



AFKONDIGINGSBLAD VAN SINT MAARTEN

Jaargang 2014

No. 73

Regeling van de Minister van Toerisme, Economische Zaken, Verkeer en Telecommunicatie van 28 november 2014, tot vaststelling van nieuwe regels omtrent de inschrijving en registratie van luchtvaartuigen, ter vervanging van de bijlage (Regeling inschrijving en registratie van luchtvaartuigen)

De Minister van Toerisme, Economische Zaken, Verkeer en
Telecommunicatie,

In overweging genomen hebbende:

dat het vanwege de nieuwe ontwikkelingen binnen de luchtvaart wenselijk is nieuwe regels vast te stellen met betrekking tot de inschrijving en registratie van luchtvaartuigen;

Gelet op:

artikel 4, eerste lid, van de Luchtvaartlandsverordening en de artikelen 5, tweede lid, en 8, eerste lid, van het Landsbesluit toezicht luchtvaart;

BESLUIT:

Artikel 1

De afgifte en verlenging van een bewijs van inschrijving en registratie geschiedt met inachtneming van de voorschriften zoals opgenomen in de bij deze regeling behorende bijlagen A en B.

Artikel 2

De Ministeriële regeling ter uitvoering van artikel 4, eerste lid, van de Luchtvaartlandsverordening en de artikelen 5, tweede lid, en 8, eerste lid, van het Landsbesluit toezicht luchtvaart wordt gewijzigd als volgt:

A

De artikelen 1 tot en met 3, en 5 tot en met 16 vervallen.

B

In artikel 4 vervalt het zinsdeel "paragraaf 4.2.1.3 van".

C

In Bijlage A vervallen alle onderdelen, met uitzondering van de onderdelen b, aanhef en onder 2, en onderdeel i van onderdeel 3.2.1.3 APPLICATION.

D

Bijlage B vervalt.

Artikel 3

1. Deze regeling treedt, zodra deze in het Afkondigingsblad is geplaatst, in werking met ingang van de eerste dag van de zevende week na de datum van bekrachtiging.

2. In afwijking van het eerste lid, treedt deze regeling:

a. in werking met ingang van de eerste dag van de derde week na de beslissing van het Constitutioneel Hof indien de Ombudsman een zaak aanhangig heeft gemaakt als bedoeld in artikel 127, derde lid, van de Staatsregeling; of,

b. niet in werking indien het Constitutioneel Hof oordeelt dat deze regeling niet verenigbaar is met de Staatsregeling.

Artikel 4

Deze regeling wordt aangehaald als: Regeling inschrijving en registratie van luchtvaartuigen.

Deze regeling wordt met de toelichting in het Afkondigingsblad geplaatst.

Achtentwintigste november 2014

De Minister van Toerisme, Economische Zaken,
Verkeer en Telecommunicatie

Uitgegeven de *vierde* december 2014;

De Minister van Algemene Zaken

Namens deze,

Hoofd Afdeling Juridische Zaken & Wetgeving

TOELICHTING

Algemeen deel

In 2008 heeft de Internationale burgerluchtvaart organisatie (ICAO) een audit uitgevoerd naar de toepassing van de internationale luchtvaartregelgeving in het Koninkrijk der Nederlanden. Een belangrijke uitkomst van deze audit was dat de regelgeving van de Nederlandse Antillen sterk verouderd was. Daardoor kwam de aansluiting bij de internationale regelgeving onder druk te staan. De burgerluchtvaartwetgeving is overal ter wereld zoveel mogelijk uniform vanwege het sterke internationale karakter van de burgerluchtvaart.

Streven is dan ook om alle wettelijke regelingen op het gebied van luchtvaart in Sint Maarten aan te passen aan de internationale standaarden, beginnende met de regelgeving inzake veiligheid van de burgerluchtvaart. Ook is aanleiding geweest dat de Amerikaanse luchtvaartautoriteit, de "Federal Aviation Administration" (FAA) van 12 tot en met 16 september 2011 in het kader van het "International Aviation Safety Assessment" (IASA) programma een audit bij de "Curaçao Civil Aviation Authority" (CCAA) heeft uitgevoerd, waar de Sint Maarten Civil Aviation Authority (SMCAA) bij betrokken was. De uitslag van deze audit was onder meer dat de regelgeving, de "Civil Aviation Regulations", voorheen "Civil Aviation Regulations Netherlands Antilles" (CARNA) niet actueel was. De audit betrof vooral de regelgeving omtrent de veiligheid van de luchtvaart.

