

LEGAL NOTICE NO. 301

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. 1) GENERAL APPLICATION AND
PERSONNEL LICENSING] (AMENDMENT) REGULATIONS, 2004

1. These Regulations may be cited as the Civil Aviation [(No. 1) ^{Citation} General Application and Personnel Licensing] (Amendment) Regulations, 2004.
2. In these Regulations “the Regulations” means the Civil Aviation [(No. 1) ^{Interpretation} General Application and Personnel Licensing] Regulations, 2004.
3. Regulation 2 of the Regulations is amended by deleting the ^{Regulation 2} definition of maintenance and substituting the following new definition: ^{amended}
“ ‘maintenance’ means the performance of tasks required to ensure the continuing airworthiness of an aircraft or aeronautical product including any one or combination of overhaul, inspection, replacement, defect rectification and the embodiment of a modification or repair;”.
4. Regulation 3 of the Regulations is amended— ^{Regulation 3} ^{amended}
 - (a) in subregulation (4) by deleting the word “appoint” and substituting the word “designate”;
 - (b) in subregulation (5) by deleting the word “appointed” and substituting the word “designated”; and
 - (c) by inserting after subregulation (6) the following new subregulation:
“(7) No personal liability shall attach to any Inspector designated under subregulation (4) in respect of any act or omission done, permitted to be done or omitted in good faith for the purpose of carrying out the requirements of the Act.”.
5. Regulation 5 of the Regulations is amended in subregulation (1)(c)— ^{Regulation 5} ^{amended}
 - (a) in subparagraph (ix) by deleting the words “privileges” and substituting the word “authority”;

(b) in subparagraph (xiii) by inserting after the words “aerodrome control” the words “instructor and radiotelephony privileges which may appear on the licence form or on a separate certificate”; and

(c) in subparagraph (xiv) by deleting the words “category, class, type of aircraft, airframe and aerodrome control” and substituting the words “special endorsements relating to limitations and endorsements for privileges”.

6. Regulation 76 of the Regulations is amended by inserting after the words “act as co-pilot” the words “or limiting the privileges to act as pilot only during the cruise phase of flight,”.

7. Regulation 132 of the Regulations is amended by deleting subparagraph (6) and substituting the following:

“(6) A person shall not exercise the privileges of a rating at any Air Traffic Facility or with any type of radar equipment, unless—

(a) since the beginning of the twelfth month before that service, that person has passed a proficiency check prescribed by the Authority; and

(b) such person is familiar with all pertinent and current information.”.

Regulation
189A inserted

8. The Regulations are amended by inserting after regulation 189 the following new regulation:

“Language Proficiency

Language
Proficiency

189A (1) An aeroplane or helicopter pilot who is required to use the radiotelephone equipment aboard an aircraft, shall demonstrate the ability to speak and understand the language used for radiotelephony communication.

(2) An air traffic controller and aeronautical station operator shall demonstrate the ability to speak and understand the language used for radiotelephony communication.

(3) From 5th March, 2008, an aeroplane or helicopter pilot, air traffic controller and aeronautical station operator, shall demonstrate the ability to speak and understand the language used for radiotelephony communication to the level specified in the language proficiency requirements set out in Schedule 14.

Schedule 14

(4) From 5th March, 2008, the language proficiency of an aeroplane or helicopter pilot, air traffic controller and aeronautical station operator who demonstrate language proficiency below the expert level rating, shall be formally evaluated at intervals according to the language proficiency level demonstrated by that individual as follows:

- (a) a person demonstrating a language proficiency at the operational level rating, shall be evaluated at least once every three years; and
- (b) a person demonstrating a language proficiency at the extended level rating, shall be evaluated at least once every six years.”.

