
**Fourth Session First Parliament Republic of Trinidad
and Tobago**



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 49 of 1979

**AN ACT to provide for the establishment, incorporation
and management of an Airports Authority, so as to
ensure the provision of efficient, secure and safe
aviation services.**

[Assented to 31st December, 1979]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

**1. This Act may be cited as the Airports Authority Short title
Act, 1979.**

PART I

PRELIMINARY

Interpretation

2. (1) In this Act—

“aircraft operating in Trinidad and Tobago” means any aircraft which is for the time being allocated for use on flights that (otherwise than in exceptional circumstances) include take off from or landing at an airport in Trinidad and Tobago;

“air navigation installation” means any building, facility, works, apparatus or equipment or place used wholly or mainly for the purpose of assisting air traffic control or as an aid to air navigation together with land contiguous or adjacent to such building, facility, works apparatus or equipment and used wholly or mainly for purposes connected therewith;

“airport” means any defined area of land or water intended or designated to be used either wholly or partly for purposes of the landing, departure, movement and servicing of aircraft; and includes any buildings, installations and equipment on or adjacent to such area and used for such or related purposes;

“Authority” means the Airports Authority established under section 3;

“ammunition” has the meaning assigned to it by section 2 of the Firearms Act, 1970, and includes anything declared by Order of the Minister to be ammunition;

“Defence Force” means the Trinidad and Tobago Defence Force established by section 5 of the Defence Act, 1962;

“explosive” has the meaning assigned to it by section 2 of the Explosives Ordinance and includes anything declared by Order of the Minister, to be an explosive;

“firearm” has the meaning assigned to it by section 2 of the Firearms Act, 1970, and

Act No. 44
of 1970

Act No. 7
of 1962

Ch. 30. No. 4

includes anything declared by Order of the Minister to be a firearm;

“former Authority” means the Airports Authority established under section 22 of the Aviation Security and Airports Management Act, 1978; ^{Act No. 4 of 1978}

“military service” includes a naval or airforce service;

“Minister” means, subject to section 3(7), the member of the Cabinet to whom responsibility for Civil Aviation is assigned;

“operator” in relation to an aircraft means the person for the time being having the management of an aircraft;

“police officer” has the meaning assigned to it by section 3(2) of the Police Service Act, 1965 and includes— ^{Act No. 30 of 1965}

(a) a member of the Special Reserve Police established by the Special Reserve Police Ordinance; and ^{Ch. 11. No. 3}

(b) any person to whom a precept has been issued under the Supplemental Police Ordinance; ^{Ch. 11. No. 2}

“property” includes land, building installations or works, any aircraft or vehicle and any baggage, cargo or other article of any description;

“protected area” means an area declared by the Minister, by Order, under section 31 to be a protected area.

(2) For the purposes of this Act—

(a) the period during which an aircraft is in flight is deemed to include—

(i) any period from the moment when all its external doors are closed following embarkation

until the moment when any of such doors is opened for disembarkation; and

- (ii) in the case of a forced landing, the period that elapses between such landing and the assumption by the competent authorities of responsibility for the aircraft and for the persons and property on board; and

(b) the period during which an aircraft is in service shall be deemed to include—

- (i) the period which begins with the pre-flight preparation of the aircraft by ground personnel or by the aircraft's crew for a flight and ends eight hours after the aircraft lands having completed that flight; and

- (ii) the period during which the aircraft is in flight,

and anything done on board an aircraft while in flight over any part of Trinidad and Tobago shall be treated as having been done in Trinidad and Tobago.

(3) For the purposes of this Act the territorial sea adjacent to any part of Trinidad and Tobago is to be treated as included in that part of Trinidad and Tobago.

Act No. 2
of 1962

(4) Subject to section 20 of the Interpretation Act, 1962, sections 24 to 26 inclusive of this Act are not to be construed as—

- (a) conferring a right of action in any civil proceedings in respect of any contravention of this Act; or
- (b) derogating from any right of action whether civil or criminal or other remedy arising out of proceedings instituted otherwise than under this Act.

