

LEGAL NOTICE NO. 91

REPUBLIC OF TRINIDAD AND TOBAGO

THE COLONIAL CIVIL AVIATION (APPLICATION OF ACT) ORDER, 1952

ORDER

MADE BY THE PRESIDENT UNDER THE FIRST SCHEDULE TO THE COLONIAL
CIVIL AVIATION (APPLICATION OF ACT) ORDER, 1952

THE CIVIL AVIATION ORDER, 1995

1. This Order may be cited as the Civil Aviation Order, 1995.

Citation

2. (1) In this Order, unless the context otherwise requires—

Interpreta-
tion

“the Act” means the Civil Aviation Act, 1949;

“aerial work” means any purpose, other than public transport, for which an aircraft is flown if hire or reward is given or promised in respect of the flight or the purpose of the flight;

“aerial work aircraft” means an aircraft, other than a public transport aircraft, flying, or intended by the operator to fly, for the purpose of aerial work;

“aerial work undertaking” means an undertaking whose business includes the performance of aerial work;

“aerobatic manoeuvres” includes loops, spins, rolls, bunts, stall, turns, inverted flying and any other similar manoeuvre;

“aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

“aerodrome flight information unit” means a person appointed by the Minister or by any other person maintaining an aerodrome to give information by means of radio signals to aircraft flying or intending to fly within the aerodrome traffic zone of that aerodrome and “aerodrome flight information service” shall be construed accordingly;

“aerodrome operating minima” in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual range for take-off, and the decision height or minimum descent height, runway visual range and visual reference for landing, which are the minima for the operation of that aircraft at that aerodrome;

“aerodrome traffic zone” means the airspace—

(a) which is in the vicinity of an aerodrome which is notified as such for the purposes of Rules of the Air; and

(b) which, in relation to such an aerodrome—

(i) at which the length of the longest runway is notified as 1,850 metres or less, extends from the surface to a height of 2,000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of 2 nautical miles save that where such an aerodrome traffic zone would extend less than 1½ nautical miles beyond the end of any runway at the aerodrome and this fact is notified as being applicable, subparagraph (ii) shall apply as though the length of the longest runway is notified as greater than 1,850 metres;

(ii) at which the length of the longest runway is notified as greater than 1,850 metres, extends from the surface to a height of 2,000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of 2½ nautical miles,

except any part of that airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this Order as being the controlling aerodrome;

“aeronautical beacon” means an aeronautical ground light which is visible either continuously or intermittently to designate a particular point on the surface of the earth;

“aeronautical ground light” means any light specifically provided as an aid to air navigation, other than a light displayed on an aircraft;

- “aeronautical radio station” means a radio station on the surface, which transmits or receives signals for the purpose of assisting aircraft;
- “air traffic control unit” means a person appointed by the Minister or by any other person maintaining an aerodrome or place to give instructions or advice or both instructions and advice by means of radio signals to aircraft in the interests of safety but does not include a person so appointed solely to give information to aircraft, and “Air traffic control service” shall be construed accordingly;
- “air transport undertaking” means an undertaking whose business includes the carriage by air of passengers or cargo for hire or reward;
- “approach to landing” means that portion of the flight of the aircraft, when approaching to land, in which it is descending below a height of 1,000 feet above the relevant specified decision height or minimum descent height;
- “appropriate aeronautical radio station” means in relation to an aircraft an aeronautical radio station serving the area in which the aircraft is for the time being;
- “appropriate air traffic control unit” means in relation to an aircraft either the air traffic control unit serving the area in which the aircraft is for the time being or the air traffic control unit serving the area which the aircraft intends to enter and with which unit the aircraft is required to communicate prior to entering that area, as the case may be;
- “apron” means the part of an aerodrome provided for the stationing of aircraft for the embarkation and disembarkation of passengers, for loading and unloading of cargo and for parking;
- “area navigation equipment” means equipment carried on board an aircraft which enables the aircraft to navigate on any desired flight path within the coverage of appropriate ground based navigation aids or within the limits of that on-board equipment or a combination of the two;
- “authorised person” means any person authorised by the Minister either generally or in relation to a particular case or class of cases, and references to a person authorised by the Minister include references to the holder for the time being of any office designated by the Minister;
- “cabin attendant” in relation to an aircraft means a person on a flight for the purpose of public transport carried for the purpose of performing in the interests of the safety of

passengers duties to be assigned by the operator or the commander of the aircraft but who shall not act as a member of the flight crew;

