

THE CIVIL AVIATION [(NO. 10) FOREIGN OPERATOR]
REGULATIONS, 2004

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LEGAL NOTICE NO. 109

REPUBLIC OF TRINIDAD AND TOBAGO

THE CIVIL AVIATION ACT, 2001

REGULATIONS

MADE BY THE AUTHORITY WITH THE APPROVAL OF THE MINISTER
UNDER SECTION 33 OF THE CIVIL AVIATION ACT

THE CIVIL AVIATION [(NO. 10) FOREIGN OPERATOR]
REGULATIONS, 2004

1. These Regulations may be cited as the Civil Aviation [(No. 10) Citation
Foreign Operator] Regulations, 2004.

2. In these Regulations—

“foreign air operator” means an operator, not being a Trinidad
and Tobago air operator, who undertakes, whether
directly, indirectly, by lease or any other arrangement, to
engage in commercial air transport operations within the
airspace of Trinidad and Tobago whether on a scheduled or
charter basis;

“foreign authority” means the Civil Aviation Authority that
issued an Air Operator Certificate to a foreign air operator
who does not hold an air operator certificate issued by the
Authority;

“foreign operator” means an operator, not being a Trinidad
and Tobago operator, who undertakes, whether directly,
indirectly, by lease or any other arrangement, to engage in
air transport operations within the airspace of Trinidad
and Tobago.

Interpreta-
tion

Applicability of Regulations

3. (1) These Regulations apply to the operations of a civil aircraft
within Trinidad and Tobago for—

(a) the purpose of commercial air transport operations by an
air operator whose air operator certificate was issued by a
foreign authority; and

(b) general aviation operations of a foreign operator.

(2) These Regulations shall not apply to operations of aircraft
when used by the military, customs and police services which are not
used for compensation or hire.

Applicability
of
Regulations

PART I

GENERAL REQUIREMENTS

General Applicability of Part IGeneral
Applicability
of Part I

4. This Part prescribes the requirements for the application, issue and continued validity of a foreign air operator Operations Specifications.

General Requirements for Application for Foreign Air Operator Operations SpecificationsGeneral
Requirements

5. (1) An air operator who does not hold an Air Operator Certificate issued by the Authority shall not operate an aircraft in Trinidad and Tobago unless he holds an Operations Specifications issued to him by the Authority.

(2) Where an air operator under subregulation (1), wishes to apply to operate in Trinidad and Tobago he shall—

- (a) make such application to the Authority in the form and manner prescribed; and
- (b) pay the prescribed fee.

(3) An application under subregulation (2), shall be accompanied by—

- (a) a copy of a valid air operator certificate or equivalent document issued by the foreign authority;
- (b) a copy of the licence or authorization granted to the air operator by the appropriate authority of the State of the air operator to operate an air transport service to and from Trinidad and Tobago;
- (c) a copy of a Company Operations Manual including the Cabin Attendant Manual where it is published as a separate document;
- (d) a copy of the approval page for a Minimum Equipment List for each aircraft type intended to be operated by the air operator in Trinidad and Tobago;
- (e) a copy of a valid Certificate of Airworthiness for each aircraft type intended to be operated by the foreign air operator in Trinidad and Tobago;
- (f) a representative copy of a Certificate of Registration issued for the aircraft types proposed to be operated by the air operator in Trinidad and Tobago;

- (g) a copy of a document identifying the maintenance checks that are required to be carried out for aircraft of the air operator while they are operated in Trinidad and Tobago;
- (h) a copy of the maintenance contract between the air operator and the Approved Maintenance Organization, where the maintenance under subparagraph (g), is carried out by an Approved Maintenance Organization approved by the foreign authority;
- (i) a copy of the lease agreement for any aircraft operated by the air operator who does not hold an Air Operator Certificate issued by the Authority which is not registered by the foreign authority;
- (j) a copy of any equivalent Operations Specifications issued by the foreign authority for any specialized flight operations specifications requested by the foreign air operator for operations in Trinidad and Tobago;
- (k) a proposed Aircraft Operator Security Programme for the foreign air operator who does not hold an Air Operator Certificate issued by the Authority which meets the requirements of the Civil Aviation [(No. 8) Security] Regulations, 2004 for the acceptance and subsequent approval of the Authority; and
- (l) any other document the Authority considers necessary to ensure that the intended operations will be conducted safely.