PART II
ESTABLISHMENT, POWERS AND FUNCTIONS
OF AIRPORTS AUTHORITY

3. (1) There is hereby established a body corporate to be known as the Airports Authority consisting of the following members appointed by the President—

Establishment,
incorporation,
and constitution
of Authority

- (a) a Chairman;
- (b) not less than two and not more than three persons appointed on the advice of the Minister;
- (c) a person appointed on the advice of the member of the Cabinet to whom responsibility for National Security is assigned;
- (d) the Commissioner of Police;
- (e) the Director of Civil Aviation;
- (f) the Comptroller of Customs and Excise;
- (g) the Chief Immigration Officer; and
- (h) a Medical Officer appointed by the Minister of Health.

(2) Members of the Authority other than *ex officio* members shall hold office for such period as is specified in his instrument of appointment and shall be eligible for re-appointment.

(3) The Authority at its first meeting shall select from among its members, other than *ex officio* members a Deputy Chairman whose name shall be submitted to the Minister for his approval.

(4) A member of the Authority may at any time resign his office by instrument in writing addressed to the Chairman who shall forthwith cause it to be forwarded to the Minister; and the Chairman may resign his office by instrument in writing addressed to the Minister.

(5) The names of the members comprising the Authority as constituted under this Act and every change in the membership thereof shall be published in the *Gazette*.

(6) For the purposes of this Part *ex officio* members mean the public officers referred to in paragraphs (d) to (h) inclusive of subsection 3(1).

**Establishment
and constitu-
tion of
Security
Committee**

4. There is hereby established a Security Committee which shall consist of the following members—

- (a) a Chairman to be appointed by the Chairman of the National Security Council;
- (b) the Chairman of the Authority;
- (c) the Chief of Defence Staff;
- (d) the Commanding Officer of the Regiment;
- (e) the Commissioner of Police;
- (f) the Chief Fire Officer; and
- (g) a senior officer appointed by the Chairman of the National Security Council.

**Functions
of the
Security
Committee**

5. (1) The Security Committee is responsible for the maintenance of security at all airports.

(2) The Security Committee is accountable directly to the Prime Minister, and in his absence to the Minister to whom responsibility for National Security is assigned.

**Custody and
use of Seal**

6. (1) The Seal of the Authority shall be kept in the custody of the Chairman, the Deputy Chairman or the Secretary, as the Authority may determine, and may be affixed to instruments in the presence of the Chairman, or in his absence the Deputy Chairman, and of the Secretary, pursuant to its Standing Orders or to a resolution by the Authority.

(2) The Seal of the Authority shall be attested by the signatures of the Chairman, or in his absence the Deputy Chairman, and the Secretary.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Authority, may be signified under the hand of the Chairman or in his absence the Deputy Chairman or the Secretary.

(4) Service upon the Authority of any notice, order or other document shall be effected by delivering the same, or by sending it by registered post addressed to the Secretary, at the office of the Authority.

Meetings

7. (1) The Authority shall meet at least once in each month and at such other times, and at such place, as may be necessary for the efficient performance of its functions.

(2) The Chairman may at any time call a special meeting of the Authority and shall call such a meeting within seven days of the receipt of a requisition for that purpose addressed to him and signed by any three members.

(3) The Chairman, or in his absence the Deputy Chairman, shall preside at all meetings of the Authority and where both the Chairman and the Deputy Chairman are for any reason unable to preside at a meeting, the members present may appoint a member other than an *ex officio* member to preside at that meeting.

(4) The quorum of the Authority shall consist of five members including at least one member who is not an *ex officio* member.

(5) Decisions of the Authority shall be adopted by a majority of the votes and in a case in which the voting is equal, the person presiding at the meeting shall in addition to his original vote have a casting vote.

(6) Subject to this section, the Authority may by Standing Orders regulate its own proceedings.

8. (1) The Authority may appoint at such remuneration and on such terms and conditions as it thinks fit, a General Manager, a Secretary and such other officers and employees as it considers necessary or appropriate for the efficient performance of its functions. Power to appoint and train

(2) An annual salary in a sum which is equivalent to or exceeds twenty-five thousand dollars shall not be assigned to any post in the Authority without the prior approval of the Minister.

(3) The Authority may provide out of its funds and make such arrangements for the training of any of its officers or employees as it may deem expedient for the efficient conduct of its business.