“captive balloon” means a balloon which when in flight is attached by a restraining device to the surface;

“cargo” includes mail and animals;

“certificate of airworthiness” includes any validation thereof and any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

“certificate of maintenance review” and “certificate of release to service” have the meanings respectively assigned to them by sections 9(1) and 11(1) of this Order;

“certificate for single pilot operation” means an aircraft which is not required to carry more than one pilot by virtue of any one or more of the following:

- (a) the certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered;
- (b) if no certificate of airworthiness is required to be in force, the certificate of airworthiness, if any, last in force in respect of the aircraft;
- (c) if no certificate of airworthiness is or has previously been in force but the aircraft is identical in design with an aircraft in respect of which such a certificate is or has been in force, the certificate of airworthiness which is or has been in force in respect of such an identical aircraft; or
- (d) in the case of an aircraft flying in accordance with the conditions of a permit to fly issued by the authority, that permit to fly;

“Class A airspace”, “Class B airspace”, “Class C airspace”, “Class D airspace” and “Class E airspace” mean airspace respectively notified as such;

“cloud ceiling” in relation to an aerodrome means the vertical distance from the elevation of aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one-half of the sky so visible;

“commander” in relation to an aircraft means the member of the flight crew designated as commander of that aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

- “competent authority” means in relation to Trinidad and Tobago, the Minister and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;
- “conditional sale agreement” means an agreement for the sale of goods under which the purchase price or part of it is payable by instalments, and the property in the goods is to remain in the seller, notwithstanding that the buyer is to be in possession of the goods, until such conditions as to the payment of instalments or otherwise as may be specified in the agreement are fulfilled;
- “congested area” in relation to a city, town or settlement, means any area which substantially used for residential, industrial, commercial or recreational purposes;
- “contracting state” means any state, including Trinidad and Tobago which is a party to the Convention on International Civil Aviation concluded at Chicago on the 7th December, 1934;
- “controlled airspace” means airspace which has been notified as Class A, Class B, Class C, Class D or Class E airspace;
- “control area” means controlled airspace which has been further notified as a control area and which extends upwards from a notified altitude or flight level;
- “control zone” means controlled airspace which has been further notified as a control zone and which extends upwards from the surface;
- “co-pilot” in relation to an aircraft means a pilot who in performing his duties as such is subject to the direction of another pilot carried in the aircraft;
- “country” includes a territory;
- “crew” means a member of the flight crew, a person carried on the flight deck who is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required in respect of the flight crew under section 28(2) of this Order or a cabin attendant;
- “danger area” means airspace which has been notified as such within which activities dangerous to the flight of aircraft may take place or exist at such times as may be notified;
- “day” means the time from half an hour before sunrise until half an hour after sunset (both times exclusive), sunset and sunrise being determined at surface level;

- “decision height” in relation to the operation of an aircraft at an aerodrome means the height in a precision approach at which a missed approach must be initiated if the required visual reference to continue that approach has not been established;
- “declared distances” has the meaning which has been notified;
- “flight” and “to fly” have the meanings respectively assigned to them by subsection (2);
- “flight crew” in relation to an aircraft means those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radio operator of the aircraft;
- “flight level” means one of a series of levels of equal atmospheric pressure, separated by notified intervals and each expressed as the number of hundreds of feet which would be indicated at that level on a pressure altimeter calibrated in accordance with the International Standard Atmosphere and set to 1013.2 millibars;
- “flight plan” means such information as may be notified in respect of an air traffic control service unit being information provided or to be provided to that unit, relative to an intended flight or portion of a flight of an aircraft;
- “flight recording system” means a system comprising either a flight data recorder or a cockpit voice recorder or both;
- “flight simulator” means apparatus by means of which flight conditions in an aircraft are simulated on the ground;
- “flight visibility” means the visibility forward from the flight deck of an aircraft in flight;
- “free balloon” means a balloon which when in flight is not attached by any form of restraining device to the surface;
- “Government aerodrome” means any aerodrome in Trinidad and Tobago which is in the occupation of any Government Department or visiting force;
- “hire-purchase agreement” has the same meaning as in section 2 of the Hire Purchase Act;
- “Instrument Flight Rules” means Instrumental Flight Rules contained in the Rules of the Air;
- “Instrument Meteorological Conditions” means weather precluding flight in compliance with the Visual Flight Rules;
- “to land” in relation to aircraft includes alighting on the water;

