

CONSTITUTIONAL INSTRUMENT

THE SIERRA LEONE CIVIL AVIATION AUTHORITY (HANDLING AGENTS) REGULATIONS, 2016

PART 20A - HANDLING AGENTS REGULATIONS

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THE CIVIL AVIATION ACT, 2008
(ACT NO.2 of 2008)

Short title. The Sierra Leone Civil Aviation Authority
(Handling Agents) Regulations, 2016.

In exercise of the powers conferred upon it by section 82 of the Civil Aviation Act 2008, the Authority hereby makes the following Regulations-

20A.1. APPLICABILITY

This regulation provides description of requirements needed to be met as a Sierra Leone Civil Aviation Authority accredited Handling Agent. It also prescribes requirements for the initial certification and continuous validity of License and or accreditation issued by the SLCAA.

Handling Agent performs the services for operators it represents: customer service, handling services (receiving, loading, unloading, transferring or other processing of aircraft, passengers or cargo, request over flight and landing permits, provide gate information, make arrangement for aircraft fuel, catering services, hotel accommodation & transportation and provide ramp guide) necessary for an aircraft's arrival at, and departure from an airport, other than air traffic services.

20A.2. DEFINITIONS:

- (a) For the purpose of these regulations, the following definitions shall apply:
 - (1) Airline. As provided in Article 96 of the Convention, any air transport enterprise offering or operating a scheduled international air service.

- (2) Airport. A defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.
- (3) Annexes to the Chicago Convention. The documents issued by the International Civil Aviation Organisation (ICAO) containing the Standards and Recommended Practices applicable to civil aviation.
- (4) Annex 17. The annex to the Chicago Convention issued by the International Civil Aviation Organisation (ICAO) containing the Standards and Recommended Practices applicable to civil aviation for Aviation Security.
- (5) Annex 9. The annex to the Chicago Convention issued by the International Civil Aviation Organisation (ICAO) containing the Standards and Recommended Practices applicable to civil aviation for facilitation.
- (6) Applicant. Any person or business desirous of SLCAA approval to operate as a Handling Agent. Any person or business seeking license or license renewal for the SLCAA to grant approval for establishment as Handling Agent or to continue operation as a Handling Agent.
- (7) Calendar day. The period of elapsed time, using Coordinated Universal Time or local time that begins at midnight and ends 24 hours later in the next midnight.
- (8) Calendar month. A period of a month beginning and ending with the dates that are conventionally accepted as marking the beginning and end of a numbered month (as January 1 through January 31 in the Gregorian calendar).
- (9) Calendar year. A period of a year beginning and ending with the dates that are conventionally accepted as marking the beginning and end of a numbered year (as January 1 through December 31 in the Gregorian calendar).

- (10) Cargo. Any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage.
- (11) Catering Services. This includes the unloading of unused food and drinks from the aircraft, and the loading of fresh food and drink for passengers and crew.
- (12) Chicago Convention. ("Convention") The Convention on International Civil Aviation concluded in Chicago, U.S.A., in 1944, entered into force in 1947. The Articles of the Chicago Convention govern the actions of the contracting States in matters of international civil aviation safety directly and through the Annexes to the Convention, which set forth ICAO Standards and Recommended Practices.
- (13) Civil aviation. The operation of any civil aircraft for the purpose of general aviation operations, aerial work or commercial air transport operations.
- (14) Commercial air transport operation. An aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire.
- (15) Competency. A combination of skills, knowledge and attitudes required to perform a task to the prescribed standard.
- (16) Dangerous Goods. Articles or substances which are capable of posing significant risk to health, safety or property when transported by air.
- (17) Director General. The Director General of the Sierra Leone Civil Aviation Authority.
- (18) Facility. A physical plant, including land, buildings, and equipment, which provide the means for the performance of maintenance, preventive maintenance, or modifications of any article.
- (19) Foot (ft). The length equal to 0.3048 metre exactly.