(4) An applicant under these Regulations shall apply for the initial issue of a foreign air operator Operations Specifications at least ninety days before the date of commencement of intended operation.

Conditions for issue of a Foreign Air Operator Operations Specifications

6. (1) The Director General may recommend that the Authority issue Operations Specifications to an air operator who does not hold an Air Operator Certificate issued by the Authority to conduct commercial air operations in Trinidad and Tobago where he is satisfied that such air operator—

- (a) has a valid Air Operator Certificate issued by a foreign authority;
- (b) has had his Aircraft Operator Security Programme approved under the Civil Aviation [(No. 8) Security] Regulations, 2004;

- (c) meets the applicable requirements of the Civil Aviation [(No. 2) Operations] Regulations, 2004; the Civil Aviation [(No. 5) Airworthiness] Regulations, 2004 and the Civil Aviation [(No. 7) Instruments and Equipment] Regulations, 2004;
- (d) meets the standards contained in Annex 6, Parts I and III and Annex 8 of the Chicago Convention;
- (e) has sufficient financial resources to conduct safe operations; and
- (f) meets the requirements of these Regulations.

(2) Where the Operations Specifications issued under this regulation to an air operator who does not hold an Air Operator Certificate issued by the Authority (hereinafter referred to as “a foreign air operator”), such foreign air operator may commence commercial air transport operations in and to Trinidad and Tobago.

Operations Specifications

Contents of
Operations
specifications

7. (1) Operations Specifications issued under regulation 6 shall specify which specific operations are authorized, prohibited, limited or subject to certain conditions, in the interest of public safety.

(2) Operations Specifications issued under subregulation (1), shall contain details of the following:

- (a) the purpose of issuance;
- (b) application and duration;
- (c) limitations to, or actions required by, the operator;
- (d) general provisions;
- (e) en-route authorization and limitations;
- (f) aerodrome authorizations and limitations;
- (g) maintenance;
- (h) mass and balance;
- (i) interchange of equipment operations; and
- (j) aircraft leasing operations.

(3) The Operations Specification issued to a foreign air operator by the Authority shall be supplementary to these Regulations.

Continued Validity of Operations Specifications

8. A foreign air operator shall when conducting operations in and to Trinidad and Tobago, ensure that he complies at all times with the requirements of—

Conditions for continued validity

- (a) his Operations Specifications;
- (b) his approved Aircraft Operator Security Programme; and
- (c) the security requirements for aircraft operators under the Civil Aviation [(No. 8) Security] Regulations, 2004.

Aircraft Technical Log

9. A foreign air operator shall, when conducting operations in Trinidad and Tobago use an aircraft technical log containing the following in respect of each aircraft:

Contents of Aircraft Technical Log of foreign air operator

- (a) information about each flight necessary to ensure continued flight safety;
- (b) the current Certificate of Release to Service for the aircraft;
- (c) the current maintenance statement giving the aircraft maintenance status of what scheduled and out of phase maintenance is next due, unless the Authority agrees to the maintenance statement being kept elsewhere;
- (d) all outstanding deferred defects that affect the operation of the aircraft; and
- (e) any necessary guidance instructions on maintenance support.

Foreign Air Operator Documents to be Carried

10. A foreign air operator shall ensure that the following are carried on each flight, when conducting operations in Trinidad and Tobago:

Documents required to be carried by foreign air operator

- (a) the current parts of the Operations Manual relevant to the duties of the crew;
- (b) those parts of the Operations Manual which are required for the conduct of a flight are easily accessible to the crew on board the aircraft;
- (c) the current approved Aircraft Flight Manual for the aircraft being flown;
- (d) the current certificate of registration, and airworthiness certificate in force in respect of that aircraft;
- (e) the appropriate licences of the members of the flight crew;
- (f) the mass and balance document for the aircraft certifying that the load carried is properly distributed and safely secured; and
- (g) appropriate approval for radio operation.

Additional Information and Forms to be carried

Additional documents required to be carried by foreign air operator

11. (1) A foreign air operator shall ensure that, in addition to the documents and manuals required by regulations 9 and 10, the following information and forms, relevant to the type and area of operation, are carried on each flight conducted in Trinidad and Tobago:

- (a) an Operational Flight Plan;
- (b) the aircraft technical log containing at least the information required in regulation 9;
- (c) appropriate notices to airmen and aeronautical information services briefing documentation;
- (d) appropriate meteorological information;
- (e) copy of applicable operations specifications required under these Regulations;
- (f) notification of special loads including any dangerous goods; and
- (g) current maps and charts for the area of operation.