9. (1) An officer in the public service may, with the approval of the Minister, be transferred to the service of the Authority, and upon such transfer shall become a member of the Pension Scheme referred to in section 10, and, where such officer's transfer becomes effective before the establishment of such Scheme, he shall become a member of the Scheme within one year of its establishment; and an officer in the service of the Authority may be transferred to the public service. Transfer and secondment of officers

(2) A transfer described in subsection (1) shall be on such terms as may be acceptable to the President, the Authority and the officer concerned and the pension or superannuation rights accruing to the officer at the time of his transfer shall be preserved.

(3) Subject to subsection (4) the Minister may, with the approval of the appropriate Service Commission, the Authority and the officer concerned, make appropriate arrangements for the transfer on secondment of any officer in the public service to the Authority or from the service of the Authority to the public service.

(4) Where a transfer on secondment contemplated by subsection (3) is effected, the President or the Authority, as the case may require, shall make such arrangements as may be necessary to preserve the the rights of the officer so transferred, to any pension, gratuity, or other allowance for which he would have been eligible had he remained in the public service or in the service of the Authority, as the case may be.

Establishment
of Pension
Scheme

10. The Authority shall, within a period of three years of the commencement of this Act, with the approval of the Minister, provide for and establish a Pension Scheme for the benefit of its officers and employees.

Content of the
Pension Scheme

11. Without prejudice to the generality of section 10, the Pension Scheme may enable the Authority to—

- (a) grant gratuities, pensions or superannuation allowances to, or to the widows, families or dependents of, its officers and employees;
- (b) establish contributory superannuation schemes, and establish and contribute to superannuation funds for the benefit of its officers and employees;
- (c) enter into and carry into effect agreements with any insurance company or other association or company for securing to any such officer or employee, or his widow, family or dependent such gratuities, pensions or allowances as are by this section authorised to be granted;

- (d) give donations or subscriptions to charitable institutions, sick funds, benevolent funds and other objects calculated to benefit its officers and employees.

12. (1) The principal function of the Authority is to manage the airports and in so doing maintain, improve and repair the facilities so as to ensure the provision of efficient, secure and safe aviation services. Functions and powers of the Authority

(2) The Authority shall establish and operate an efficient airport bus service.

(3) The Authority may impose dues, charges and fees for the use of airport facilities.

(4) In the performance of its functions and in the exercise of its powers the Authority shall act in accordance with any special or general directions given by the Minister.

13. (1) The Authority may delegate to any of its members or employees the power and authority to carry out on its behalf such functions and to exercise such powers as the Authority may determine. Power to delegate

(2) A delegation under this section shall be revocable at will and shall not preclude the Authority from carrying out the functions and exercising the powers so delegated.

PART III

FINANCIAL PROVISIONS

14. The financial year of the Authority is from the 1st day of January to the 31st day of December. Financial year

15. The funds and resources of the Authority are— Funds and resources of the Authority

(a) such sums of money as may from time to time be appropriated by Parliament for the use of the Authority;

(b) sums from time to time received by or falling due to the Authority in respect of repayment of any loan made by the Authority;

- (c) investments made by the Authority and the income accruing therefrom;
- (d) sums borrowed by the Authority for the purpose of meeting any of its obligations or discharging any of its functions;
- (e) dues, charges and fees collectable by the Authority in accordance with this Act and the regulations; and
- (f) all other property to which the Authority may become entitled.

Vesting

16. (1) Upon the commencement of this Act all the rights, privileges and advantages, and all the liabilities and obligations that immediately before the commencement of this Act the former Authority, was entitled or subject to, are transferred to, and conferred or imposed upon the Authority for the purposes of this Act.

(2) A reference in any deed, contract, bond or security or other document to the former Authority shall, upon the commencement of this Act, be construed as a reference to the Authority.

(3) Legal proceedings pending immediately before the commencement of this Act by or against the former Authority may be continued on and after that day by or against the Authority as the party to the proceedings instead of the former Authority.

Borrowing powers

17. (1) Subject to subsection (2) the Authority may borrow money required by it for the efficient exercise of its functions and for meeting its obligations.

(2) Borrowing may be effected only with the approval of the Minister as to the amount, the sources of borrowing and the terms and conditions of the loan.

(3) Approval of the Minister under subsection (2) may be either general or limited to a particular transaction and may be either unconditional or subject to conditions.

Investment

18. Money standing to the credit of the Authority and not immediately required to be expended in the meeting of any obligations or commitments may be invested in such manner as the Minister may approve.