- (20) General Sales Agency/ General Sales Agent. An agency or agent that represents airlines for the sales of air tickets, cargo space and other handling services.
- (21) Ground Handling. Services (receiving, loading, unloading, transferring or other processing of aircraft, passengers or cargo) necessary for an aircraft's arrival at, and departure from an airport, other than air traffic services.
- (22) IATA. Where used in these regulations, this is an abbreviation for the International Air Transport Association.
- (23) ICAO. Where used in these Regulations, this is an abbreviation for the International Civil Aviation Organisation.
- (24) Inspection. The examination of a HANDLING AGENT facility administrative set-up by SLCAA competent Inspectors to establish conformity with standards approved by the Authority.
- (25) SLCAA. Where used in these regulations, this is an abbreviation for the Sierra Leone Civil Aviation Authority, a regulatory arm of the Sierra Leone Government fully charged with the responsibility to generally regulate and oversee every aspect of aviation activities within the Republic of Sierra Leone.
- (26) SLCAA Inspection Officer. This refers to employee and a representative of SLCAA who is qualified to conduct and carry out inspection exercise of HANDLING AGENT facilities and administrative set-up for the sole purpose of regulating and licensing.
- (27) SLCAA Issued License. This refers to a document presented to general sales agents / general sales agencies indicating name of agency, category of agency, validity period of license, permit number, date of issuance and authorization from the Director General of SLCAA to operate in Sierra Leone.

- (28) Person. Any individual, firm, partnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative of these entities.
- (29) Regulated Agent. An agent, freight forwarder or any other entity who conducts business with an operator and provides security controls that are accepted or required by the appropriate authority in respect of cargo or mail.
- (30) Signature. An individual's unique identification used as a means of authenticating a record entry or record. A signature may be hand-written, electronic, or any other form acceptable to the Authority.

20A.3. REQUIREMENTS FOR NEW APPLICATION

- (a) Applications for Handling Agent License must be forwarded to the Director General of the Sierra Leone Civil Aviation Authority for approval. He serves as a mediator to promote cordial relationships between the HANDLING AGENT and the operators to enhance mutual co-existence for reasonable and equitable financial gains.
- (b) The applicant for a Handling Agent License must be credible and reliable to conduct business in Sierra Leone and must present to the Authority a police clearance to prove that he/she has no criminal records.
- (c) The applicant must attach photographs of the premises both interior and exterior of the Handling Agent Office to the application.
- (d) The applicant must have a minimum beginning share capital of US\$1,000,000.00. This amount must be proven by attaching to the SLCAA Application Form appropriate financial documentation (bank account balance, etc).
- (i) The applicant must produce a performance bond of US\$ 150,000.00 from a prime Insurance Company. The Authority will have the right to conduct periodic and impromptu inspec-

tion of the document. This document is for the purpose of a security guarantee to cover Handling Agent obligations in case of default, accidents and incidents. This Guarantee/Bond will also be used to cover liabilities.

- (e) Better still; a yearly performance bond from a reliable insurance company value as stated herein must be filed with the SLCAA prior to the issuance of SLCAA License.
- (f) At least two staff members of the applying agency must have successfully completed a Diploma Course in airline studies and or any aviation related field, where a certificate is issued of having successfully completed a course in ticketing, reservations, fare construction, cargo management, etc. Staff members must have, at least two years of continuous experience with the approved HANDLING AGENT or an approved airline or operator.
- (g) Applicants should ensure that their HANDLING AGENT passes the SLCAA inspection requirements before paying the required amount into the Authority's account at a designated Sierra Leonean Bank. Any amount paid to the SLCAA Account with or without SLCAA authorization is non-refundable in the event of the Authority's refusal to issue license to an unqualified HANDLING AGENT, or as a result of revocation of the SLCAA License for any reason forbidden by law, or this regulation which shall include fraud, malpractice, inducement, nonperformance of service and having utilized client's money thus leading to the defeat of the client's reasonable expectation resulting to cancellation or suspension of flight, closure of operation either temporarily or permanently in Sierra Leone.
- (h) Applications must be written on the applicant's Letterhead.
- (i) The applicant must present a certified copy of the Articles of Incorporations (INC.) duly certified by the Ministry of Foreign Affairs of Sierra Leone. Applicant must ensure to specify if it is a Sole Proprietor Corporation, Partnership Corporation or just a Corporation and documents to that effect from the Ministry must be attached for verification.