(2) The Director General may recommend that the Authority authorize the information detailed under subregulation (1) or parts thereof, to be presented in a form other than on printed paper, provided the information is accessible for inspection.

Authority to Inspect

Inspection by Authority

12. A foreign air operator shall ensure that any person authorized by the Authority, is permitted at any time, without prior notice, to board any of his aircraft operated for commercial air transportation in Trinidad and Tobago, inspect the documents and manuals required by regulations 9, 10 and 11, and inspections required by regulation 18, and such other inspections as are deemed necessary under the Chicago Convention.

Production of Documentation, Manuals and Records

Requirement to produce documentation, manuals and records when requested

13. (1) A foreign air operator shall—
- (a) give any person authorized by the Authority access to any documents, manuals and records which are related to flight operations and maintenance; and
 - (b) produce all such documents, manuals and records, when requested to do so by the Authority, within a reasonable period of time.

(2) The pilot in command of an aircraft of a foreign air operator shall, when requested to do so by a person authorized by the Authority, produce to such person the documentation, manuals and records required to be carried on board the aircraft.

Preservation of Flight Recorder Recordings

14. Following an accident or incident in Trinidad and Tobago involving an aircraft of a foreign air operator, or when the Authority so directs, the foreign air operator of an aircraft on which a flight recorder is carried shall preserve the original recorded data for a period of sixty days unless otherwise directed by the Authority.

Computation of Passenger and Baggage Weights

15. (1) A foreign air operator conducting operations in Trinidad and Tobago shall compute the mass of passengers and checked baggage using—

- (a) the actual mass of each person and the actual mass of baggage; or
- (b) the standard mass values specified by the foreign authority.

(2) The Authority may require a foreign air operator conducting operations in Trinidad and Tobago to produce evidence validating any standard mass values used.

Single-Engine Aircraft

16. A foreign air operator conducting operations in Trinidad and Tobago shall not operate a single-engine aircraft—

- (a) at night; or
- (b) in Instrument Meteorological Conditions except under Special Visual Flight Rules.

Approach and Landing Conditions

17. Before initiating an approach to land in Trinidad or Tobago, the pilot in command of an aircraft of a foreign air operator, shall determine from the information available—

- (a) weather at the aerodrome and the conditions of the runway are safe for the approach and landing; and
- (b) in the case of missed approach, he will be able to meet the performance requirements contained in the Operations Manual.

Access to Aircraft and Associated Facilities

18. A foreign air operator, when conducting operations in Trinidad and Tobago, shall—

- (a) give any person authorized by the Authority access to his aircraft and associated facilities to inspect to determine compliance with these Regulations;
- (b) satisfactorily respond to findings arising under paragraph (a), prior to further flight in the care of finding prejudicing safe flight and for all the findings within reasonable time but no more than three days.

PART II

SECURITY

Applicability of Part II 19. This Part prescribes the security requirements for a foreign air operator operating in Trinidad and Tobago.

Prohibition Against Carriage of Weapons

Carriage of Weapons of War and Munitions of War 20. A foreign air operator conducting commercial air transportation operations to Trinidad and Tobago shall—

- (a) not transport weapons of war and munitions of war by air unless an approval to do so has been granted by the Authority;
- (b) ensure that when approval under paragraph (a) is granted, weapons of war and munitions of war are—
 - (i) stowed in the aircraft in a place which is inaccessible to passengers during flight;
 - (ii) in the case of firearms, unloaded, unless, before the commencement of the flight, an approval has been granted by the Authority that such weapons of war and munitions of war may be carried in circumstances that differ in part or in total from those indicated in this subparagraph; and
 - (iii) paragraph (ii) does not apply to a foreign air operator that has been approved to transport an air marshal under an approved programme;
- (c) ensure that the pilot in command is notified before the flight begins of the details and location on board the aircraft of any weapon of war and munition of war that are intended to be carried.

Sporting Weapons and Ammunition

Carriage of sporting weapons and ammunition 21. (1) The carriage of sporting weapons and ammunition by a foreign air operator conducting commercial air transportation shall be in accordance with the procedures and requirements of the approved dangerous goods programme approved by the foreign authority.

