

LEGAL NOTICE NO. 44

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. 16) COMPOUNDING OF OFFENCES]
(PECUNIARY PENALTIES) REGULATIONS, 2007

1. These Regulations may be cited as the Civil Aviation [(No. 16) Citation
Compounding of Offences] (Pecuniary Penalties) Regulations, 2007.

2. In these Regulations—

Interpretation

“Act” means the Civil Aviation Act, 2001;

Act No. 11 of
2001

“airman” means an individual—

(a) who engages, as the pilot in command, mechanic or
member of the crew or who navigates an aircraft
while the aircraft is underway;

(b) in charge of the inspection, maintenance,
overhauling or repair of an aircraft, and any
individual in charge of inspection, maintenance,
overhauling or repair of aircraft, aircraft engines,
propellers or appliances; or

(c) who serves in the capacity of flight operations
officer;

“Airworthiness Regulations” means the Civil Aviation [(No. 5)
Airworthiness] Regulations, 2004;

“Authority” means the Trinidad and Tobago Civil Aviation
Authority;

“Director General” means the person appointed to the office of
Director General under section 13(1) of the Civil Aviation
Act;

“fixed penalty” means the penalty for an offence committed
under the Act or regulations made thereunder as specified
in the fourth column of Schedule 1;

Schedule 1

“notice” means a document issued by the Authority offering the opportunity for the discharge of any liability to conviction for an offence specified therein by payment of a fixed penalty in accordance with section 57 of the Act;

“offence” means any act or omission by an airman or operator that contravenes any provision of the Act or regulations made thereunder;

“operator” means a person, organization or enterprise, engaged in or offering to engage in, aircraft operations and any person who causes or authorizes the operation of aircraft in the capacity of owner, lessee or otherwise, whether with or without the control of the aircraft; and who or which is deemed to be engaged in the operation of aircraft within the meaning of the Act;

“proceedings” means proceedings by complaint before a magistrate.

Compounding of offences committed by airmen and operators

Compounding of offences committed by airmen and operators

3. These Regulations prescribe the requirements for the compounding of any offence committed by an airman or an operator under section 57 of the Act or any regulations made thereunder.

Issuing of notices by the Director General

Issuing of notices by the Director General Schedule 2

4. (1) Where the Director General has reason to believe that an airman or operator has contravened any provision of the regulations, the Director General may issue to the airman or operator a notice in the form prescribed in Schedule 2.

(2) A notice issued under regulation 4(1) shall—

- (a) specify the regulation which the airman or operator is believed to have breached and in respect of which he may be summarily convicted under the Act or any regulations made thereunder; and
- (b) notify the airman or operator that a complaint shall be filed against him in the event that he fails to pay the fixed fine within the time specified in the notice referred to in subregulation (1).

(3) The Minister may from time to time by Order—

- (a) add any offence to those provided for in Schedule 1 and prescribe in respect of that offence a fine not exceeding forty thousand dollars;
- (b) remove any offence from those provided for in Schedule 1; and
- (c) alter the fixed penalty for any offence except that the penalty as altered does not exceed forty thousand dollars.

(4) A fixed penalty under this regulation shall be paid to the Authority within twenty-one days from the date of issue of the notice.

Requirements of a notice

5. (1) A notice issued under regulation 4 shall be signed by the Authority and shall specify— Requirements of a notice

- (a) the date, time and place the notice was issued;
- (b) the provision of the Act or regulation under which the airman or operator is suspected of having contravened;
- (c) such other particulars of the offence as are necessary for giving reasonable information of the offence;
- (d) the amount of the fixed penalty; and
- (e) the place and time within which the fixed penalty is to be paid.

(2) The time within which the fixed penalty is payable shall be fourteen days from the date of the notice, and where payment is made after the time specified in the notice it shall not be receivable and shall be returned to the airman or operator as the case may be.