- (j) An alternative power supply is required for electricity back up.
- (k) Doors/windows/ventilators/air conditioners must be protected by security steel shutters or grills and must be locked after office hours.
- (l) Handling Agent must present to the Sierra Leone Civil Aviation Authority (SLCAA), a letter of representative along with the Memorandum of Understanding (MOU) entered between the HANDLING AGENT and the operator (s) representative. In said document shall include:
 - i. The name of the operator (s) representing;
 - ii. Country of Registry and Registration number of said operator (s) aircraft;
 - iii. Country of current operation;
 - iv. Route currently operation/flying on;
 - v. Commission for the HANDLING AGENT, and
 - vi. And any other information required by the SLCAA.
- (m) In the case of an application for a Branch Office or subsidiary location, a separate application as well as financial and other relevant documents of the Head Office which cover the activities of the entire Branch Location/s must be submitted for approval prior to opening. Also, in the event where a HANDLING AGENT relocates, it is incumbent upon the HANDLING AGENT to inform the Sierra Leone Civil Aviation Authority formally of its new location and address.
- (n) An initial application fee (registration fee) is required for newly established Handling Agent which is non-refundable. For all initial issuance and renewal of HANDLING AGENT license a fee is charged by SLCAA and shall be processed through SLCAA Accounts Section.

20A.4. GUIDELINES FOR RECOGNITION AS AN APPROVED HANDLING AGENT

The aims and objectives of the scheme for recognition of Handling Agents are to encourage quality standards and profound services in the aviation industry so as to promote air transportation in Sierra Leone.

Guidelines for recognition as an approved Handling Agent are prescribed below as follows:

- (a) All applications for recognition shall be addressed to the Director General of the Sierra Leone Civil Aviation Authority.
- (b) The following conditions must be fulfilled by a Handling Agent for grant of recognition by the Sierra Leone Civil Aviation Authority:
 - i. The application for grant of recognition shall be in the prescribed form and submitted in duplicate.
 - ii. All eligible handling agents shall be approved and licensed by the Sierra Leone Civil Aviation Authority before it can commence operation.
 - iii. The minimum office space for smooth operation must be 500 sq.ft. The office must be located in a neat and clean environment and equipped with telephone, fax, computer, reservation system, internet services, etc.
 - iv. There should be sufficient space for the reception area and easy access to toilet facilities. Moreover, a certificate of incorporation and current Business Registration Certificate must always be displayed on the wall in the HANDLING AGENT office and the original must also be available at any time on request by SLCAA Inspection Team or Officers.
 - v. A Handling Agent should be under the charge of a full time manager who is adequately trained, experienced in matters regarding handling services. Moreover, greater emphasis must be given to effective communication skills.

- vi. Knowledge of foreign languages, in addition to the academic qualifications is an added advantage.
 - vii. A Handling Agent must be an income tax payer and must file the necessary documents annually with SLCAA.
- (c) License issued to a Handling Agent is for duration of two (2) years and is renewable on application by the Handling Agent and as the Authority so desires. In addition to Annual inspections, impromptu inspections shall be conducted on each HANDLING AGENT.
- (d) SLCAA may at its discretion refuse or withdraw/withhold to recognize any Handling Agent. However, before such a decision is taken, necessary Show Cause Notice would invariably be issued and the reply considered on merit. This will be done as a last resort and circumstances in which withdrawal if resorted would also be indicated.

20A.5. QUALIFICATIONS AND CRITERIA FOR HANDLING AGENT ACCREDITATION

The following criteria are pre-requisites for a Handling Agent to be accredited by SLCAA:

20A.6. PREMISES

The location of the business shall be opened on a regular basis, be identified and traded as a Handling Agent. No Handling Agent should be located in office space jointly occupied with another HANDLING AGENT, a travel agency, a Regulated Agent or an air carrier.

