

LEGAL NOTICE NO. 239

REPUBLIC OF TRINIDAD AND TOBAGO

THE CIVIL AVIATION ACT, 2001

REGULATIONS

MADE BY THE CIVIL AVIATION AUTHORITY WITH THE APPROVAL OF THE
MINISTER UNDER SECTION 48 OF THE CIVIL AVIATION ACT

THE CIVIL AVIATION [(NO. 13) CHARGES FOR AIR NAVIGATION
SERVICES] REGULATIONS, 2005

1. These Regulations may be cited as the Civil Aviation [(No. 13) Citation
Charges for Air Navigation Services] Regulations, 2005.

2. In these Regulations—

Interpretation

“Act” means the Civil Aviation Act, 2001;

“aeronautical information services” means services necessary
to meet those requirements of Annexes 4 and 15 of the
Chicago Convention that relate to aeronautical
information;

“air navigation services” means—

- (a) aerodrome control services at international
aerodrome;
- (b) approach control services;
- (c) area control services;
- (d) flight information services;
- (e) air navigation facilities; and
- (f) aeronautical information services;

“Director General” means the Director General of Civil
Aviation of Trinidad and Tobago; and

“flight information services” means a service provided for the
purpose of giving advice and information useful for the
safe and efficient conduct of flights.

Applicability
of
Regulations

3. (1) These Regulations apply to aircraft operating in Trinidad and Tobago airspace or any other airspace for which Trinidad and Tobago has responsibility for the provision of air navigation services.

(2) Subregulation (1) applies whether or not—

- (a) the aircraft is registered in Trinidad and Tobago;
- (b) the aircraft is in or over Trinidad and Tobago at the time when the service is provided; or
- (c) such services are provided from a place in Trinidad and Tobago.

Imposition of
charges for
air navigation
services

4. (1) Prior to commencing flight operations the owner or operator of an aircraft operating in the airspace in which the provision of air navigation services is the responsibility of the Authority, shall submit to the Authority such records of movement of such aircraft and such other particulars relating to the aircraft as set out in the First Schedule.

First
Schedule

(2) The owner or operator of an aircraft under subregulation (1), shall pay to the Authority on a monthly basis, the charges set out in the Second Schedule on the basis of the information submitted under subregulation (1), for services provided by the Authority for the previous month.

Second
Schedule

(3) Notwithstanding subregulations (1) and (2), the Director General may exempt certain owners or operators of aircraft under subregulation (4) operating in the airspace in which the provision of air navigation services is the responsibility of the Authority, from charges for air navigation services set out in the Second Schedule.

(4) Charges payable under this regulation shall be recoverable in Trinidad and Tobago, wherever they are payable without prejudice to the right of recovery elsewhere.

(5) Liability for charges owed to the Authority may be imposed upon an operator of any aircraft whether or not—

- (a) such aircraft is registered in Trinidad and Tobago;
- (b) such aircraft is in or over Trinidad and Tobago, at the time when the services to which the charges relate are provided; and
- (c) such services are provided from a place in Trinidad and Tobago.

5. The owner or operator of an aircraft are jointly or severally ^{Liability of} liable for the payment of any charge for air navigation services imposed ^{payment} by the Authority in respect of an aircraft.

6. (1) Without prejudice to any other power conferred by the Act to ^{Detention of} detain an aircraft, the Director General may apply to the High Court for ^{aircraft} an Order, issued on such terms as the Court considers appropriate, authorizing the detention, pending payment, of any aircraft in respect of which a charge was incurred and not paid or any other aircraft of which the person in default is the operator at the time the detention begins.

(2) An application for an Order under subregulation (1), may be made *ex parte* if the Director General has reasons to believe that the person liable to pay the charges is about to leave Trinidad and Tobago or take from Trinidad and Tobago any aircraft owned or operated by the person.

(3) The Director General shall release an aircraft detained under this regulation where—

- (a) the amount in respect of which the detention was made, is paid;
- (b) a bond or other form of security satisfactory to the Director General for the amount in respect of which the detention is made, is deposited with the Authority; or
- (c) an Order if the Court so directs.

7. The Director General may, by Order, amend the Schedules.

Director may
amend
Schedules

FIRST SCHEDULE

[Regulation 4(1)]

INFORMATION TO BE SUBMITTED FOR ASSESSMENT OF AIR NAVIGATION CHARGES

The following shall be submitted to the Authority prior to commencing flight operations in the airspace in which the provisions of air navigation services is the responsibility of the Authority:

- (a) a copy of the Air Traffic Control Flight plan as required by regulation 78(1) of the Civil Aviation [(No. 2) Operations] Regulations, 2004;
- (b) information as to the Maximum Take-Off Weight (MTOW) of the aircraft, expressed in tonnes as set out in the Certificate of Airworthiness for the aircraft.

SECOND SCHEDULE

[Regulation 4(2)]

AIR NAVIGATION SERVICES CHARGES

The following are the Air Navigation Services Charges for aircraft operating in airspace in which the provision of air navigation services is the responsibility of the Civil Aviation Authority:

Basis: Maximum Take-Off Weight (MTOW) of the aircraft expressed in tonnes and the distance flown.

$$R = N \times U$$

Where: R = the charge for the flight
N = the number of service units relating to that flight
U = the unit rate

The number of service units ("N") shall be calculated according to the following formula: $N = d \times p$

Where: "d" is the distance factor for the flight, and
"p" is the weight factor for the aircraft

The distance factor shall be the number of kilometres flown by the aircraft, minus 20 kilometres for each take-off and landing outside of a TMA, then divided by 100 and expressed in two decimal places, i.e.

$$\text{"d"} = [\text{distance flown (km)} - \text{No. of landings and take-offs} \times 20 \text{ km}] / 100$$

The weight factor shall be equal to the square root of the quotient obtained by dividing the number of tonnes of the MTOW of the aircraft by 50 and expressed to two decimal places, i.e.

$$\text{"p"} = \text{Square Root of (MTOW/50)}$$

$$\text{"U"} = \text{USD } 33.28$$

Made by the Civil Aviation Authority this 1st day of September, 2005.

R. LUTCHMEDIAL
Civil Aviation Authority

Approved by the Minister this 1st day of September, 2005.

C. IMBERT
Minister of Works and Transport