- “Legal personal representative” means the person so constituted executor, administrator or other representative of a deceased person;
- “licence” includes any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;
- “licence for public use” has the meaning assigned to it by section 75(3) of this Order;
- “licensed aerodrome” means an aerodrome licensed under this Order;
- “lifejacket” includes any device designed to support a person individually in or on the water;
- “log book” in the case of an aircraft log book, engine log book, variable pitch propeller log book or personal flying log book, includes a record kept either in a book, or by any other means approved by the Minister in the particular case;
- “manoeuvring area” means the part of an aerodrome provided for the take-off and landing of aircraft and for the movement of aircraft on the surface, excluding the apron and any part of the aerodrome provided for the maintenance of aircraft;
- “maximum total weight authorised” in relation to an aircraft means the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances in accordance with the certificate of airworthiness in force in respect of the aircraft;
- “microlight aeroplane” means an aeroplane having a maximum total weight authorised not exceeding 390 kg, a wing loading at the maximum total weight authorised not exceeding 25 kg per square metre, a maximum fuel capacity not exceeding 50 litres and which has been designed to carry not more than two persons;
- “military aircraft” means the naval, military or air force aircraft of any country and:
- (a) any aircraft being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and

(b) any aircraft in respect of which there is in force a certificate issued by the Secretary of State that the aircraft is to be treated for the purposes of this Order as a military aircraft;

“minimum descent height” in relation to the operation of an aircraft at an aerodrome means the height in a non-precision approach below which descent may not be made without the required visual reference;

“Minister” means the Minister to whom responsibility for civil aviation is assigned;

“nautical mile” means the International Nautical Mile, that is to say, a distance of 1,852 metres;

“night” means the time from half an hour after sunset until half an hour before sunrise (both times inclusive), sunset and sunrise being determined at surface level;

“non-precision approach” means an instrument approach using non-visuals aids for guidance in azimuth or elevation but which is not a precision approach;

“notified” means shown in any of the following publications for the time being in force and issued in Trinidad and Tobago whether before or after the coming into operation of this Order, that is to say, “Notams (Notices of Airmen)”, “Aeronautical Information Publications (AIP)”, or such other official publications so issued for the purpose of enabling any of the provisions of this Order to be complied with;

“offshore installation” means any installation which is or has been maintained or is intended to be established for the carrying out of the underwater exploration and exploration of mineral resources in the waters surrounding Trinidad and Tobago;

“operator” has the meaning assigned to it by subsection (3);

“parascending parachute” means a parachute which is towed by cable in such a manner as to cause it to ascend;

“passenger” means a person other than a member of the crew;

“pilot in command” in relation to an aircraft means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

“precision approach” means an instrument approach using Instrument Landing System, Microwave Landing System or Precision Approach Radar for guidance in both azimuth and elevation;

“prescribed” means prescribed by regulations made by the Minister under this Order, and the expression “prescribed” shall be construed accordingly;

“pressurised aircraft” means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;

“private flight” means a flight which is neither for the purpose of aerial work nor public transport;

“public transport” has the meaning assigned to it by subsection (4);

“public transport aircraft” means an aircraft flying, or intended by the operator of the aircraft to fly, for the purpose of public transport;

“record” includes, in addition to a record in writing—

- (a) any disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable, with or without the aid of some other instrument, of being reproduced therefrom;
- (b) any film, tape or other device in which visual images are embodied so as to be capable, as aforesaid, of being reproduced therefrom; and
- (c) any photograph,

and any reference to a copy of a record includes, in the case of a record falling within paragraph (a) only of this definition, a transcript of the sounds or signals embodied therein, in the case of a record falling within paragraph (b) only of this definition, a still reproduction of the images embodied therein, and in the case of a record falling within both those paragraphs, such a transcript together with such a still reproduction;

“replacement” in relation to any part of an aircraft or its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it, but does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded;

“Rules of the air” has the meaning assigned to it by section 69(1);

