

LEGAL NOTICE No. 240

REPUBLIC OF TRINIDAD AND TOBAGO

THE CIVIL AVIATION ACT, CHAP. 49:03

REGULATIONS

MADE BY THE AUTHORITY WITH THE APPROVAL OF THE MINISTER
UNDER SECTION 33 OF THE CIVIL AVIATION ACT AND SUBJECT TO
NEGATIVE RESOLUTION OF PARLIAMENT

THE CIVIL AVIATION [(NO. 2) OPERATIONS] (AMENDMENT)
REGULATIONS, 2012

1. These Regulations may be cited as the Civil Aviation [(No. 2) Citation
Operations] (Amendment) Regulations, 2012.

2. In these Regulations, “the Regulations” means the Civil Aviation Interpretation
[(No. 2) Operations] Regulations, 2004. L.N. No. 101
of 2004

3. Regulation 2 of the Regulations is amended— Regulation 2
amended

(a) in the definition of—

(i) “dangerous goods accident”, by inserting after the
words “major property”, the words “or
environmental”;

(ii) “dangerous goods incident” by inserting after the
words “injury to a person, property”, the words
“or environmental”;

(iii) “State of origin” by deleting the words “dangerous
goods were” and substituting the words
“dangerous goods consignment was”;

(b) by deleting the definition of “Technical Instructions” and
substituting the following definition:

“ “Technical Instructions” means the Technical
Instructions for the Safe Transport of Dangerous
Goods by Air (Doc 9284) approved and issued
periodically in accordance with the procedures
established by the ICAO Council;”;

(c) by inserting in the appropriate alphabetical sequence the
following definitions:

“ “accelerate-stop distance available” means the length
of the take-off run available plus the length of
stop-way, where provided;

“aerodrome operating minima” means the limits of usability of an aerodrome for—

- (a) take-off, expressed in terms of runway visual range or visibility and, if necessary, cloud conditions;
- (b) landing in precision approach and landing operations, expressed in terms of visibility or runway visual range and decision altitude or height as appropriate to the category of the operation;
- (c) landing in approach and landing operations with vertical guidance, expressed in terms of visibility or runway visual range and decision altitude or height; and
- (d) landing in non-precision approach and landing operations, expressed in terms of visibility or runway visual range, minimum descent altitude or height and, where necessary, cloud conditions;

“aerodrome traffic zone” means an airspace of defined dimensions established around an aerodrome for the protection of aerodrome traffic;

“aeronautical station” means a station in the aeronautical mobile service located on land, on board a ship or on a platform at sea;

“aircraft operating manual” means a manual, acceptable to the State of the Operator, containing normal, abnormal and emergency procedures, checklists, limitations, performance information, details of the aircraft systems and other material relevant to the operation of the aircraft and is part of the operations manual;

“alternate aerodrome” means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or to land at the aerodrome of intended landing and includes the following:

- (a) “take-off alternate” which is an alternate aerodrome at which an aircraft can land should this become necessary shortly after take-off and it is not possible to use the aerodrome of departure;

(b) “*en-route* alternate” which is an aerodrome at which an aircraft would be able to land after experiencing an abnormal or emergency condition while *en-route*; and

(c) “ETOPS *en-route* alternate” which is a suitable and appropriate alternate aerodrome at which an aeroplane would be able to land after experiencing an engine shutdown or other abnormal or emergency condition while *en-route* in an ETOPS operation;

“appropriate authority” means—

(a) in relation to flight over the high seas, the relevant authority of the State of Registry; or

(b) in relation to flight other than over the high seas, the relevant authority of the State having sovereignty over the territory being overflown;

“area navigation” means a method of navigation that permits aircraft operation on any desired flight path within the coverage of ground-or space-based navigation aids or within the limits of the capability of self-contained aids, or a combination of these;

“ceiling” means the height above the ground or water of the base of the lowest layer of clouds below 6,000 metres (20,000 feet) covering more than half the sky;

“configuration deviation list” means a list established by the organization responsible for the type design with the approval of the State of Design which identifies any external parts of an aircraft type which may be missing at the commencement of a flight, and which contains, where necessary, any information on associated operating limitations and performance correction;

“congested area” means, in relation to a city, town or settlement, any area which is substantially used for residential, commercial or recreational purposes;

“continuing airworthiness” means the set of processes

by which an aircraft, engine, propeller or part complies with the applicable airworthiness requirements and remains in a condition for safe operation throughout its operating life;

“cruising level” means a level maintained during a significant portion of a flight;

“current flight plan” means the flight plan, including changes brought about by subsequent clearances;

“danger area” means an airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times;

“dangerous goods approval” means an authorization granted by the Authority for—

(a) the transport of dangerous goods forbidden on passenger or cargo aircraft where the Technical Instructions state that such goods may be carried with an approval; or

(b) other purposes as provided for in the Technical Instructions;

“dangerous goods exemption” means an authorization other than a dangerous goods approval issued by the Authority providing relief from the provisions of the Technical Instructions;

“decision altitude” or “decision height” means a specified altitude or height in the precision approach or approach with vertical guidance at which a missed approach must be initiated where the required visual reference to continue the approach has not been established;

“destination alternate” means an alternate aerodrome to which an aircraft may proceed should it become either impossible or inadvisable to land at the aerodrome of intended landing;

“duty period” means a period which starts when a flight or cabin crew member is required by an operator to report for or to commence a duty and ends when that person is free from all duties;

