

No. 27660

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
SAINT LUCIA**

Agreement for air services between and beyond their respective territories (with annex). Signed at Castries on 31 August 1989

Authentic text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 23 November 1990.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
SAINTE-LUCIE**

Accord relatif aux services aériens entre leurs territoires respectifs et au-delà (avec annexe). Signé à Castries le 31 août 1989

Texte authentique : anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 23 novembre 1990.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF SAINT LUCIA FOR AIR SERVICES BETWEEN AND BEYOND THEIR RESPECTIVE TERRITORIES

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Saint Lucia (hereinafter referred to as “the Contracting Parties”);

Being parties to the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1944;²

Desiring to conclude an Agreement, supplementary to the said Convention for the purpose of establishing air services between and beyond their respective territories;

Have agreed as follows:

ARTICLE I

Definitions

For the purpose of this Agreement, unless the context otherwise requires:

- (a) the term “the Convention” means the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944, and includes any Annex adopted under Article 90 of that Convention and any amendment of the Annexes or Convention under Article 90 and 94 thereof so far as those Annexes and amendments have become effective for or been ratified by both Contracting Parties;
- (b) the term “aeronautical authorities” means: in the case of Saint Lucia, the Minister responsible for Civil Aviation and any person or body authorised to perform any functions at present exercisable by the said Minister or similar functions, and, in the case of the United Kingdom, the Secretary of State for Transport and any person or body authorised to perform any function at present exercisable by him or similar functions;
- (c) the term “designated airline” means an airline which has been designated and authorised in accordance with Article 4 of this Agreement;
- (d) the term “territory” in relation to a State has the meaning assigned to it in Article 2 of the Convention;
- (e) the terms “air service”, “international air service”, “airline” and “stop for non-traffic purposes” have the meanings respectively assigned to them in Article 96 of the Convention;

¹ Came into force on 31 August 1989 by signature, in accordance with article 20.

² United Nations, *Treaty Series*, vol. 15, p. 295. For the texts of the Protocols amending this Convention, see vol. 320, pp. 209 and 217; vol. 418, p. 161; vol. 514, p. 209; vol. 740, p. 21; vol. 893, p. 117; vol. 958, p. 217; vol. 1008, p. 213, and vol. 1175, p. 297.

(f) the term “tariff” means:

- (i) the price charged by a designated airline for the carriage of passengers and their baggage on scheduled air services, and any conditions on which such price depends;
- (ii) the price charged by a designated airline for the carriage of cargo (excluding mails) on scheduled air services, and any conditions on which such price rate depends;
- (iii) the price charged by a designated airline to a tour operator or wholesaler for the carriage of passengers and their baggage or cargo (excluding mails) on scheduled air services in space sold to that tour operator or wholesaler for resale by him to passengers or consignors of cargo, and any conditions on which such price depends; and
- (iv) the rate of commission paid by a designated airline to an agent in respect of tickets sold or airway bills completed by that agent for carriage on scheduled air services, and any conditions on which such rate of commission depends.

ARTICLE 2

Application of Chicago Convention

The provisions of this Agreement shall be subject to the provisions of the Convention in so far as those provisions are applicable to international air services.

ARTICLE 3

Grant of Rights

(1) Each Contracting Party grants to the other Contracting Party the following rights in respect of its scheduled international air services:

- (a) the right to fly across its territory without landing;
- (b) the right to make stops in its territory for non-traffic purposes.

(2) Each Contracting Party grants to the other Contracting Party the rights specified in this Agreement for the purpose of establishing scheduled international air services on the routes specified in the appropriate Section of the Schedule annexed to this Agreement.

Such services and routes are hereafter called “the agreed services” and “the specified routes” respectively. While operating an agreed service on a specified route the airlines designated by each Contracting Party shall enjoy in addition to the rights specified in paragraph (1) of this Article the right to make stops in the territory of the other Contracting Party at the points specified for that route in the Schedule to this Agreement for the purpose of taking on board and discharging passengers and cargo including mail.

(3) Nothing in paragraph (2) of this Article shall be deemed to confer on the airlines of one Contracting Party the privilege of taking on board, in the territory of the other Contracting Party, passengers and cargo including mail carried for hire or reward and destined for another point in the territory of the other Contracting Party.