(3) Where the fixed penalty under this regulation is paid in accordance with the requirements of the notice, the airman or operator thereafter shall not be liable to be convicted of the offence in respect of which the notice was given.

Signed receipt is sufficient evidence of payment of fine

6. In any proceedings, a receipt from the Authority that payment of a fixed fine was or was not made to the Authority by a date specified in the receipt shall, if the receipt purports to be signed by the Authority, be sufficient evidence to the facts stated in the receipt, unless the contrary is proved. Signed receipt is sufficient evidence of payment of fine

Failure to pay fixed penalty fine

Failure to pay
fixed penalty
fine

7. Where an airman or operator fails to pay the fixed fine specified in a notice issued to him, the Authority shall within reasonable time thereafter, file the necessary proceedings against the airman or operator that is suspected of committing the offence.

SCHEDULE 1

(Regulation 5)

The applicable provisions to the regulations and the related offences in respect of which liability for contravention may be discharged are set out hereunder—

	Offence	Applicable Regulation	Fine
1	Failure to produce licence or aviation document for inspection	Civil Aviation [(No.1) General Application and Personnel Licensing] Regulations, 2004, regulation 6	\$2,500
2	Failure to have valid crew licence and current medical certificate in physical possession or readily accessible in aircraft	Civil Aviation [(No.1) General Application and Personnel Licensing] Regulations, 2004, regulation 6(3)	\$2,500
3	Failure of air operator to properly display AOC	Civil Aviation [(No.1) General Application and Personnel Licensing] Regulations, 2004, regulation 6(6)	\$2,000 to \$10,000
4	Failure of owner or operator to carry Airworthiness Certificate and Certificate of Registration in cockpit of aircraft	Civil Aviation [(No.1) General Application and Personnel Licensing] Regulations, 2004, regulation 6(7)	\$2,000 to \$10,000
5	Failure of AMO to properly display certificate	Civil Aviation [(No.1) General Application and Personnel Licensing] Regulations, 2004, regulation 6(8)	\$2,000 to \$10,000
6	Breach of Flight and Duty Time Limitations	Civil Aviation [(No.2) Operations] Regulations, 2004, Part X	\$10,000 to \$20,000
7	Failure of an operator to maintain aircraft in an airworthy condition	Civil Aviation [(No.2) Operations] Regulations, 2004, regulation 27(1)	\$10,000 to \$15,000
8	Failure to comply with airworthiness directives	Civil Aviation [(No. 2) Operations] Regulations, 2004, regulation 27(1)	\$20,000 to \$40,000
9	Failure to perform or improper performance of maintenance	Civil Aviation [(No. 2) Operations] Regulations, 2004, regulation 27(2)	\$10,000
10	Performance of maintenance by unauthorized persons	Civil Aviation [(No. 2) Operations] Regulations, 2004, regulation 27(3)	\$10,000
11	Performance of maintenance by unauthorized persons	Civil Aviation [(No. 2) Operations] Regulations, 2004, regulation 27(3)	\$10,000 to \$40,000
12	Improperly returning aircraft to service	Civil Aviation [(No. 2) Operations] Regulations, 2004, regulation 28(f)	\$5,000 to \$10,000
13	Operation of aircraft beyond annual, 100-hour or progressive inspection	Civil Aviation [(No. 2) Operations] Regulations, 2004, regulation 29	\$5,000 to \$10,000
14	Using an Unqualified Crewmember	Civil Aviation [(No. 2) Operations] Regulations, 2004, regulation 35	\$20,000 to \$40,000
15	Failure to have current certificate in possession	Civil Aviation [(No. 2) Operations] Regulations, 2004, regulation 36	\$3,000 to \$5,000
16	Failure to close flight plan or file arrival notice	Civil Aviation [(No. 2) Operations] Regulations, 2004, regulation 83	\$2,000
17	Operating an aircraft without loads properly distributed and properly secured	Civil Aviation [(No. 2) Operations] Regulations, 2004, regulation 100(1)	\$5,000 to \$10,000
18	Operating an aircraft without proper calculations for mass and centre of gravity	Civil Aviation [(No. 2) Operations] Regulations, 2004, regulation 100(2)	\$5,000 to \$10,000