20A.7. SECURITY OF PREMISES

The premises of each approved location holding stocks of traffic documents, and the safe/strong-room used on such premises to store traffic documents, must be in accordance with the following minimum standards:

- (a) All normal access point to the premises of each approved location shall be well secured when the premises are not attended by authorized personnel of the Handling Agent;
- (b) All other possible access points to the premises such as skylights, windows, etc, shall be secured with strong metal mesh or bars. The premises shall be protected by:
 - (i) A burglar alarm system or,
 - (ii) Other security arrangements;
- (c) To be in compliance with the standards acceptable to the Sierra Leone Civil Aviation Authority, the premises of approved locations shall be subject to periodic inspection.
- (d) In addition to maintaining the security standards prescribed in this paragraph, Handling Agent shall ensure that Traffic Documents and Validated documents are not accessible to unauthorized persons, or left unprotected.

20A.8. STAFF QUALIFICATIONS

The applicant must have in their employ at least two competent and qualified staff members to be present at all times during working hours. The staff must meet the criteria of competence and experience determined by these regulations. The applicant must submit copy of all records (letter of application, letter of acceptance/employment, CVs, diploma, certificates, etc) leading to employment to the SLCAA.

20A.9. FINANCES

- (a) Only applicants who meet the financial requirements of the guidelines will be approved.
- (b) The applicant shall submit independently produced financial statements prepared in accordance with local accounting practices as specified by the Authority and published in the Handbook or a

tax receipt from the Government of Sierra Leone of the previous or current year. Such statements shall be evaluated based on the methodology and standards established from time to time by the SLCAA. To obtain a satisfactory evaluation, the applicant may be required to provide additional financial support in the form of recapitalization or of a bank or insurance guarantee.

20A.10. NAME OF BUSINESS

The name used by an applicant must not be the same as or similar to that of an SLCAA member airline, Handling Agent, travel agency or SLCAA itself. The place of business must not be identified as a share office of a member or a group of member airlines. To ensure that these standards are kept, the SLCAA shall conduct impromptu inspection or spot check from time to time of all general sales agencies. In the case where a Handling Agent decides to change its business name, the Handling Agent should submit a formal communication to the office of the Director General of SLCAA indicating its new desired business name and reason for change of name.

20A.11. BUSINESS STANDARDS

The applicant, or any of its managers, principal shareholders (or persons for whom they act as nominees), directors or officers shall have no record of willful violations of fiduciary obligations incurred in the course of business nor be convicted and charged with bankruptcy.

20A.12. MANAGEMENT

No person who is an employee of the Sierra Leone Civil Aviation Authority or the Sierra Leone Airport Authority or any other airport operator shall hold financial interest or a position of management with any Handling Agent.

The Authority demands that all handling agents in Sierra Leone should have more Sierra Leoneans employed at the ratio of 5 Sierra Leoneans to 1 foreigner (should a foreigner be needed).

20A.13. INSPECTION

1. Officers of the Sierra Leone Civil Aviation Authority shall have the right to inspect the operations of Handling Agents at all levels.
2. On receipt of an application to operate such an Office, Officers of the Sierra Leone Civil Aviation Authority shall inspect the premises of Handling Agents to ensure they comply with the requirements of these regulations.

20A.14. HANDLING AGENTS RULES

- (a) A Handling Agent cannot do business in Sierra Leone without a license issued by the Director General of the Civil Aviation Authority.
- (b) Any Handling Agent operating without an issued license from the Sierra Leone Civil Aviation Authority is in violation of the SLCAA regulations and shall be liable to a fine not less than US\$20,000.00 or its equivalent in Leones for each count or offense.
- (c) Every repetition of a contravention of the provisions of these Regulations by any person(s) shall be treated as fresh offences with penalties to run consecutively in each case.
- (d) A HANDLING AGENT must continuously maintain the standards that necessitate the issuance of license. If a HANDLING AGENT is issued license previously to operate and is at a later date it is not in compliance with these regulations, the HANDLING AGENT shall have its license revoked immediately.
- (e) Any HANDLING AGENT that has been issued license to operate and has been dormant for a period not exceeding 90 days and fails to inform the Sierra Leone Civil Aviation Authority of same shall have its license revoked.
- (f) It is incumbent upon all HANDLING AGENTS to operate under a valid license issued by the Sierra Leone Civil Aviation Authority.