ARTICLE 4

Designation and Authorisation of Airlines

(1) Each Contracting Party shall have the right to designate in writing to the other Contracting Party one or more airlines for the purpose of operating the agreed services on the specified routes and to withdraw or alter such designations.

(2) On receipt of such designations the other Contracting Party shall, subject to the provisions of paragraphs (3) and (4) of this Article, without delay grant to the airline or airlines designated the appropriate operating authorisations.

(3) The aeronautical authorities of one Contracting Party may require an airline designated by the other Contracting Party to satisfy them that it is qualified to fulfil the conditions prescribed under the laws and regulations normally and reasonably applied to the operation of international air services by such authorities in conformity with the provisions of the Convention.

(4) Each Contracting Party shall have the right to refuse to grant the operating authorisations referred to in paragraph (2) of this Article, or to impose such conditions as it may deem necessary on the exercise by a designated airline of the rights specified in Article 3(2) of this Agreement, in any case where the said Contracting Party is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in its nationals.

(5) When an airline has been so designated and authorised it may begin at any time to operate the agreed services, provided that the airline complies with the applicable provisions of this Agreement.

ARTICLE 5

Revocation or Suspension of Operating Authorisations

(1) Each Contracting Party shall have the right to revoke an operating authorisation or to suspend the exercise of the rights specified in Article 3(2) of this Agreement by an airline designated by the other Contracting Party, or to impose such conditions as it may deem necessary on the exercise of these rights:

- (a) in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in nationals of such Contracting Party; or
- (b) in the case of failure by that airline to comply with the laws or regulations of the Contracting Party granting these rights; or
- (c) in case the airline otherwise fails to operate in accordance with the conditions prescribed under this Agreement.

(2) Each Contracting Party may exercise the right to revoke, suspend or impose the conditions mentioned in paragraph (1) of this Article immediately if such revocation, suspension or imposition of conditions is essential to prevent further infringements of laws or regulations relating to safety or national security. In the case of infringements of other laws or regulations, the Contracting Party desiring to exercise the rights mentioned in paragraph (1) shall give notice thereof to the other Contracting Party and simultaneously to the designated airline concerned. Such notice shall state the basis for the proposed action

and shall afford opportunity to the other Contracting Party to consult in regard thereto. Any revocation, suspension or imposition of conditions shall become effective on the date specified in such notice (which shall be not less than 60 days after the date on which the notice would, in the ordinary course of transmission, be received by the Contracting Party to whom it is addressed) unless the notice is withdrawn before such date.

ARTICLE 6

Exemption from Charges on Equipment, Fuel, Stores, etc

(1) Aircraft operated on international air services by the designated airlines of either Contracting Party, as well as their regular equipment, supplies of fuel and lubricants, and aircraft stores (including food, beverages and tobacco) on board such aircraft shall be exempt from all Customs duties, inspection fees and other similar charges on arriving in the territory of the other Contracting Party, provided such equipment and supplies remain on board the aircraft up to such time as they are re-exported or are used on the part of the journey performed over that territory.

(2) There shall also be exempt from the same duties, fees and charges, with the exception of charges corresponding to the services performed:

- (a) aircraft stores taken on board in the territory of a Contracting Party, within limits fixed by the authorities of the said Contracting Party, and for use on board outbound aircraft engaged in an international air service of the other Contracting Party;
- (b) spare parts introduced into the territory of either Contracting Party for the maintenance or repair of aircraft used on international air services by the designated airlines of the other contracting Party;
- (c) fuel and lubricants supplied in the territory of a Contracting Party to an outbound aircraft of a designated airline of the other Contracting Party engaged in an international air service, even when these supplies are to be used on the part of the journey performed over the territory of the Contracting Party in which they are taken on board.

Materials referred to in sub-paragraphs (a), (b) and (c) above may be required to be kept under Customs supervision or control.

ARTICLE 7

Unloading of Equipment, etc

The regular airborne equipment, as well as the materials and supplies retained on board the aircraft of either Contracting Party, may be unloaded in the territory of the other Contracting Party only with the approval of the Customs authorities of that territory. In such case, they may be placed under the supervision of the said authorities up to such time as they are re-exported or otherwise disposed of in accordance with Customs regulations.

ARTICLE 8

Aviation Security

(1) The Contracting Parties reaffirm their concern about acts or threats against the security of aircraft, which jeopardize the safety of persons or property, adversely affect the operation of air services and undermine public confidence in the safety of civil aviation.