Civil Aviation [(No. 16) Compounding of Offences] (Pecuniary Penalties) Regulations, 2007

SCHEDULE 1—Continued

19	Failure by an air operator to make available load manifests	Civil Aviation [(No. 2) Operations] Regulations, 2004, regulation 100(6)	\$10,000 to \$20,000
20	Failure to comply with preferential runway system	Civil Aviation [(No. 2) Operations] Regulations, 2004, regulation 150	\$5,000 to \$10,000
21	Failure of an operator to abide by conditions of Certificate issued by the Trinidad and Tobago Civil Aviation Authority	Civil Aviation [(No. 3) Air Operator Certification and Administration] Regulations, 2004, regulation 3	Suspension or revocation
22	Failure to comply with conditions of Operations Specifications or Training Specifications	Civil Aviation [(No. 3) Air Operator Certification and Administration] Regulations, 2004, regulation 3	Suspension or revocation
23	Operation of an aircraft by an air operator without maintenance and release to service by an AMO or equivalent system of maintenance approved by the Authority	Civil Aviation [(No. 3) Air Operator Certification and Administration] Regulations, 2004, regulations 75 and 82	\$10,000 to \$40,000
24	Failure by an air operator to provide proper training for operations personnel	Civil Aviation [(No. 3) Air Operator Certification and Administration] Regulations, 2004, regulation 38(2)	\$10,000 to \$20,000
25	Failure by an air operator to provide adequate instructions and procedures in the Operations Manual and Maintenance Control Manual	Civil Aviation [(No. 3) Air Operator Certification and Administration] Regulations, 2004, regulations 34 and 76	\$20,000 to \$40,000
26	Failure by an air operator to distribute manuals to appropriate personnel who require such manual for the performance of their duties	Civil Aviation [(No. 3) Air Operator Certification and Administration] Regulations, 2004, regulations 34 and 76	\$5,000 to \$20,000
27	Failure to make required entry in aircraft technical log	Civil Aviation [(No. 3) Air Operator Certification and Administration] Regulations, 2004, regulation 79(1)	\$5,000 to \$10,000
28	Failure of an air operator to keep maintenance Records	Civil Aviation [(No. 3) Air Operator Certification and Administration] Regulations, 2004, regulations 79(2) and 80(2)	\$10,000 to \$40,000
29	Improper release to service procedures by an air operator	Civil Aviation [(No. 3) Air Operator Certification and Administration] Regulations, 2004, regulations 82(1) and (2)	\$5,000 to \$40,000
30	Operation without valid certificate of registration	Civil Aviation [(No. 4) Registration and Markings] Regulations, 2004, regulation 5	\$20,000 to \$40,000
31	Failure by an operator, organization or person to make timely reports to the authority of defects or unairworthy conditions of aircraft	Civil Aviation [(No. 5) Airworthiness] Regulations, 2004, regulation 22	\$20,000 to \$40,000
32	Operation without a valid airworthiness certificate	Civil Aviation [(No. 5) Airworthiness] Regulations, 2004, regulation 10	\$20,000 to \$40,000
33	Performance of maintenance without proper training	Civil Aviation [(No. 5) Airworthiness] Regulations, 2004, regulation 25(2)	\$5,000 to \$10,000
34	Failure of an operator to comply with airworthiness directives	Civil Aviation [(No. 5) Airworthiness] Regulations, 2004, regulation 20(3)	\$20,000 to \$40,000
35	Failure by an operator to promptly submit a report of each major modification or major repair to the authority	Civil Aviation [(No. 5) Airworthiness] Regulations, 2004, regulation 23(6)	\$10,000 to \$40,000
36	Failure to revise aircraft data after repair	Civil Aviation [(No. 5) Airworthiness] Regulations, 2004, regulation 23(7)	\$5,000 to \$10,000
37	Inspection of work performed and approval for return to service by other than a qualified inspector	Civil Aviation [(No. 5) Airworthiness] Regulations, 2004, regulation 26	\$5,000 to \$40,000
38	Improper return to service of an aircraft	Civil Aviation [(No. 5) Airworthiness] Regulations, 2004, regulations 31 and 32	\$5,000 to \$10,000