19. (1) The Authority shall cause to be kept proper ^{Accounts and records of the Authority} accounts and records of its transactions and affairs and shall ensure that all payments out of its funds are properly authorised and correctly made and that adequate control is maintained over the incurring of expenditure.

(2) Accounts of the Authority shall be kept in accordance with accounting standards established by the Institute of Chartered Accountants of Trinidad and Tobago.

20. (1) The accounts of the Authority shall be audited ^{Examination and audit by Auditor General} annually by the Auditor General.

(2) In addition to the annual audit, the Auditor General may at any time audit the accounts and examine the records of financial transactions of the Authority and shall forthwith draw to the attention of the Minister any irregularity disclosed by such audit and examination, which, in the opinion of the Auditor General, is of sufficient importance to be reported to the Minister.

(3) The Authority shall provide the Auditor General with all necessary and appropriate facilities for the examination of the accounts and records.

(4) The Auditor General may make copies of or take extracts from accounts, books or other financial records of the Authority.

21. (1) The Authority shall, not later than the 30th ^{Annual Report} day of June in each year submit to the Minister a report of its operations during the previous financial year, together with financial statements in respect of that year and the Auditor General's report on those statements.

(2) The report shall give particulars of any directions of the Minister given to the Board with respect to the exercise of its functions.

(3) Before submitting the financial statements to the Minister, the Authority shall submit them to the Auditor General who shall report thereon, indicating—

(a) whether the statements are based on proper accounts and records;

- (b) whether the statements are in agreement with such accounts and records and fairly show the financial transactions and state of affairs of the Authority;
- (c) whether the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Authority during the year have been in accordance with this Act; and
- (d) any other matters arising out of the financial statements as, in his opinion, ought to be reported to the Minister.

(4) As soon as practicable after the report and financial statements of the Authority, together with the report of the Auditor General are received by him, the Minister shall cause them to be laid before the Senate and the House of Representatives.

Budget

22. (1) The Authority shall, not later than the first day of July in each year, prepare and submit to the Minister the estimates of revenue and expenditure of the Authority for the next financial year.

(2) Estimates shall be prepared in such form as the Minister may direct.

Bad debts

23. The Authority may, with the approval of the Minister, write off bad debts.

PART IV

PENALTIES FOR UNLAWFUL ACTS AGAINST SAFETY OF AIRCRAFT

**Destroying,
damaging or
endangering
safety of aircraft**

24. (1) Subject to subsection (4), it is an offence for any person unlawfully and intentionally—

- (a) to destroy an aircraft in service or so to damage such aircraft as to render it incapable of flight or as to be likely to endanger its safety in flight; or
- (b) to commit on board an aircraft in flight any act of violence which is likely to endanger the safety of the aircraft.

(2) Subject to subsection (4), it is an offence for any person unlawfully and intentionally to place, or cause to be placed, on an aircraft in service any device or substance that is likely to destroy the aircraft, or is likely so to damage it as to render it incapable of flight or as to be likely to endanger its safety in flight.

(3) Except as provided by subsection (4), subsections (1) and (2) apply whether any such act as is therein mentioned is committed in Trinidad and Tobago or elsewhere, whatever the nationality of the person committing the act and whatever the State in which the aircraft is registered.

(4) Subsections (1) and (2) do not apply to an act committed in relation to an aircraft used in military, customs or police service unless—

(a) the act is committed in Trinidad and Tobago; or

(b) where the act is committed outside Trinidad and Tobago, the person committing it is a citizen of Trinidad and Tobago.

(5) In this Part “unlawfully” means contrary to the law of Trinidad and Tobago whether or not the act was committed in Trinidad and Tobago.

(6) In this section “act of violence” means—

(a) an act done in Trinidad and Tobago that constitutes the offence of murder, manslaughter, culpable homicide or assault or an offence under section 16, 18, 19, 20, 21, 22, 26 or 27 of the Offences Against the Person Ordinance; Ch. 4. No. 9

(b) an act done outside Trinidad and Tobago which, if done in Trinidad and Tobago, would constitute one of the offences referred to in paragraph (a).

25. (1) Subject to subsections (5) and (6), it is an offence for any person unlawfully and intentionally to destroy or damage property to which this subsection applies, or to interfere with the operation of such property, where the destruction, damage or interference is likely to endanger the safety of aircraft in flight. Other acts endangering or likely to endanger safety of aircraft

(2) Subsection (1) applies to property used for the provision of air navigation facilities, including any land, building or ship so used, and including also any apparatus or equipment so used, whether it is on board an aircraft or elsewhere.