9. Schedule 14 of the Regulations is amended by inserting after the words—

Schedule 14
amended

“Regulation
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Where the applicant has met the requirements pertinent to the operation of the radiotelephone, the Director General may recommend that the Authority endorse the Flight Operations Officer Authorization for the operation of such radiotelephone.” the following:

“Regulation
189A

An applicant for a licence or the holder of a licence shall meet the language proficiency requirements as follows:

- (a) to meet the language proficiency requirements under regulations 189A, an applicant for a licence or a holder of a licence shall—
 - (i) demonstrate the characteristics of a proficient speaker in a manner acceptable to the Authority;
 - (ii) comply with the parameters set out in clause (b); and
 - (iii) comply with the International Civil Aviation Organization (ICAO) Language Proficiency Rating Scale Levels 4, 5 and 6 set out in the Table that follows clause (b) hereunder.

- (b) A person classified as a proficient speaker under clause (a) shall—
- (i) communicate effectively in voice-only in telephone or radio-telephone and in face-to-face situations;
 - (ii) communicate on common, concrete and work-related topics with accuracy and clarity;
 - (iii) use appropriate communication strategies to exchange messages and to recognize and resolve misunderstandings in a general or work-related context such as to check, confirm or clarify information;
 - (iv) handle successfully and with relative ease the linguistic challenges presented by a complication or unexpected turn of events that occur within the context of a routine work situation or communicative task with which he is otherwise familiar; and
 - (v) use a dialect or accent which is intelligible to the aeronautical community.

TABLE A
ICAO LANGUAGE PROFICIENCY RATING SCALE
LEVELS 1, 2 AND 3

Proficiency Parameters	Level 1 Preliminary	Level 2 Elementary	Level 3 Pre-Operational
Pronunciation ...	Performs at a level below the elementary level.	Pronunciation, stress, rhythm and intonation are heavily influenced by the first language or regional variation and usually interfere with ease of understanding.	Pronunciation, stress, rhythm and intonation are influenced by the first language or regional variation and frequently interfere with ease of understanding.
Structure ...	Performs at a level below the elementary level.	Shows only limited control of a few simple memorized grammatical structure and sentence patterns.	Basic grammatical structures and sentence patterns associated with predictable situations are not always well controlled. Errors frequently interfere with meaning.

TABLE A—Continued
ICAO LANGUAGE PROFICIENCY RATING SCALE
LEVELS 1, 2 AND 3

Proficiency Parameters	Level 1 Preliminary	Level 2 Elementary	Level 3 Pre-Operational
Vocabulary ...	Performs at a level below the elementary level.	Limited vocabulary range consisting only of isolated words and memorized phrases.	Vocabulary range and accuracy are often sufficient to communicate on common, concrete, or work-related topics, but range is limited and the word choice is often inappropriate. Is often unable to paraphrase successfully when lacking vocabulary.
Fluency	Performs at a level below the elementary level.	Can produce very short, isolated, memorized utterances with frequent pausing and a distracting use of fillers to search for expressions and to articulate less familiar words.	Produces stretches of language, but phrasing and pausing are often inappropriate. Hesitations or slowness in language processing may prevent effective communications. Fillers are sometimes distracting.
Comprehension...	Performs at a level below the elementary level.	Comprehension is limited to isolated, memorized phrases when they are carefully and slowly articulated.	Comprehension is often accurate on common, concrete, and work-related topics when the accent or variety used is sufficiently intelligible for an international community of users. May fail to understand a linguistic or situational complication or an unexpected turn of events.
Interaction ...	Performs at a level below the elementary level.	Response time is slow and often inappropriate. Interaction is limited to simple routine exchanges.	Responses are sometimes immediate, appropriate, and informative. Can initiate and maintain exchanges with reasonable ease on familiar topics and in predictable situation. Generally inadequate when dealing with an unexpected turn of events.

Note: Levels 1, 2 and 3 describe language proficiency levels which are below the ICAO language proficiency requirements for aeronautical radiotelephony communication.