SCHEDULE 1—Continued

39	Release of aircraft without required equipment	Civil Aviation [(No. 5) Airworthiness] Regulations, 2004, regulation 32(d)	\$5,000 to \$10,000
40	Failure to make required entry in aircraft technical log	Civil Aviation [(No. 5) Airworthiness] Regulations, 2004, regulation 34 IS 34	\$5,000 to \$10,000
41	Failure of person authorized to perform inspection to list discrepancies and un-airworthy items of an un-airworthy aircraft	Civil Aviation [(No. 5) Airworthiness] Regulations, 2004, regulation 36	\$5,000 to \$10,000
42	Operating as an approved maintenance organization without a valid AMO certificate	Civil Aviation [(No. 6) Approved Maintenance Organization] Regulations, 2004, regulation 5	\$10,000 to \$20,000
43	Change of location, housing or facilities without advance written approval	Civil Aviation [(No. 6) Approved Maintenance Organization] Regulations, 2004, regulation 11	\$20,000
44	Failure to provide adequately for proper servicing, maintenance, repair and inspection of facilities and equipment	Civil Aviation [(No. 6) Approved Maintenance Organization] Regulations, 2004, regulations 17 and 18	\$5,000 to \$20,000
45	Failure to ensure correct calibration of all inspection and test equipment is accomplished at prescribed intervals	Civil Aviation [(No. 6) Approved Maintenance Organization] Regulations, 2004, regulations 18 and 36	\$5,000 to \$40,000
46	Inspection of work performed and approval for return to service by other than a qualified inspector	Civil Aviation [(No. 6) Approved Maintenance Organization] Regulations, 2004, regulation 20	\$5,000 to \$40,000
47	Failure to provide adequate trained and experienced personnel who can perform, supervise and inspect work for which the station is rated	Civil Aviation [(No. 6) Approved Maintenance Organization] Regulations, 2004, regulations 20 and 21	\$5,000 to \$40,000
48	Failure to have sufficient staff to plan, supervise, inspect, issue C of R and monitor the quality of activities performed	Civil Aviation [(No. 6) Approved Maintenance Organization] Regulations, 2004, regulation 20(6) and 21	\$5,000 to \$40,000
49	Failure to maintain records of all certifying staff within an AMO	Civil Aviation [(No. 6) Approved Maintenance Organization] Regulations, 2004, regulation 22	\$5,000 to \$40,000
50	Failure to maintain a quality assurance programme	Civil Aviation [(No. 6) Approved Maintenance Organization] Regulations, 2004, regulation 26	\$5,000 to \$20,000
51	Performance of maintenance or modification by an AMO on an article not listed on its capability list	Civil Aviation [(No. 6) Approved Maintenance Organization] Regulations, 2004, regulation 27	\$5,000 to \$40,000
52	Improperly returning aircraft to service	Civil Aviation [(No. 6) Approved Maintenance Organization] Regulations, 2004, regulations 30 and 31	\$5,000 to \$40,000
53	Failure to maintain performance records and reports	Civil Aviation [(No. 6) Approved Maintenance Organization] Regulations, 2004, regulation 31	\$5,000 to \$40,000
54	Maintaining or altering an article for which it is rated, without using required technical data, equipment or facilities	Civil Aviation [(No. 6) Approved Maintenance Organization] Regulations, 2004, regulation 32	\$5,000 to \$40,000
55	Failure to permit the authority to inspect	Civil Aviation [(No. 6) Approved Maintenance Organization] Regulations, 2004, regulation 35	\$10,000 to \$20,000
56	Failure to perform or properly perform maintenance, repairs, alterations, and required inspections	Civil Aviation [(No. 6) Approved Maintenance Organization] Regulations, 2004, regulation 36	\$5,000 to \$20,000
57	Failure to report in a timely manner any identified condition that could present serious hazard	Civil Aviation [(No. 6) Approved Maintenance Organization] Regulations, 2004, regulation 34	\$10,000 to \$40,000