(3) Subject to subsections (4) and (5), it is an offence for any person intentionally to communicate information which is false, misleading or deceptive in a material particular, where the communication of the information endangers or is likely to endanger the safety of an aircraft in flight.

(4) It is a defence for a person charged with an offence under subsection (3) to prove—

(a) that he believed, and had reasonable grounds for believing, that the information was true; or

(b) that, when he communicated the information, he was lawfully employed to perform duties which consisted of or included the communication of information and that he communicated the information in good faith in the performance of those duties.

(5) Subsections (1) and (3) do not apply to the commission of any act unless either the act is committed in Trinidad and Tobago, or, where it is committed outside Trinidad and Tobago—

(a) the person committing it is a person who is a citizen of Trinidad and Tobago;

(b) the commission of the act endangers or is likely to endanger the safety in flight of an aircraft registered in Trinidad and Tobago or chartered by demise to a lessee whose principal place of business, or (if he has no place of business) whose permanent residence, is in Trinidad and Tobago whether or not the act is committed on board a civil aircraft which is so registered or so chartered;

(c) the act is committed on board a civil aircraft which lands in Trinidad and Tobago with the person who committed the act still on board.

(6) Subsection (1) does not apply to an act committed outside Trinidad and Tobago and so committed in relation to property which is situated outside Trinidad and Tobago and is not used for the provision of air navigation facilities in connection with international air navigation, unless the person committing the act is a citizen of Trinidad and Tobago.

(7) In this section "civil aircraft" means any aircraft other than aircraft used in military, customs or police service.

26. (1) It is an offence for any person in Trinidad and Tobago to induce, or assist in the commission outside Trinidad and Tobago of any act which would—

Inducing or assisting commission of acts except from sections 24 and 25

(a) but for subsection (4) of section 24, be an offence under that section; or

(b) but for subsection (5) or (6) of section 25, be an offence under that section.

(2) subsection (1) has effect without prejudice to the provisions of section 9 of the Accessories and Abettors Ordinance in relation to any offence under section 24 or 25.

Ch. 4. No. 16

27. (1) A person who commits an offence under this Part is liable on conviction on indictment to imprisonment for life.

Penalties and proceedings

(2) Proceedings for an offence under this Part shall not be instituted except by, or with the consent of the Director of Public Prosecutions; but nothing in this section shall prevent the arrest, or the issue of a warrant for the arrest, of a person in respect of an offence, or the remanding in custody or on bail of a person charged with an offence.

28. (1) There shall be deemed to be included in the list of extradition crimes contained in the First Schedule to the Extradition Act, 1870, of the United Kingdom Parliament all offences under this Part.

Extradition 33 and 34 Vict. c. 52

(2) Where no such arrangement as is mentioned in section 2 of the said Extradition Act, 1870, has been made with a State which is a party to the Convention, such arrangement shall be deemed to exist with that

State; but where that Act is so applied it shall have effect as if the only extradition crimes within the meaning of that Act were offences under this Part.

(3) For the purposes of the said Extradition Act, 1870, any act, wherever committed, which---

(a) is an offence under this Part or would be such an offence but for subsection (4) of section 24 or subsection (5) or (6) of section 25; and

(b) is an offence against the law of any State in the case where that Act has been applied by an order under section 2 thereof;

shall be deemed to be an offence committed within the jurisdiction of that State.

(4) In this section "the Convention" means the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on the 23rd day of September, 1971.

PART V

SECURITY OF AIRCRAFT, AIRPORTS AND AIR NAVIGATION INSTALLATIONS AGAINST ACTS OF VIOLENCE

Police Service
responsible for
airport security.
Act No. 5 of 1978
Act No. 3 of 1978

29. The prevention of the commission of offences against this Act, the Civil Aviation (Tokyo Convention) Act, 1978 and the Hijacking Act, 1978, and the protection of persons and property from dangers arising from the commission of such offences, is the responsibility of the Police Service.

Right of access
of police officer

30. (1) Subject to subsection (2), a police officer on duty may at any time, by force if necessary, enter an airport or air navigation installation, or an aircraft, vehicle, building or place in an airport or air navigation installation, for the purpose of performing his functions under this Act or any other enactment.