(2) A foreign air operator conducting commercial air transportation operations in Trinidad and Tobago shall take all measures necessary to ensure that where a sporting weapon is offered for transport by air, such transportation is reported to him.

(3) A foreign air operator accepting the transport of a sporting weapon shall ensure that such sporting weapon is—

- (a) stowed in the aircraft, in which he conducts or intends to conduct operations, in a place which is inaccessible to passengers during flight unless the Authority has determined that compliance is impracticable and has approved other procedures; and

(b) in the case of a firearm or other weapon that can contain ammunition, unloaded.

(4) A foreign air operator may allow a passenger to carry ammunition for a sporting weapon in his checked baggage, as approved by the foreign authority.

Firearm Import Licence

22. A foreign air operator shall ensure that where a person submits a firearm for transport by air on his aircraft to Trinidad and Tobago, such person holds a Firearm Import Permit for such firearm issued in accordance with the Firearms Act.

Requirement
to hold
Firearm
Import
Licence by
passenger
Chap. 16:01

Security Programme for Foreign Air Operator

23. A foreign air operator shall—

(a) ensure that all appropriate personnel are familiar and comply with the relevant requirements of the national security programmes of Trinidad and Tobago;

Security
Programme
for foreign air
operator

(b) establish, maintain and conduct approved training programmes which enable the personnel of the foreign air operator to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of aircraft and to minimize the consequences of such events should they occur;

(c) following an act of unlawful interference on board an aircraft the pilot in command or, in his absence a flight crew member of the foreign air operator, shall submit, without delay, a report of such an act to the designated local authority and the Authority of Trinidad and Tobago;

(d) ensure that all aircraft carry a checklist of the procedures to be followed for that aircraft type in searching for concealed weapons, explosives or other dangerous devices; and

(e) ensure that the flight crew compartment door of all aircraft, if installed and where such aircraft is operated for the purpose of carrying passengers is capable of being locked from within the compartment in order to prevent unauthorized access.

Unauthorized Carriage

24. A foreign air operator shall take measures to ensure that no person conceals himself or cargo on board an aircraft.

Unauthorized
carriage

PART III

DANGEROUS GOODS

Applicability of Part IIIApplicability
of Part III

25. This Part prescribes the requirements for the transport of dangerous goods by air, by a foreign air operator.

Transport of Dangerous Goods by AirOffering
dangerous
goods for
transport by
air

26. (1) A foreign air operator shall not accept dangerous goods for transport by air in Trinidad and Tobago unless he has—

- (a) been authorized to do so by the foreign authority;
- (b) conducted the required personnel training; and
- (c) provided a copy of his approved dangerous goods programme to the Authority.

(2) A foreign air operator shall properly classify, document, certify, describe, package, mark, label and put in a fit condition for transport of, dangerous goods as required by the dangerous goods programme of the foreign air operator as approved by the foreign authority.

(3) The foreign air operator shall state in his Operations Specifications required in regulation 7 whether or not he has been authorized to accept dangerous goods by the foreign authority.

(4) Where the foreign operator has been granted authority to accept dangerous goods, and has an approved dangerous goods programme authorized by the foreign authority, the foreign operator shall provide a copy of such dangerous goods programme to the Authority.

Transitional ProvisionsTransitional
provisions

27. (1) The foreign air operator Operations Specifications requirements under these Regulations, shall come into effect six months from the date of publication of these Regulations.

(2) Notwithstanding subregulation (1), on the commencement of these Regulations a foreign air operator who wishes to apply for Operations Specifications to operate in Trinidad and Tobago shall meet the requirements of these Regulations.

(3) A foreign air operator who holds a valid licence issued by the Air Transport Licensing Authority to operate in Trinidad and Tobago, and continues to operate under his existing licence, on the

commencement of these Regulations shall apply to the Authority for Operations Specifications and satisfy the requirements of these Regulations for the issue of such Operations Specifications within the six months period provided under subregulation (1).

Director General may amend Schedules

28. The Director General may, by Order amend any of the Schedules.

Director
General to
amend
Schedules

Made by the Authority this 19th day of March, 2004.

R. LUTCHMEDIAL
Civil Aviation Authority

Approved by the Minister of Works and Transport.

F. A. KHAN
Minister of Works and Transport

Laid in the House of Representatives this 26th day of May, 2004.

J. SAMPSON-JACENT
Clerk of the House

Laid in the Senate this 1st day of June, 2004.

N. JAGGASSAR
Acting Clerk of the Senate