



REQUIREMENTS FOR AN AIR CARRIER LICENCE (A.C.L.) IN GHANA

No person shall operate a domestic or International Air Transport Services for the purposes of carrying passengers, cargo or mail for remuneration and/or for hire unless such a person holds an operating licence thereof referred to as an Air Carrier Licence (ACL) issued in accordance with the Ghana Civil Aviation (Air Transport) Licensing Regulations.

MODE OF APPLICATION:

An Application for an ACL shall be addressed to,

THE DIRECTOR GENERAL
GHANA CIVIL AVIATION AUTHORITY
KOTOKA INTERNATIONAL AIRPORT
ACCRA

REQUIREMENTS:

The requirements for an Air Carrier Licence (ACL) shall be as stipulated in the first schedule (Regulation 2) of the Civil Aviation (Air Transport Licensing) Regulations 1976 LI 1075 and hereto attached as appendix '1'.

The information, headings and explanations where necessary are as set hereinafter.

1. The Applicant's name, address, and nationality.
2. Applicant's business name and address.

Note: No application for an ACL shall be granted unless,

- (a) the applicant's place of business and, if any, its registered office are located in Ghana.
- (b) the applicants main occupation is air transport in isolation or combined with other commercial operation of aircraft or repair and maintenance of aircraft. Applicants shall attach copies of their certificate of incorporation as well as certificate to commence business to the completed application form.
3. Name, address and nationality of persons by whom the business of the applicant company is substantially and effectively owned and controlled.

"Effective Control" means a relationship constituted by rights, contracts or any other means which, either separately or jointly and having regard to the considerations of fact or law involved, confer the possibility of directly or indirectly exercising a decisive influence on the business, in particular by:

- (a) the right to use all or part of the assets of the business;
- (b) rights or contracts which confer a decisive influence on the composition, voting or decisions of the bodies of the business or otherwise confer a decisive influence on the running of the business of the company.

4. The applicant's financial resources.

(i) An applicant for an air transport undertaking to which a licence is to be granted for the first time must be able to demonstrate to the reasonable satisfaction of the Licensing Authority that;

- (a) it can meet at any time its actual and potential obligations, established under realistic assumptions, for a period of **five (5)** years from the start of operations, and
- (b) it can meet its fixed and operational costs incurred from operations according to its business plan and established under realistic assumptions, for a period of **twelve (12)** months from the start of operations, without taking into account any income from its operations.
- (c) For the purpose of paragraph 1, each applicant shall submit a Business Plan and a Management account for at least the first two years of operation. The Business Plan shall also detail the applicant's financial links with any other commercial activities which the applicant is engaged either directly or indirectly or through related undertakings.
 - i. **"Business Plan"** means a detailed description of the air carrier's intended commercial activities for the period in question, in particular in relation to the market development and investments to be carried out, including the financial and economic implications of these activities.
 - ii. **"Management Account"** means a detailed statement of income and costs for the period in question including a break-down between air transport related and other activities as well as between pecuniary and non- pecuniary elements.

5. Particulars of any insurance policy held or proposed by the applicant in respect of the proposed services:

- (i) For the protection of users and other parties the Authority shall ensure that air carriers are sufficiently insured by a reputable insurance company in respect of all liability risks;

6. The Types of services whether for the carriage of passengers or goods or both.
7. The number and type of aircraft to be used for the services.
8. Times and frequency of the services.
9. Proposed routes with intermediate stops for the purpose of loading or landing passengers or goods.
10. Maximum fares or tariffs to be charged in respect of any journey or part of journey for which separate fares are charged.
11. Date of commencement of services.
12. Particulars of other services operated by applicant.
13. Particulars of working arrangement with other companies.

INTERVIEW.

Upon receipt of the application together with twelve (12) copies of the applicants Business Plan/Feasibility Studies Report, the Authority (GCAA) shall invite the applicant for an interview. In considering the application, the Authority shall take the following matters into account. The Authority shall have regard to the co-ordination and development of air services generally with the object of ensuring the most effective service to the public while avoiding uneconomical overlapping, and generally to the interests of the public including those of persons requiring or likely to require facilities for air transport, as well as those of persons providing such facilities and in particular, the Authority shall have regard to the following matters.

- (a) The existence of other air services in the area through which the proposed air service is to be operated;
- (b) The feasibility of air services in that area.
- (c) The degree of efficiency and regularity of the air services, if any, already provided in that area, whether by the applicant or by other operators.
- (d) The period for which such services have been operated by the applicants or by the operators;
- (e) The extent to which it is probable that the applicant will be able to provide a satisfactory service in respect of continuity, regularity of operation, frequency, punctuality, reasonableness of charges and general efficiency;
- (f) The type of aircraft proposed to be used for the services;
- (g) The competence of the applicant, having regard to his previous conduct and experience, his equipment, organizational structure, maintenance and other

arrangements to secure a safe operation of aircraft of the types specified in the application on flights of the description and for the purposes so specified.

- (h) It shall also examine the managerial competence of the applicant's key personnel to see whether they have sufficient business and aviation experience to operate an airline and to determine that the management team, as a whole, possesses the background and experience necessary for the kind of operations to be undertaken.
- (i) The Authority shall examine the applicant's compliance record to see whether it and its key personnel have a record of safety violations that would pose a risk to the traveling public, or other evidence that might lead it to believe that the applicant is unlikely to comply with laws, rules, regulations and directives.

The Authority shall also take into consideration any objection or representation made.

- (a) The Authority may request for further and better particulars if not satisfied by representations made at the interview.

RECOMMENDATIONS.

Recommendations shall be made after the interview with the applicant to the Minister for Transport for the grant or otherwise of the Licence.

On receipt of approval from the Minister for Transport, the Authority shall issue the appropriate ACL subject to any subsequent GCM regulatory requirements.

In calculating start-up time, an applicant should allow reasonable time (of about six months) for the processing of its application.

NOTE

The Authority may reject an application if it is found to be materially deficient in any of the data or information required (e.g. if the management team or financing arrangements are incomplete).

In addition, if, during the course of the Authority's fitness review, any changes occur in the applicant's ownership, management team, compliance history, financial position, or service proposal so as to render inaccurate any representations of its fitness made in its application or in answers provided to subsequent information requests from the Authority, the applicant must file promptly with the Authority a formal supplement to its application.

The Authority is not bound to grant the licence in the form and type applied for.

See Next Page for the application for Air Carrier Licence



AIR CARRIER LICENCE (ACL) APPLICATION FORM

1. Applicant's name and address
Nationality.....
2. Applicant's business name and address
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3. Name, Address and Nationality of persons by whom business is substantially and
effectively controlled.....
And.....
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4. Applicant's financial resources
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5. Particulars of any insurance policy held or proposed by the applicant to cover third
parties risks in respect of the proposed services
7. The type of services - whether to carry passengers or goods or both
6. Number and type of aircraft to be used on the service
7. Times and frequency of the services
8. Proposed routes with intermediate stops for the purpose of loading or landing
passengers or goods,
9. Maximum fares or tariffs to be charged in respect of any journey or part of
journey for which separate fares are charged
11. Date of commencement of other services
12. Particulars of other services operated by applicant
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13. Particulars of working arrangements with other companies
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Signature of Applicant or Person authorized
to sign on his/her behalf.