(2) Subsection (1) does not apply to an aircraft or vehicle not being used for commercial purposes unless the police officer believes on reasonable grounds that there is in that vehicle or aircraft a person or thing likely to endanger the airport or air navigation installation or another person.

31. The Minister may, for security reasons, by Order, declare an airport or any part of an airport or an air navigation installation to be a protected area for the purposes of this Act.

Declaration of
protected areas

32. (1) No person other than a police officer on duty may enter or remain in a protected area unless authorised by the Authority.

Provisions relating
to protected areas

(2) Every person in a protected area shall, on the request of a police officer on duty, state his name and address, and produce satisfactory evidence of its correctness, and of the purpose of his presence in such area and his authority to enter it.

(3) A person who fails or refuses to give satisfactory evidence of his name and address when requested to do so in accordance with subsection (2) may be ordered to leave the protected area by a police officer.

(4) A person who contravenes subsection (2) or (3) commits an offence against this section.

(5) A person who fails to comply with an order to leave a protected area may be removed from that area with such force as may be reasonably necessary in the circumstances of the case, by the police officer and any person he may call upon to assist him.

(6) A person who, except with the permission of the Authority, uses a camera or other photographic apparatus or material while he is in or passing through a protected area commits an offence against this section.

(7) A person who commits an offence against this section, and, after being warned that he may be arrested, persists in its commission, may be arrested without warrant by a police officer.

(8) A passenger embarking or disembarking in an airport directly through a gateway or thoroughfare approved for that purpose by the Authority is deemed to be authorised to pass through any protected area forming part of those gateways or thoroughfares

33. A person who, without lawful authority or excuse, takes or attempts to take on board an aircraft—

Taking firearms,
explosives, etc.,
on aircraft

(a) a firearm;

- (b) any other dangerous or offensive weapon or instrument of any kind;
- (c) ammunition; or
- (d) an explosive or other injurious substance or device of any kind that could be used to endanger the safety of the aircraft or of persons on board the aircraft,

is guilty of an offence and liable on conviction on indictment to imprisonment for five years.

Search of persons,
baggage and cargo

34. (1) A police officer, a customs officer, or an employee or agent of the carrier authorised by the carrier for the purpose may, with the consent of the passenger, search that passenger and his baggage before such passenger boards an aircraft.

(2) With respect to any search made pursuant to subsection (1)—

- (a) a passenger shall not be required to remove any article of clothing (other than a coat or similar article), for the purpose of being searched; and
- (b) except where the search is made by means of a mechanical or electrical or electronic or other similar device, no person shall be searched except by another person of the same sex.

(3) An employee or agent of the carrier authorised by the carrier for the purpose, or a police officer, may in the presence of a passenger examine his baggage before it is loaded on to an aircraft for the purpose of being transported by air.

Search of persons
declining to allow
search

35. (1) Where under subsection (1) of section 34 a person has refused consent to the search of himself or his baggage and a police officer has reasonable grounds to suspect that an offence—

- (a) under the Hijacking Act, 1978;
- (b) under the Civil Aviation (Tokyo Convention) Act, 1978; or
- (c) under this Act,

in relation to an aircraft on which that person was to be carried has been, is being, or is likely to be committed, whether by that person or by another person, such police officer may, without warrant, search that person who has declined to allow himself or his baggage to be searched, and may detain him for the purposes of that search, and may take possession of any article referred to in section 33, found in the course of that search.

(2) The refusal of a person to allow himself or his baggage to be searched under section 34 shall not of itself constitute grounds for suspecting that an offence in relation to an aircraft has been, is being, or is likely to be committed.

(3) A police officer in the exercise of the power of search conferred by subsection (1) shall identify himself to the person to be searched, and shall also inform him that the search is being made under this section, and if the police officer is not in uniform he shall also produce evidence that he is a police officer.

36. Nothing found in the course of a search or examination made under section 34 or 35 is admissible as evidence in criminal proceedings against the person who, or whose baggage, has been searched, or, as the case may be, the consignor of cargo that has been examined, other than proceedings in respect of—

- (a) an offence under Hijacking Act, 1978;
- (b) an offence under the Civil Aviation (Tokyo Convention) Act, 1978;
- (c) an offence under this Act;
- (d) a crime punishable by death, imprisonment for life or a term of three years or more;
- (e) an offence under Part I of the Firearms Act, 1970; or
- (f) an offence against the Narcotic Control Ordinance, 1961.