Bij het opstellen van de nieuwe bijlage A is deel 4 "Aircraft Registration and Marking" van de "FAA Model Regulations" overgenomen. Deel 4 "Aircraft Registration and Marking" van de "FAA Model Regulations" is wel aangepast aan de staatkundige situatie in Sint Maarten en aan de actueel geldende wetgeving in Sint Maarten. Het resultaat, de "Sint Maarten Civil Aviation Regulations Part 4 "Aircraft Registration and Marking" is als bijlage bij deze regeling gevoegd.

De nieuwe "Sint Maarten Civil Aviation Regulations Part 4 "Aircraft Registration and Marking" is als bijlage A bij deze regeling gevoegd. Bijlage B regelt het nieuwe model van het bewijs van inschrijving. Deze nieuwe regeling en de bijlagen vervangen het grootste deel van de huidige ministeriële regeling ter uitvoering van artikel 4, eerste lid, van de Luchtvaartlandsverordening en de artikelen 5, tweede lid, en 8, eerste lid, van het Landsbesluit toezicht luchtvaart. Die ministeriële regeling vervalt dan ook, met uitzondering van een enkel artikel en twee onderdelen van de bij die regeling behorende bijlage A.

De bijlagen zijn opgesteld in de Engelse taal, dat is normaal gesproken niet wenselijk bij wetgeving. Echter, dat is gewoonte in de luchtvaart gezien het internationale karakter daarvan.

Financiële paragraaf

Er zijn geen financiële gevolgen voorzien.

Artikelsgewijs deel

Artikel 1

Bijlage A is aangepast aan de nieuwe ontwikkelingen binnen de luchtvaart met betrekking tot de inschrijving en registratie van luchtvaartuigen. Deze bijlage bevat de regels omtrent de inschrijving en registratie van


luchtvaartuigen; deze zijn aangepast aan de hand van bijlage 7 van het Verdrag inzake de Internationale burgerluchtvaart.
Bijlage B bevat het model bewijs van registratie. Dit houdt in dat, nadat is geconstateerd dat een luchtvaartuig voldoet aan de voorschriften in bijlage A, het kan worden voorzien van een certificaat dat het is ingeschreven.

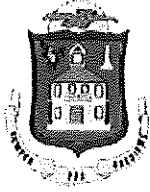
Artikel 2

Ingevolge dit artikel komen de bepalingen in de ministeriële regeling ter uitvoering van artikel 4, eerste lid, van de Luchtvaartlandsverordening en de artikelen 5, tweede lid, en 8, eerste lid, van het Landsbesluit toezicht luchtvaart, alsmede de daarbij behorende bijlagen, te vervallen, met uitzondering van artikel 4 en twee onderdelen van bijlage A. Het betreft de ongewijzigde voortzetting van de regeling welke vergoeding verschuldigd is voor het in behandeling nemen van een aanvraag tot inschrijving en registratie.

De Minister van Toerisme, Economische Zaken,
Verkeer en Telecommunicatie

Bijlage B behorende bij artikel 1 van de Regeling inschrijving en registratie van luchtvaartuigen

