirements of this Part.
- (2) The senior person referred to in paragraph (1)(b)(ii) must be able to demonstrate competency and experience relevant to the management of safety systems and the activities of the certificate holder.
- (3) An applicant for the grant of a qualifying aerodrome operator certificate must establish a procedure for initially assessing and for maintaining the competence of personnel required to operate and maintain the aerodrome and its services and facilities.
- (4) To avoid doubt, the chief executive position referred to in paragraph (1)(a) and the senior person positions referred to in paragraph (1)(b) may be held by 1 person.

4.18 Safety management

- (1) An applicant for the grant of a qualifying aerodrome operator certificate must establish, implement, and maintain a system for safety management.

4.19 Aerodrome limitations

- (1) An applicant for the grant of a qualifying aerodrome operator certificate must, if necessary for the safety of aircraft operations at the aerodrome, establish appropriate limitations on the use of the aerodrome that arise from the aerodrome design or the facilities or services provided at the aerodrome.

4.20 Public protection

- (1) An applicant for the grant of a qualifying aerodrome operator certificate must provide at the aerodrome –
 - (a) safeguards for preventing animals interfering with movements on the aerodrome; and
 - (b) safeguards for deterring the entry of unauthorised persons and vehicles to the aerodrome operational area; and
 - (c) reasonable protection of persons and property from aircraft operations.

4.21 Notification of aerodrome data and information

- (1) An applicant for the grant of a qualifying aerodrome operator certificate must establish a procedure for notifying the aeronautical information service provider –
 - (a) of aerodrome data and information; and
 - (b) of any limitation established under Rule 4.19 on the use of the aerodrome; and
 - (c) as soon as practicable, of any change that affects the use of the aerodrome.

4.22 Movement data reporting

- (1) An applicant for the grant of a qualifying aerodrome operator certificate must establish procedures for collecting traffic movement data at the aerodrome on a monthly basis and for reporting that movement data once every 3 months to the Director.

4.23 Works on aerodrome

- (1) An applicant for the grant of a qualifying aerodrome operator certificate must establish procedures, including precautions to be taken, for ensuring that any works carried out on the aerodrome do not endanger aircraft operations.

4.24 Security

- (1) A holder of a qualifying aerodrome operator certificate servicing aircraft that are greater than 19 seats must:
 - (a) have a contingency plan to provide at the aerodrome those areas that must be provided by the holder of a certificate when so required by the Minister, or the Director in response to a security threat at the aerodrome; and
 - (b) establish and facilitate a security awareness group in order to ensure sufficient information is given to other organisations at the aerodrome to motivate security awareness on the part of all personnel; and
 - (c) convene, chair, and minute meetings of the security awareness group established under paragraph (b) at regular intervals not exceeding 12 months.
 - (d) establish a security training programme and procedures for ensuring that every person who is employed, engaged, or

contracted by the certificate holder has the appropriate level of security awareness applicable to the person's function.

- (2) The training programme required by paragraph (1)(d) must include –
 - (a) applicable segments for initial training and recurrent training; and
 - (b) knowledge testing or competency assessment as appropriate for the training conducted.
 - (c) a syllabus that is acceptable to the Director; and
- (3) The holder of an aerodrome operator certificate must ensure that the training required by paragraph (1)(d) is conducted in a structured and coordinated manner by a person authorised by the certificate holder.
- (4) The holder of an aerodrome operator certificate must ensure that every person who is required to be trained under paragraph (1)(d) undertakes the recurrent training segment of the training programme at an interval of not more than 3 years.

4.25 Unsafe conditions

- (1) A holder of a qualifying aerodrome operator certificate must establish procedures for ensuring that aircraft operations are restricted, or if necessary prohibited, on any part of the aerodrome where an unsafe condition may exist.

4.26 Documentation

- (1) An applicant for the grant of a qualifying aerodrome operator certificate must –
 - (a) hold copies of relevant documents necessary for the provision and operation of the aerodrome and the associated services and facilities; and
 - (b) establish a procedure for controlling the documents required under paragraph (a) to ensure that –
 - (i) current issues of relevant documents are available to personnel at each location where personnel need access to the documentation; and
 - (ii) every obsolete document is promptly removed from every point of issue; and
 - (iii) the current version of each item of documentation can be identified to prevent the use of superseded material.

4.27 Deviations

- (1) A holder of a qualifying aerodrome operator certificate may deviate from any requirement in this part to the extent necessary if an emergency occurs that requires immediate action for the protection of life or property involving carriage by air.
- (2) A certificate holder who deviates under paragraph (1) from a requirement in this part must provide a written report to the Director as soon as practicable, but not later than 14 days after the emergency.
- (3) The report required under paragraph (2) must specify the nature, extent, and duration of the deviation.

4.28 Continued compliance

- (1) A holder of a qualifying aerodrome operator certificate must –
 - (a) hold at least 1 complete and current copy of the aerodrome exposition required by Rule 4.12 on the aerodrome; and
 - (b) comply with all procedures, plans, systems, and programmes detailed in the exposition; and
 - (c) make each applicable part of the exposition available to personnel who require those parts to carry out their duties; and
 - (d) continue to meet the standards and comply with the requirements of Subpart E prescribed for qualifying aerodrome certification under this Part; and
 - (e) notify the Director of any change of address for service, telephone number, or other contact details required on the applicable form.

SUBPART F – OPERATING REQUIREMENTS: NON-CERTIFIED AERODROMES**4.29 Requirements for non-certificated aerodromes**

- (1) This Subpart applies to an aerodrome operator other than a qualifying aerodrome operator certificate holder.

- (2) An aerodrome operator to which this subpart applies must:
- (a) establish procedures to ensure that aircraft movements are restricted or prohibited on parts of the aerodrome where an unsafe condition exists;
 - (b) Provide safeguards at the aerodrome for –
 - (i) preventing animals interfering with movements on the aerodrome; and
 - (ii) deterring the entry of unauthorised persons and vehicles to the aerodrome operational area; and
 - (iii) reasonable protection of persons and property from aircraft operations; and
 - (c) provide the Director with an annual report of traffic movement data for the aerodrome; and
 - (d) if requested in writing by the Director, collect and report traffic movement data for the aerodrome.

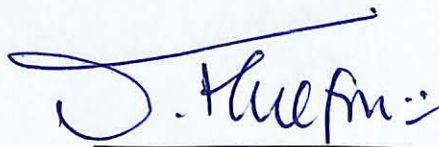
Made under my hand this 25th day of February, 2022.



HON. NIELU MAISAKE

Minister for Transport, Energy and Tourism

Published at the Government Notice Board this 25th day of February, 2022 at Funafuti.



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