“elevated heliport” means a heliport located on a raised structure on land;

“emergency locator transmitter (ELT)” is a generic term

describing equipment which broadcast distinctive signals on designated frequencies and, depending on application, may be automatically activated by impact or be manually activated and may be any of the following:

- (a) “automatic fixed ELT” which is an automatically activated ELT permanently attached to an aircraft;
- (b) “automatic portable ELT” which is an automatically activated ELT rigidly attached to an aircraft but readily removable from the aircraft;
- (c) “automatic deployable ELT” which is an ELT rigidly attached to an aircraft and which is automatically deployed and activated by impact, and, in some cases, also by hydrostatic sensors and may be deployed manually; or
- (d) “Survival ELT” is an ELT which is removable from an aircraft, stowed so as to facilitate its ready use in an emergency, and manually activated by survivors;

“estimated off-block time” means the estimated time at which an aircraft will commence movement associated with departure;

“estimated time of arrival” means—

- (a) for IFR flights, the time at which it is estimated that the aircraft will arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if no navigation aid is associated with the aerodrome, the time at which the aircraft will arrive over the aerodrome; and
- (b) for VFR flights, the time at which it is estimated that the aircraft will arrive over the aerodrome;

“expected approach time” means the time at which ATC expects that an arriving aircraft, following a delay, will leave the holding fix to complete its approach for a landing;

“filed flight plan” means the flight plan as filed with an

- ATS unit by the pilot or a designated representative, without any subsequent changes;
- “flight manual” means a manual, associated with the certificate of airworthiness, containing limitations within which the aircraft is to be considered airworthy, and instructions and information necessary to the flight crew members for the safe operation of the aircraft;
- “flight visibility” means the visibility forward from the cockpit of an aircraft in flight;
- “heading” means the direction in which the longitudinal axis of an aircraft is pointed, usually expressed in degrees from North;
- “instrument meteorological conditions” means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, less than the minima specified for visual meteorological conditions;
- “minimum descent altitude” or “minimum descent height” means a specified altitude or height in a non-precision approach or circling approach below which descent must not be made without the required visual reference;
- “obstacle clearance altitude” or “obstacle clearance height” means the lowest altitude or the lowest height above the elevation of the relevant runway threshold or the aerodrome elevation as applicable, used in establishing compliance with an appropriate obstacle clearance criteria;
- “operational control” means the exercise of authority over the initiation, continuation, diversion or termination of a flight in the interest of the safety of the aircraft and the regularity and efficiency of the flight;
- “operations manual” means a manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties;
- “pressure-altitude” means an atmospheric pressure expressed in terms of altitude which corresponds to that pressure in the Standard Atmosphere;
- “repetitive flight plan” means a flight plan related to a

series of frequently recurring, regularly operated individual flights with identical basic features, submitted by an operator for retention and repetitive use by ATS units;

“signal area” means an area on an aerodrome used for the display of ground signals;

“State of the Operator” means the State in which the principal place of business of the operator is located or, where there is no such place of business, the permanent residence of the operator;

“total estimated elapsed time” means—

(a) for IFR flights, the estimated time required from take-off to arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if no navigation aid is associated with the destination aerodrome, to arrive over the destination aerodrome; and

(b) for VFR flights, the estimated time required from take-off to arrive over the destination aerodrome;

“unmanned free balloon” means a non-power-driven, unmanned, lighter-than-air aircraft in free flight;

“visual meteorological conditions” means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, equal to or better than specified minima.”.

4. Regulation 13 of the Regulations is amended, by inserting after subregulation (3), the following subregulations:

Regulation 13
amended

“ (4) The Director General may grant a dangerous goods approval for the transport of dangerous goods by air where specifically provided for in the Technical Instructions provided that in such instance an overall level of safety in air transport which is equivalent to the level of safety provided for in the Technical Instructions is achieved.

(5) The Director General may grant a dangerous goods

exemption from the provisions of the Technical Instructions for the transport of dangerous goods by air in instances—

- (a) of extreme urgency;
- (b) where other forms of transport are inappropriate; or
- (c) where full compliance with the prescribed requirements is contrary to the public interest,

provided that in such instances every effort is made to achieve an overall level of safety in air transport which is equivalent to the level of safety provided for in the Technical Instructions.”.

Regulation 14 subregulation (1) and substituting the following subregulation:
amended

“ (1) An operator shall take all reasonable measures to ensure that—

- (a) dangerous goods that are identified in the Technical Instructions as being forbidden for transport in normal circumstances; and
- (b) infected live animals,

are not carried in any aircraft unless exempted by the States concerned or unless the provisions of the Technical Instructions indicates they may be transported under an approval granted by the State of Origin.”.

Regulation 276 amended

6. Regulation 276 of the Regulations is amended in subregulation (2), by inserting in the appropriate alphabetical sequence the following definition:

“ “fatigue” means the physiological state of reduced mental or physical performance capability resulting from sleep loss or extended wakefulness, circadian phase, workload that includes mental and physical activity, that can impair a crew member’s alertness and ability to safely operate an aircraft or perform safety-related duties;”.

Made by the Civil Aviation Authority this 21st day of May, 2012.

R. LUTCHMEDIAL
Civil Aviation Authority

Approved by the Minister of Transport this 21st day of May, 2012.

D. MAHARAJ
Minister of Transport