“runway visual range” in relation to a runway means the distance in the direction of take-off or landing over which the runway lights or surface markings may be seen from the touchdown zone as calculated by either human observation or instruments in the vicinity of the touchdown zone or where this is not reasonably practicable in the vicinity of the midpoint of the runway; and the distance, if any, communicated to the commander of an aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be the runway visual range for the time being;

“scheduled journey” means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service;

“seaplane” includes a flying boat and any other aircraft designed to manoeuvre on water;

“special VFR flight” means a flight which is a special VFR flight for the purposes of the rules of the air;

“Visual Flight Rules“ (VFR) means Visual Flight Rules contained in the Rules of the Air;

“visual meteorological conditions” means weather permitting flight in accordance with the Visual Flight Rules.

(2) An aircraft shall be deemed to be in flight—

- (a) in the case of a piloted flying machine, from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power, until the moment when it next comes to rest after landing;
- (b) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off until the moment when it next comes to rest after landing;
- (c) in the case of an airship, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;
- (d) in the case of a free balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface until the moment it next comes to rest thereon; and

- (e) in the case of a captive balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface apart from a restraining device attaching it to the surface, until the moment when it next comes to rest thereon,

and the expressions "a flight" and "to fly" shall be construed accordingly.

(3) References in this Order to the operator of an aircraft are, for the purpose of the application of any provision of this Order in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft, and cognate expressions shall be construed accordingly. Save that, for the purposes of the application of any provision in Part IV of this Order, when by virtue of any charter or other agreement for the hire or loan of an aircraft a person other than an air transport undertaking or an aerial work undertaking has the management of that aircraft for a period not exceeding fourteen days, the foregoing provisions of this section shall have effect as if that agreement had not been entered into.

(4) Subject to this paragraph—

(a) an aircraft in flight shall for the purposes of this Order be deemed to fly for the purpose of public transport—

- (i) if hire or reward is given or promised for the carriage of passengers or cargo in the aircraft on that flight; or
- (ii) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking, including, in the case of a body corporate, its directors, persons with the authority of the Minister either making any inspection or witnessing any training, practice or test for the purposes of this Order, or cargo intended to be used by any such passengers as aforesaid, or by the undertaking; or
- (iii) for the purposes of Part IV of this Order, if hire or reward is given or promised for the right to fly the aircraft on that flight, not being a single-seater aircraft of which the maximum total weight authorised does not exceed 910 kg and in respect of which a certificate of airworthiness of the Special Category is in force, otherwise than under a hire-purchase or conditional sale agreement,

and the expression "public transport of passengers" shall be construed accordingly, save that, notwithstanding that an aircraft may be flying for the purpose of public transport by reason of paragraph (a), it shall not be deemed to be flying for the purpose of the public transport of passengers unless hire or reward is given for the carriage of those passengers;

- (b) where under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that hire or reward would be given or promised if the transactions were effected otherwise than aforesaid, hire or reward shall, for the purposes of this Order, be deemed to have been given or promised, notwithstanding any rule of law as to such transactions.

(5) The expressions appearing in the "General Classification of Aircraft" set out in Schedule 1 shall have the meanings thereby assigned to them.

(6) A power to make Regulations under this Order shall include the power to make different provisions with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances and with respect to different parts of Trinidad and Tobago and to make such incidental and supplementary provisions as are necessary or expedient for carrying out the purposes of the Order.

(7) Any power conferred by this Order to issue, make, serve or grant any instrument shall be construed as including a power exercisable, in the like manner and subject to the like conditions, if any, to vary, revoke, cancel or otherwise terminate the instrument.

(8) In subsection (7) "instrument" includes any regulations, direction, instruction, rule or other requirement, any notice and any certificate, licence, approval, permission, exemption, authorisation, log book record or other document.

PART I

REGISTRATION AND MARKETING OF AIRCRAFT

3. (1) An aircraft shall not fly in or over Trinidad and and Tobago unless it is registered in—

- (a) a Contracting State; or
 (b) some other country in relation to which there is in force an agreement between the Government of Trinidad and Tobago and the Government of that country which makes

Aircraft
to be
registered

provision for the flight over Trinidad and Tobago of aircraft registered in that country, save that—

- (i) a glider may fly unregistered, and shall be deemed to be registered in Trinidad and Tobago for the purposes of sections 13, 14, 20 and 35, on any flight which—
 - A. begins and ends in Trinidad and Tobago without passing over any other country; and
 - B. is not for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;
- (ii) any aircraft may fly unregistered on any flight which—
 - A. begins and ends in Trinidad and Tobago without passing over any other country, and
 - B. is in accordance with the “B Conditions” specified in regulations made under this Order;
- (iii) this paragraph shall not apply to any kite or captive balloon.