Evidence of offences

Ord. 27 of 1961

**General powers
of arrest**

37. (1) A police officer may without warrant arrest a person within an airport where he has reasonable cause to believe that that person has contravened a provision of this Act or the regulations and he does not know and cannot ascertain that person's name and address.

(2) A police officer may arrest without warrant a person who is in the vicinity of a protected area if such officer has reasonable grounds to believe that an offence has been or is being committed by that person—

- (a) under the Hijacking Act, 1978;
- (b) under section 33 of this Act; or
- (c) under Part I of the Firearms Act, 1970.

(3) A person who, when called upon to do so by a police officer, in good faith assists him in arresting another, is not guilty of an offence and not liable to civil proceedings in respect of the arrest.

**Inspection of
aircraft and
airports**

38. (1) The Commissioner of Police or anyone authorised by him in writing (in this section referred to as an "authorised person"), shall have power, on production, if required, of his credentials, to inspect—

- (a) aircraft registered or operating in Trinidad Tobago while such aircraft is in Trinidad and Tobago;
- (b) protected areas; or
- (c) air navigation installations.

(2) Subject to subsection (3) an authorised person may enter an airport, aircraft or air navigation installation for the purpose of inspection and may take all steps as are necessary for the proper execution of the inspection.

(3) An authorised person may not use force in exercise of the powers vested in him by subsection (2).

(4) A person who obstructs or attempts to obstruct an authorised person in the exercise of his powers and functions under this section, is guilty of an offence and liable on summary conviction to a fine of two thousand dollars and to imprisonment for twelve months or to both such fine and imprisonment.

39. (1) A police officer may—

- (a) stop any person who is leaving a cargo area and inspect goods carried by that person;
- (b) stop and search any vehicle or aircraft which is leaving such cargo area and inspect the vehicle and the goods carried on or in it; and
- (c) detain in the cargo area—
 - (i) such goods for which there is not produced a document authorising their removal from the cargo area, signed by a person authorised in that behalf; and
 - (ii) such vehicle or aircraft where there are on or in it, goods liable to detention under this paragraph.

Additional powers
of police in
cargo area

(2) Nothing in subsection (1) shall be construed as conferring a power to search a person.

(3) In this section “cargo area” means any area in an airport that appears to the Commissioner of Police to be used wholly or mainly for the storage or handling of cargo and is so designated by him.

(4) The Commissioner of Police may by Order published in the *Gazette* designate cargo areas.

40. The powers conferred by this Act on a police officer are without prejudice to any powers vested in him by any other enactment.

General powers
of police not
prejudice

41. A person who commits an offence under this Part for which no other penalty is specifically provided is liable on summary conviction to a fine of two thousand dollars or to imprisonment for twelve months or to both such fine and imprisonment.

Offences and
penalties

42. (1) The purposes to which this Part applies are the protection against acts of violence—

Purposes to which
Part V applies

- (a) of aircraft, and of persons or property on board aircraft;
- (b) of airports, and of such persons or property as (in the case of persons) are at any time present at an airport or (in the case of

property) form part of an airport or is at any time (whether permanently or temporarily) in the airport; and

- (c) of air navigation installations that do not form part of an airport.

(2) In this Part "act of violence" means any act (whether actual or potential, and whether done or to be done in Trinidad and Tobago or elsewhere) which—

- (a) being an act done in Trinidad and Tobago, constitutes; or

- (b) if done in Trinidad and Tobago would constitute,

the offence of murder, manslaughter, culpable homicide or assault, or an offence under section 16, 18, 19, 20, 21, 22, 26 or 27 of the Offences Against the Person Ordinance.