Therefore all HANDLING AGENTS must ensure to commence license renewal processes at least 30days to expiration date of previous license.

- (g) Any HANDLING AGENT that violates any provision of these regulations shall be liable to a fine not less than US\$20,000.00 or its equivalent in Leones for each count or offense and if the act is repeated shall have its license revoked.

20A.15. SETTLEMENT OF DISPUTES

Any Handling Agent dissatisfied over a certain issue or is aggrieved by actors, stakeholders or other service providers in the aviation industry or has business misunderstanding should do so by reporting the matter to the Sierra Leone Civil Aviation Authority through a formal communication for proper redress. The Authority shall use its regulatory power to ensure that matters of such are attended to and resolved amicably.

20A.16. PROCEDURE FOR ESTABLISHMENT AS A HANDLING AGENT

Below are the Sierra Leone Civil Aviation Authority procedures for establishment as a Handling Agent in Sierra Leone:

PART ONE: Newly Established Handling Agents

1. Submit a formal letter (must be written on company's letterhead) of intent to the office of the Director General indicating as many detail information as possible on the type of services to be offered.
2. A letter of response from SLCAA will be submitted to the interested Handling Agent providing SLCAA minimum requirements to establish HANDLING AGENT in Sierra Leone as well as an application form.
3. The interested HANDLING AGENT submits all necessary required documents to the SLCAA along with completed application form for review and scrutiny.

4. Inspection of the HANDLING AGENT's facility is conducted by SLCAA team of inspectors and recommendation made on inspection form (which includes SLCAA assigned numeric code) for acceptance or rejection of accreditation.
5. In the event the prospective HANDLING AGENT passes/fails the inspection, a written communication shall be sent by the Authority indicating whether payment of registration and license fees should be carried out or not.
6. Upon completion of payment of both fees indicated in step 5 above, SLCAA shall issue license and or certificate accrediting and authorizing the Handling Agent to operate in the Republic of Sierra Leone for 2 years (2).

PART TWO: Already established Handling Agents (Renewal of License)

1. The SLCAA shall conduct impromptu inspection / spot check of already established HANDLING AGENT seeking renewal of license.
2. HANDLING AGENT desirous of a license renewal from the SLCAA must apply to the Authority through writing one month in advance to expiration date of its previous issued license. The SLCAA shall provide the HANDLING AGENT with a license renewal application form which must be completed correctly and returned to the Authority before consideration for further processing.
3. Approval by SLCAA must be provided before Handling Agent can make any payment to the SLCAA account.
4. All payments must be made directly into SLCAA account as instructed by SLCAA Accounts Section. The Accounts Section should be contacted for submission of relevant bank deposit slips upon which a valid SLCAA receipt will be issued the HANDLING AGENT indicating completion of the license renewal process.

5. SLCAA assigned Permit Number indicated on every license in the prescribed manner (alpha-numeric) should be issued and or assigned by the Director General of the Authority.

20A.17. AMENDMENT

The Sierra Leone Civil Aviation Authority as regulator may from time to time carryout amendments where necessary in these regulations to foster safety and orderly development of civil aviation in Sierra Leone especially so in keeping with standard and recommended practices.

20A.18. MISCELLANEOUS

A copy of this Handling Agent Regulations may be obtained on application, from the nearest SLCAA Office in keeping with SLCAA Scheme of Charges.

MADE this *14th* day of *March*, 2016

Leonard Balogun Koroma
Minister of Transport and Aviation

FREETOWN
SIERRALEONE