(2) If an aircraft flies over Trinidad and Tobago in contravention of subsection (1) in such manner or circumstances that if the aircraft had been registered in Trinidad and Tobago an offence against this Order or any regulations made thereunder would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

4. (1) The Minister shall be the authority for the registration of ^{Registration} aircraft in Trinidad and Tobago and may cause a register to be kept and ^{of aircraft} may record therein the particulars specified in subsection (6) in either a legible or a non-legible form, so long as the recording is capable of being reproduced in a legible form.

(2) Subject to the provisions of this section, an aircraft shall not be registered or continue to be registered in Trinidad and Tobago if it appears to the Minister that—

- (a) the aircraft is registered outside Trinidad and Tobago and that such registration does not cease by operation of law upon the aircraft being registered in Trinidad and Tobago;

- (b) an unqualified person holds any legal or beneficial interest by way of ownership in the aircraft or any share therein; or
- (c) it would be inexpedient in the public interest for the aircraft to be or to continue to be registered in Trinidad and Tobago.

(3) The following persons and no others shall be qualified to hold legal or beneficial interest by way of ownership in an aircraft registered in Trinidad and Tobago or a share therein:

- (a) the Government of the Republic of Trinidad and Tobago;
- (b) citizens of Trinidad and Tobago;
- (c) residents of Trinidad and Tobago as defined in section 5 of the Immigration Act;
- (d) bodies incorporated in Trinidad and Tobago and having their principal place of business in Trinidad and Tobago.

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(4) If an aircraft is chartered by demise to a person qualified as aforesaid the Minister may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest therein, register the aircraft in Trinidad and Tobago in the name of the charterer upon being satisfied that the aircraft may otherwise be properly so registered, and subject to the provisions of this section the aircraft may remain so registered during the continuation of the charter.

(5) Application for the registration of an aircraft in Trinidad and Tobago shall be made in writing to the Minister and shall include or be accompanied by such particulars and evidence relating to the aircraft and the ownership and chartering thereof as he may require to enable him to determine whether the aircraft may properly be registered in Trinidad and Tobago and to issue the certificate referred to in subsection (7) and in particular, the application shall include the proper description of the aircraft according to column 4 of the "General Classification of Aircraft" set forth in Schedule 1.

(6) Upon receiving an application for the registration of an aircraft in Trinidad and Tobago and being satisfied that the aircraft may properly be so registered, the Minister shall register the aircraft, wherever it may be, and shall include in the register the following particulars:

- (a) the number of the certificate;
- (b) the nationality mark of the aircraft, and the registration mark assigned to it by the Minister;
- (c) the name of the constructor of the aircraft and its designation;
- (d) the serial number of the aircraft;

- (e) the name and address of every person who is entitled as owner to a legal interest in the aircraft or a share therein, or, in the case of an aircraft which is the subject of a charter by demise, the name and address of the charterer by demise; and
- (f) in the case of an aircraft registered under subsection (4), an indication that it is so registered.

(7) The Minister shall furnish to the person in whose name the aircraft is registered (hereinafter in this section referred to as "the registered owner") a certificate of registration, which shall include the particulars referred to in subsection (6).

(8) Subject to subsection (4), if at any time after an aircraft has been registered in Trinidad and Tobago an unqualified person becomes entitled to a legal or beneficial interest by way of ownership in the aircraft or a share therein, the registration of the aircraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the Minister.

(9) Any person who is the registered owner of an aircraft registered in Trinidad and Tobago shall forthwith inform the Minister in writing of—

- (a) any change in the particulars which were furnished to the Minister upon application being made for the registration of the aircraft;
- (b) the destruction of the aircraft, or its permanent withdrawal from use;
- (c) in the case of an aircraft registered in pursuance of subsection (4), the termination of the demise charter.