PART VI

GENERAL

Regulations

43. (1) The Minister may make regulations generally to give effect to the provisions of this Act and may by such regulations provide for the following—

- (a) minimising or preventing interference with the use or effectiveness of apparatus used in connection with air traffic or air navigation, and for prohibiting or regulating the use of any such apparatus;
- (b) securing the safety, efficiency and regularity of air traffic and the safety of aircraft and of persons and property carried therein or likely to be affected thereby, and for the detention of aircraft for any purpose specified in this paragraph;
- (c) regulating or controlling the use of airports by aircraft, whether civil or otherwise, and regulating or controlling the use of airports and appurtenances thereto, by the general public;
- (d) preventing obstruction within an airport;

- (e) regulating vehicular traffic within an airport except on roads therein on which such traffic is regulated by the provisions of the Motor Vehicles and Road Traffic Ordinance; Ch. 16. No. 3
- (f) prohibiting waiting by taxis except in areas appointed by the Authority, and for designating parking places for motor vehicles;
- (g) prohibiting or restricting admission to an airport;
- (h) preserving order within an airport and preventing damage to property therein;
- (i) regulating or restricting advertising within an airport;
- (j) requiring a person, if so requested by a police officer on duty at the airport, to leave the airport;
- (k) regulating the issue of permits and conditions to be observed by the holder of such permits;
- (l) defining the functions of the Authority; and
- (m) providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the administration thereof.

(2) Regulations under this section may provide for the imposition of penalties not exceeding a fine of two thousand dollars and imprisonment for twelve months.

(3) Regulations under this section may confer on any person power to issue, in such manner as may be prescribed, instructions or orders for the purpose of ensuring the safety of aircraft.

(4) Regulations made under this section shall be subject to negative resolution of the Senate and House of Representatives.

44. The Aviation Security and Airports Management Act, 1978, is repealed. Repeal of Act No. 4 of 1978

Amendment of
Ch. 32, No. 2
Second Schedule

45. The Customs Ordinance is amended in the manner set out in the Schedule.

Commencement

46. This Act shall come into operation on a date appointed by the President by Proclamation published in the *Gazette*.

SCHEDULE

(Section 45)

AMENDMENT TO THE CUSTOMS ORDINANCE

The Customs Ordinance is amended by repealing and replacing sections 56, 57 and 57A as follows—

“Customs
control of
persons
entering or
leaving
Trinidad
and Tobago

56. (1) Any person entering Trinidad and Tobago shall, at such place and in such manner as may be prescribed or as the proper officer may direct, declare any uncustomed or prohibited goods contained in his baggage or carried with him.

(2) Any person entering or leaving Trinidad and Tobago shall answer such questions as the proper officer may put to him with respect to his baggage and anything contained therein or carried with him.

(3) Any person who fails to declare any uncustomed or prohibited goods as required by this section is liable to a penalty of three times the value of such goods, or five hundred dollars, whichever is the greater, and anything chargeable with any duty that is found concealed or is not declared and anything that is being taken into or out of Trinidad and Tobago contrary to any prohibition or restriction for the time being in force with respect thereto under or by virtue of any enactment shall be forfeited.

Certain
officers
may not
search
without
special
authority

57. (1) Where an officer is informed or has reason to suppose that any person on an aircraft or ship, or any person who has landed from an aircraft or ship, or any person whom the officer may suspect has received any goods from any such person, is carrying or has any uncustomed or prohibited goods about his person, the officer may search that person.

(2) Before any such person is searched he may require to be taken with all reasonable despatch before the Senior Customs Officer on duty at the port at the time, who shall, if he sees no reasonable cause for search, discharge such person, but if otherwise, direct that he be searched.

(3) The officer is not liable to any prosecution or action at law on account of any search made in accordance with this section.

Offence
of waiting
in green
line with
uncustomed
or prohibited
goods

57A. (1) In this section—

“green line” means a line to which a green line notice refers, and includes a reasonable area on either side of the line;

“green line notice” means a notice printed in large, legible characters displayed at a port by order of the Comptroller notifying those persons disembarking there who have no uncustomed or prohibited goods to declare that they may await their turn to receive permission to leave the customs area in the green line indicated for that purpose in such notice.

(2) A person disembarking at a port who takes up a position in a green line for the purpose of receiving permission to leave the customs area and whose baggage contains or who carries with him any uncustomed or prohibited goods commits an offence against this section, unless he satisfies the court that he did not know and could not reasonably have been expected to know that he was committing such offence.

(3) Without prejudice to any other penalty or forfeiture imposed by the customs laws, a person convicted of an offence against this section is liable to a fine of five hundred dollars.”

Passed in the House of Representatives this 26th day of November, 1979.

R. L. GRIFFITH
Acting Clerk of the House

Passed in the Senate this 18th day of December, 1979.

E. WILLIAMS
Acting Clerk of the Senate