

No. 47863

**United Kingdom of Great Britain and Northern Ireland
and
Saint Kitts and Nevis**

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Saint Christopher (Saint Kitts) and Nevis concerning air services (with annex). Basseterre, 8 December 2009

Entry into force: *8 December 2009 by signature, in accordance with article 23*

Authentic text: *English*

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**Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
et
Saint-Kitts-et-Nevis**

Accord entre le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et le Gouvernement de Saint-Christophe (Saint-Kitts-et-Nevis) relatif aux services aériens (avec annexe). Basseterre, 8 décembre 2009

Entrée en vigueur : *8 décembre 2009 par signature, conformément à l'article 23*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF SAINT CHRISTOPHER (SAINT KITTS) AND NEVIS
CONCERNING AIR SERVICES**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Saint Christopher (Saint Kitts) and Nevis 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 ;

Desiring to conclude an Agreement supplementary to the said Convention for the purpose of establishing air services between 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 Chicago Convention" means the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944 and includes:
 - (i) any amendment thereof which has been ratified by both Contracting Parties; and
 - (ii) any Annex or any amendment thereto adopted under Article 90 of that Convention, insofar as such amendment or annex is at any given time effective for both Contracting Parties;
- (b) the term "aeronautical authority" means in the case of the United Kingdom, the Secretary of State for Transport and, for the purpose of Article 7, the Civil Aviation Authority and in the case of Saint Christopher (Saint Kitts) and Nevis, the East Caribbean Civil Aviation Authority, or, in both cases, any person or body who may be authorised to perform any functions at present exercisable by the above-mentioned authority 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 Chicago 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 Chicago Convention;
- (f) the term "this Agreement" includes the Annex hereto and any amendments to it or to this Agreement;
- (g) the term "user charges" means a charge made to airlines by the competent authority or permitted by that authority to be made for the provision of airport property or facilities or of air navigation facilities (including facilities for overflights), or related services and facilities, for aircraft, their crews, passengers and cargo;
- (h) the term "Air Operator's Certificate" means a document issued to an airline which affirms that the airline in question has the professional ability and organisation to secure the safe operation of aircraft for the aviation activities specified in the certificate;
- (i) the term "EC Member State" means a State that is now or in the future a contracting party to the Treaty establishing the European Community;
- (j) the term "Caribbean Community Member State" means a State that is now or in the future a Contracting Party to the Treaty establishing the Caribbean Community including the Caricom Single Market and Economy;
- (k) references to airlines of the United Kingdom of Great Britain and Northern Ireland shall be understood as referring to airlines designated by the United Kingdom of Great Britain and Northern Ireland;
- (l) references to nationals of the United Kingdom of Great Britain and Northern Ireland shall be understood as referring to nationals of European Community Member States.

ARTICLE 2

Applicability Of The Chicago Convention

The provisions of this Agreement shall be subject to the provisions of the Chicago Convention insofar 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 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 hereinafter specified in this Agreement for the purpose of operating international air services on the routes specified in the appropriate Section of the Schedule annexed to this Agreement. Such services and routes are hereinafter called "the agreed services" and "the specified routes" respectively. While operating an agreed service on a specified route the airline or 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 designated airline or airlines of one Contracting Party the right to take 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.

(4) If because of armed conflict, political disturbances or developments, or special and unusual circumstances, a designated airline of one Contracting Party is unable to operate a service on its normal routeing, the other Contracting Party shall use its best efforts to facilitate the continued operation of such service through appropriate temporary rearrangements of routes.

ARTICLE 4

Designation and Authorisation

(1) Each Contracting Party shall have the right to designate airlines for the purpose of operating the agreed services on each of the specified routes and to withdraw or alter such designations. Such designations shall be made in writing and shall be transmitted to the other Contracting Party through diplomatic channels.

(2) On receipt of such a designation, and of applications from the designated airline, in the form and manner prescribed for operating authorisations and

technical permissions, the other Contracting Party shall grant the appropriate authorisations and permissions with minimum procedural delay, provided:

- (a) in the case of an airline designated by the United Kingdom of Great Britain and Northern Ireland:

EITHER

- (i) it is established in the territory of the United Kingdom under the Treaty establishing the European Community and has a valid operating licence in accordance with European Community law; and
- (ii) effective regulatory control of the airline is exercised and maintained by the EC Member State responsible for issuing its Air Operator's Certificate and the relevant aeronautical authority is clearly identified in the designation; and
- (iii) the airline is owned, directly or through majority ownership, and it is effectively controlled by EC Member States or the European Free Trade Association and/or by nationals of such states;

OR

- (iv) the airline is incorporated and has its principal place of business in a territory for whose international relations the United Kingdom is responsible that is not part of the territory of the European Community, and holds a current Air Operator's Certificate issued by the aeronautical authority of that territory;
- (b) in the case of an airline designated by Saint Christopher (Saint Kitts) and Nevis:
 - (i) it is established in the territory of Saint Christopher (Saint Kitts) and Nevis and has received an operating licence from a Caribbean Community Member State; and
 - (ii) effective regulatory control of the airline is exercised and maintained by the Caribbean Community Member State responsible for issuing its Air Operators Certificate and the relevant aeronautical authority is clearly identified in the designation; and
 - (iii) the airline is owned and shall continue to be owned directly or through majority ownership by Caribbean Community Member States or nationals and shall at all times be effectively controlled by such States and/or such nationals; and