<p>Dit certificaat moet altijd aan boord zijn van het luchtvaartuig <i>This certificate shall be carried in the aircraft at all times</i></p>	<p>SINT MAARTEN BURGERLUCHTVAART AUTORITEIT <i>(Sint Maarten Civil Aviation Authority)</i> Ministerie van Toerisme, Economische Zaken, Verkeer en Telecommunicatie <i>(Ministry of Tourism, Economic Affairs, Transport and Telecommunication)</i> BEWIJS VAN INSCHRIJVING <i>(Certificate of Registration)</i></p>	<p>No.:</p> 
<p>1. Nationaliteits- en Inschrijvingskenmerk <i>(Nationality and Registration mark)</i></p>	<p>2. Fabrikant <i>(Manufacturer)</i></p> <p>Fabrikantsaanduiding <i>(Manufacturer's designation of aircraft)</i></p>	<p>3. Fabrieksnummer <i>(Aircraft serial number)</i></p>
<p>4. Naam van de eigenaar: <i>(Name of owner)</i></p> <p>5. Adres van de eigenaar: <i>(Address of owner)</i></p>		
<p>6. Hierbij wordt verklaard dat het hierboven omschreven luchtvaartuig is ingeschreven in het Sint Maartens nationaliteitsregister met inachtneming van het op 7 december 1944 te Chicago gesloten Verdrag inzake de Internationale Burgerluchtvaart en overeenkomstig de voorschriften in de Luchtvaartlandsverordening, het Landsbesluit toezicht luchtvaart en de Regeling inschrijving en registratie van luchtvaartuigen.</p> <p><i>It is hereby certified that above aircraft has been entered on the nationality register of Sint Maarten in due observation of the Convention on International Civil Aviation dated December 7th, 1944 and in accordance with the requirements in the Aviation Act of Sint Maarten, the National Decree on aviation oversight and the Ministerial Decree regulating the Aircraft registration and Marking.</i></p>		
<p>Datum van uitreiking: <i>(Date of issue)</i></p>	<p>De Minister van Toerisme, Economische Zaken, Verkeer en Telecommunicatie <i>(the Minister of Tourism, Economic Affairs, Transport and Telecommunication)</i></p>	
<p>Datum afloop termijn van geldigheid: <i>(Date of expiration)</i></p>		
<p>Voor verlenging zie ommezijde <i>(For renewal please turn over)</i></p>	<p>Handtekening <i>(Signature)</i></p>	



Sint Maarten Civil Aviation Authority
Ministry of Tourism, Economic Affairs,
Traffic and Telecommunication

**Bijlage A behorende bij de Regeling inschrijving en registratie van
luchtvaartuigen**

SINT MAARTEN CIVIL AVIATION REGULATIONS

PART 4- AIRCRAFT REGISTRATION AND MARKING

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4.1 GENERAL

4.1.1.1 APPLICABILITY

- (a) SMCAR Part 4 prescribes the requirements for registration and marking of Civil Aircraft under the provisions of the Luchtvaartlandsverordening (Aviation Act).
- (b) This part does not apply to meteorological pilot balloons used exclusively for meteorological purposes or to unmanned free balloons without a payload.

4.1.1.2 DEFINITIONS

For the purpose of SMCAR Part 4, the following definitions shall apply:

- (1) **Aeroplane:** 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.
- (2) **Aircraft:** 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.
- (3) **Airship:** a power-driven lighter-than-air aircraft.
- (4) **Authority:** The Sint Maarten Civil Aviation Authority (SMCAA).
- (5) **Common mark:** A mark assigned by the International Civil Aviation Organisation to the common mark registering authority registering aircraft of an international operating agency on other than a national basis.
- (6) **Common mark registering authority:** The authority maintaining the non-national register or, where appropriate, the part thereof, in which aircraft of an international operating agency are registered.
- (7) **Fireproof material:** a material capable of withstanding heat as well as or better than steel when the dimensions in both cases are appropriate for the specific purpose.
- (8) **Gyroplane:** a heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors which rotate freely on substantially vertical axes.
- (9) **Heavier-than-air aircraft:** any aircraft deriving its lift in flight chiefly from aerodynamic forces.
- (10) **Helicopter:** 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.
- (11) **International operating agency.** An agency of the kind contemplated in Article 77 of the Convention on International Civil Aviation.
- (12) **Lighter-than-air aircraft:** any aircraft supported chiefly by its buoyancy in the air.
- (13) **Minister:** This term means the Minister responsible for civil aviation.
- (14) **Ornithopter.** A heavier-than-air aircraft supported in flight chiefly by the reactions of the air on planes to which a flapping motion is imparted.
- (15) **Remotely piloted aircraft (RPA).** An unmanned aircraft which is piloted from a remote pilot station.
- (16) **Rotorcraft:** a power-driven heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors.
- (17) **State of Registry:** the State on whose register the aircraft is entered.

Note: Definitions in Annex 7 to the Convention on International Civil Aviation for common mark, common mark registering authority, international operating agency and ornithopter have been added to SMCAR Part 4 but are not used.