Civil Aviation [(No. 16) Compounding of Offences] (Pecuniary Penalties) Regulations, 2007

SCHEDULE 1—Continued

58	Operation without required instruments and/or equipment	Civil Aviation [(No. 7) Instruments and Equipment] Regulations, 2004, regulation 5(3)	\$10,000 to \$40,000
59	Failure to comply with approved or current security programme	Civil Aviation [(No. 8) Aviation Security] Regulations, 2004, regulation 5	\$5,000 to \$20,000
60	Deliberate failure to maintain employee records	Civil Aviation [(No. 8) Aviation Security] Regulations, 2004, regulation 24(3) and 36	\$5,000 to \$40,000
61	Unauthorized access to aerodrome operations area	Civil Aviation [(No. 8) Aviation Security] Regulations, 2004, regulation 33	\$5,000 to \$20,000
62	Failure to properly screen baggage or each passenger	Civil Aviation [(No. 8) Aviation Security] Regulations, 2004, regulation 47	\$5,000 to \$20,000
63	Failure to comply with air operator security programme including failure to detect weapons, incendiary and other dangerous devices	Civil Aviation [(No. 8) Aviation Security] Regulations, 2004, regulation 47	\$5,000 to \$20,000
64	Failure to properly train	Civil Aviation [(No. 8) Aviation Security] Regulations, 2004, regulation 59 and 24(2)(b)	\$5,000 to \$20,000

SCHEDULE 2

(Regulation 4)

REPUBLIC OF TRINIDAD AND TOBAGO

CIVIL AVIATION ACT, 2001

NOTICE OF OPPORTUNITY TO PAY FIXED PECUNIARY PENALTY

Take Notice that the Director General of the Trinidad and Tobago Civil Aviation Authority has reason to believe that you

.....
(Name of airman or operator)

of.....
(Address of airman or operator)

have committed an offence under the Civil Aviation Regulations made under section 33 of the Civil Aviation Act the particulars of which are provided hereunder
.....
.....
.....
.....

The fixed Pecuniary Penalty is
(Penalty in words and figures)

If the aforementioned amount is paid to the Authority within twenty-one (21) days from the date of this notice, no proceedings will be taken and any liability to conviction for the offence will be discharged.

In paying the fixed pecuniary penalty the following conditions shall be observed:

- (a) The fixed pecuniary penalty shall be accompanied by this Notice;
- (b) Where payment of the fixed pecuniary penalty is not made in conformity with these Regulations, the payment shall be refunded to the alleged offender and, thereafter, proceedings shall be instituted against the offender;
- (c) Where an alleged offender is convicted he shall be liable to a fine or term of imprisonment or both in accordance with the applicable provision of the Civil Aviation Act.

SCHEDULE 2—Continued
PARTICULARS OF OFFENCE

On

Contrary to Regulation
(State provision contravened)

.....
Director General

Made by the Civil Aviation Authority this 6th day of February, 2007.

R. LUTCHMEDIAL
Civil Aviation Authority

Approved by the Minister of Works and Transport this 6th day of February, 2007.

C. IMBERT
Minister of Works and Transport

Laid in the House of Representative this day of
, 2007.

Clerk of the House

Laid in the Senate this day of , 2007.

Clerk of the Senate