TABLE B
ICAO LANGUAGE PROFICIENCY RATING SCALE
LEVELS 4, 5, AND 6

Proficiency Parameters	Level 4 Operational	Level 5 Extended	Level 6 Expert
Pronunciation	Pronunciation, stress, rhythm, and intonation are influenced by the first language or regional variation but only sometimes interfere with ease of understanding.	Pronunciation, stress, rhythm, and intonation, though influenced by the first language or regional variation, rarely interfere with ease of understanding.	Pronunciation, stress, rhythm, and intonation, though possibly influenced by the first language or regional variation, almost never interfere with ease of understanding.
Structure ...	Basic grammatical structures and sentence patterns are used creatively and are usually well-controlled. Errors may occur particularly in unusual or unexpected circumstances, but rarely interfere with meaning.	Basic grammatical structures and sentence patterns are consistently well-controlled. Complex structures are attempted but with errors which sometimes interfere with meaning.	Both basic and complex grammatical structures and sentence patterns are consistently well controlled.
Vocabulary ...	Vocabulary range and accuracy are usually sufficient to communicate effectively on common, concrete, and work-related topics. Can often paraphrase successfully when lacking vocabulary in unusual or unexpected circumstances.	Vocabulary range and accuracy are sufficient to communicate effectively on common, concrete, and work-related topics. Paraphrases consistently and successfully. Vocabulary is sometimes idiomatic.	Vocabulary range and accuracy are sufficient to communicate effectively on a wide variety of familiar and unfamiliar topics. Vocabulary is idiomatic, nuanced, and sensitive to registers.
Fluency ...	Produces stretches of language at an appropriate tempo. There may be occasional loss of fluency on transition from rehearsed or formulaic speech to spontaneous interaction, but this does not prevent effective communication. Can make limited use of discourse markers or connectors. Fillers are not distracting.	Able to speak at length with relative ease on familiar topics but may not vary speech flow as a stylistic device. Can make use of appropriate discourse markers or connectors.	Able to speak at length with a natural effortless flow. Varies speech flow for stylistic effect, e.g., to emphasize a point. Uses appropriate discourse markers and connectors spontaneously.

TABLE B—Continued
ICAO LANGUAGE PROFICIENCY RATING SCALE
LEVELS 4, 5 AND 6

Proficiency Parameters	Level 4 Operational	Level 5 Extended	Level 6 Expert
Comprehension	Comprehension is mostly accurate on common, concrete, and work-related topics when the accent or variety used is sufficiently intelligible for an international community of users. When the speaker is confronted with a linguistic or situational complication or an unexpected turn of events, comprehension may be slower or require clarification strategies.	Comprehension is accurate on common, concrete, and work-related topics and mostly accurate when the speaker is confronted with a linguistic or situational complication or an unexpected turn of event. Is able to comprehend a range of speech varieties (dialect and/or accents) or registers.	Comprehension is consistently accurate in nearly all contexts and includes comprehension of linguistic and cultural subtleties.
Interaction ...	Responses are usually immediate, appropriate and informative. Initiates and maintains exchanges even when dealing with an unexpected turn of events. Deals adequately with apparent misunderstanding by checking, confirming, or clarifying.	Responses are immediate, appropriate and informative. Manages the speaker/listener relationship effectively.	Interacts with ease in nearly all situations. Is sensitive to verbal and non-verbal cues and responds to them appropriately.

Note: Levels 4, 5 and 6 describe language proficiency levels that meet the ICAO language proficiency requirements for aeronautical radiotelephony communication with Level 4 being rating acceptable for aeronautical radiotelephony communication”.

Made by the Authority this 18th day of August, 2004.

R. LUTCHMEDIAL
Civil Aviation Authority

Approved by the Minister of Works and Transport.

F. A. KHAN
Minister of Works and Transport

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*Civil Aviation [(No. 1) General Application and Personnel Licensing]
(Amendment) Regulations, 2004*

Laid in the House of Representatives this 15th day of September,
2004.

J. SAMPSON-JACENT
Clerk of the House

Laid in the Senate this 21st day of October, 2004.

N. JAGGASSAR
Acting Clerk of the Senate