4.1.1.3 ABBREVIATIONS

- (a) There are no abbreviations used in SMCAR Part 4

4.2 REGISTRATION REQUIREMENTS

4.2.1.1 GENERAL

- (a) No person may operate a civil aircraft that is eligible for registration under the laws of Sint Maarten unless it has been registered by its owner or holder under the provisions of the laws of Sint Maarten and the Minister has issued a Certificate of Aircraft Registration for that aircraft which shall be carried aboard that aircraft for all operations.
- (b) The certificate of aircraft registration shall be in the official languages of Sint Maarten,
- (c) The certificate of aircraft registration will be issued by the Authority in the form as contained in the Regeling Inschrijving en Registratie van luchtvaartuigen (Decree on aircraft registration) of the Minister of Tourism, Economic Affairs, Transport and Telecommunication .

Note: Article 29 of the Convention on International Civil Aviation requires that the Certificate of Registration be carried on board every aircraft engaged in international air navigation.

4.2.1.2 REGISTRATION ELIGIBILITY

An aircraft is eligible for registration if it is:

- (1) Owned by:
- (i) A citizen of Sint Maarten,
 - (ii) An individual citizen of another State who is lawfully admitted for permanent residence in Sint Maarten,
 - (iii) A corporation lawfully organized and doing business under the laws of Sint Maarten and the aircraft is based and primarily used in Sint Maarten, or
 - (iv) A government entity of Sint Maarten
- (2) Not registered under the laws of any other State.

4.2.1.3 APPLICATION

- (a) A person who wishes to register an aircraft in Sint Maarten must submit an application for aircraft registration to the Administrator of the nationality register in a form and manner acceptable to the Authority. Each application shall:
- (1) Certify as to compliance with 4.2.1.2;
 - (2) Show evidence identifying ownership; and
 - (3) Be signed in ink.
- (b) Upon an applicant meeting all requirements for registration, a Certificate of Registration will be issued by the Minister.

4.2.1.4 AIRCRAFT REGISTRY

- (a) As required by the Landsbesluit Toezicht Luchtvaart, Hoofdstuk 2 (Decree on Civil Aviation Safety Oversight, Chapter 2), the Authority shall maintain an aircraft registry showing for each aircraft registered by Sint Maarten the information recorded on the certificate of aircraft registration and any other information required by the Authority.
- (b) Upon request, Sint Maarten will provide information to another ICAO Contracting State or to ICAO as to aircraft registration and/or ownership of any particular aircraft registered in Sint Maarten.

4.3 NATIONALITY AND REGISTRATION MARKS

4.3.1.1 APPLICABILITY

This Subpart prescribes the requirements for the identification and marking of civil aircraft registered in Sint Maarten.

4.3.1.2 GENERAL

- (a) No person may operate a civil aircraft registered in Sint Maarten unless it displays nationality and registration marks in accordance with the requirements of this section. The letters used to identify the nationality of Sint Maarten shall conform to the requirements outlined in ICAO Annex 7. This is to be followed by a series of numbers or letters assigned by the Authority.
- (b) Unless otherwise authorized by the Authority, no person may place on any aircraft a design, mark, or symbol that modifies or confuses the nationality and registration marks. Marks shall not be used which might be confused with the International Five Letter Code of Signals, Part II, the three-letter combinations beginning with Q used in the Q Code or Distress Codes or other similar, urgent codes.

Note: For reference to these codes see the currently effective International Telecommunications Regulations

- (c) Permanent marking of aircraft nationality and registration shall:
 - (1) be painted on the aircraft or affixed by other means insuring a similar degree of permanence;
 - (2) have no ornamentation;
 - (3) contrast in colour with the background;
 - (4) be legible; and
 - (5) be kept clean and visible at all times.

4.3.1.3 DISPLAY OF MARKS: GENERAL

- (a) Each owner shall display on that aircraft marks consisting of the Roman capital letter(s) denoting nationality of Sint Maarten followed by the registration number of the aircraft in Arabic numerals, Roman capital letters, or a combination thereof.

Note: The nationality mark shall be selected from the series of nationality symbols included in the radio call signs allocated to the State of Registry by the International Telecommunication Union.

4.3.1.4 SIZE OF MARKS

- (a) Each owner of an aircraft shall display marks on the aircraft meeting the size requirements of this section.
- (b) Height. The character marks shall be of equal height and on:
 - (1) Heavier-than-air aircraft must be at least
 - (2) 50 centimetres high if on the wings, and
 - (3) 30 centimetres high if on the fuselage (or equivalent structure) and vertical tail surfaces;
 - (4) Lighter-than-air aircraft shall be at least 50 centimetres high; and
- (c) Width. Characters shall be two-thirds as wide as they are high, except the number "1" and the letter "l" which shall be one-sixth as wide as it is high.
- (d) Thickness. Characters shall be formed by solid lines one-sixth as thick as the character is high.
- (e) Spacing. The space between each character may not be less than one-fourth of the character width.
- (f) Uniformity. The marks required by this Part for fixed-wing aircraft must have the same height, width, thickness, and spacing on both sides of the aircraft.

4.3.1.5 LOCATION OF MARKS ON HEAVIER-THAN-AIR AIRCRAFT

- (a) The owner of a fixed-wing aircraft shall display the marks once on the lower surface of the wing structure as follows:
 - (1) They shall be located on the left half of the lower surface of the wing structure unless they extend across the whole of the lower surface of the wing structure.
 - (2) So far as is possible, the marks shall be located equidistant from the leading and trailing edge of the wings.
 - (3) The tops of the letters and numbers shall be toward the leading edge of the wing.
- (b) On a heavier than air aircraft with a fuselage (or equivalent structure) and/or a vertical tail surface, the marks shall appear on either the vertical tail surfaces or the sides of the fuselage as follows:
 - (1) If displayed on the vertical tail surfaces, horizontally on both surfaces of a single vertical tail or on the outer surfaces of a multi-vertical tail.
 - (2) If displayed on the fuselage surfaces, horizontally on both sides of the fuselage between the trailing edge of the wing and the leading edge of the horizontal stabilizer.
 - (3) If engine pods or other appurtenances are located in the area described in paragraph (b) (2) and are an integral part of the aircraft, the marks may appear on those pods or appurtenances.

4.3.1.6 LOCATION OF MARKS ON LIGHTER-THAN-AIR AIRCRAFT

- (a) Airships. The operator shall place marks on an airship to appear on:
 - (1) The hull, located lengthwise on each side of the hull and on its upper surface on the line of symmetry; or
 - (2) The horizontal and vertical stabilizer surfaces:
 - (i) For the horizontal stabilizer, located on the right half of the upper surface and on the left half of the lower surface, with the tops of the letters and numbers toward the leading edge; and
 - (ii) For the vertical stabilizer, located on each side of the bottom half stabilizer, with the letters and numbers placed horizontally
- (b) Lighter-than-air aircraft. The owner shall apply side marks to be visible both from the sides and from the ground.

4.3.1.7 SPECIAL CASES FOR SIZE AND LOCATION OF MARKS

- (a) If either one of the surfaces authorized for displaying required marks is large enough for display of marks meeting the size requirements of this section and the other is not, the full-size marks shall be placed on the larger surface.
- (b) If neither surface is large enough for full-size marks, the Authority may approve marks as large as practicable for display on the larger of the two surfaces.
- (c) If, because of the aircraft configuration, it is not possible to mark the aircraft in accordance with this Part, the owner may apply to the Authority for a different procedure.

4.3.1.8 SALE OF AIRCRAFT: REMOVAL OF MARKS

When an aircraft registered in Sint Maarten is sold, the holder of the Certificate of Aircraft Registration shall remove, before its delivery to the purchaser, all nationality and registration marks of Sint Maarten, unless the purchaser is a citizen or other legal entity as prescribed in 4.2.1.2(1).

4.3.1.9 IDENTIFICATION PLATE REQUIRED

- (a) The owner shall affix to each aircraft registered under the laws of Sint Maarten an identification plate—
 - (1) Containing the aircraft type, model, serial number, marks of nationality and registration mark; and
 - (2) Made of fireproof metal or other fireproof material of suitable physical properties; and
 - (3) Secured to the aircraft in a prominent position, near the main entrance, or,
 - (i) in the case of a remotely piloted aircraft, secured in a prominent position near the main entrance or compartment or affixed conspicuously to the exterior of the aircraft if there is no main entrance or compartment.

Note: The registration mark (number) on the identification plate will need to be changed each time the aircraft registration changes.