(10) Any person who becomes the owner of an aircraft registered in Trinidad and Tobago shall within twenty-eight days inform the Minister in writing to that effect.

(11) The Minister may, whenever it appears to him necessary or appropriate to do so for giving effect to this Part of this Order or for bringing up to date or otherwise correcting the particulars entered on the register, amend the register or, if he thinks fit, may cancel the registration of the aircraft, and shall cancel that registration if he is satisfied that there has been a change in the ownership of the aircraft.

(12) The Minister may, by regulations, adapt or modify the foregoing provisions of this section as he deems necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from Trinidad and Tobago register, either generally or in relation to a particular case or class of cases.

(13) In this section references to an interest in an aircraft do not include reference to an interest in an aircraft to which a person is entitled only by virtue of his membership of a flying club and the reference in subsection (9) to the registered owner of an aircraft includes in the case of a deceased person, his legal personal representative, and in the case of a body corporate which has been dissolved, its successor.

(14) Nothing in this section shall require the Minister to cancel the registration of an aircraft if in his opinion it would be inexpedient in the public interest to do so.

Nationality
and registra-
tion marks

5. (1) An aircraft, other than an aircraft permitted by or under this Order to fly without being registered, shall not fly unless it bears painted thereon or affixed thereto, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) An aircraft registered in Trinidad and Tobago shall bear the nationality mark 9Y and registration marks assigned to it by the Minister in compliance with Regulations made under this Order.

(3) An aircraft shall not bear any marks which purport to indicate—

- (a) that the aircraft is registered in a country in which it is not in fact registered; or
- (b) that the aircraft is a State aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.

PART II

AIR OPERATORS' CERTIFICATES

Issue of air
operators'
certificates

6. (1) An aircraft registered in Trinidad and Tobago shall not fly on any flight for the purpose of public transport, otherwise than under and in accordance with the terms of an air operators' certificate granted to the operator of the aircraft under subsection (2), certifying that the holder of the certificate is competent to secure that aircraft operated by him on such flights as that in question are operated safely.

(2) The Minister may grant to any person applying therefor an air operators' certificate if he is satisfied that that person is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure the safe operation of aircraft of the types specified in the certificate on flights of the description and for the purposes so specified and the certificate may be granted subject to such conditions as the Minister thinks fit and shall, subject to the provisions of section 67, remain in force for the period specified in the certificate.

PART III

AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

7. (1) An aircraft shall not fly unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered, and any conditions subject to which the certificate was issued or rendered valid are complied with, save that the foregoing prohibition shall not apply to flights, beginning and ending in Trinidad and Tobago without passing over any country, of—

- (a) a glider, if it is not being used for the public transport of passengers or aerial work;
- (b) a balloon, if it is not being used for the public transport of passengers;
- (c) a kite;
- (d) an aircraft flying in accordance with the "A Conditions" or the "B Conditions" set forth in this Order;
- (e) an aircraft flying in accordance with the conditions of a permit to fly issued by the Minister in respect of that aircraft.

(2) In the case of an aircraft registered in Trinidad and Tobago the certificate of airworthiness referred to in subsection (1) shall be a certificate issued or rendered valid in accordance with section 8.

8. (1) The Minister may issue in respect of any aircraft a certificate of airworthiness if he is satisfied that the aircraft is fit to fly having regard to—

- (a) the design, construction, workmanship and materials of the aircraft, including in particular any engines fitted therein, and of any equipment carried in the aircraft which he considers necessary for the airworthiness of the aircraft; and
- (b) the results of flying trials, and such other tests of the aircraft as he may require, save that, if the Minister has issued a certificate of airworthiness in respect of an aircraft which in his opinion, is a prototype aircraft or a modification of a prototype aircraft, he may dispense with flying trials in the case of any other aircraft if he is satisfied that it conforms to such prototype or modification.

(2) Every certificate of airworthiness shall specify such categories as are, in the opinion of the Minister appropriate to the aircraft in accordance with Schedule 2 and the certificate shall be issued subject to the condition that the aircraft shall be flown only for the purposes indicated in that Schedule in relation to those categories.

(3) The Minister may issue the certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as he thinks fit.

(4) The certificate of airworthiness may designate the performance group to which the aircraft belongs for the purposes of the requirements referred to in section 30.

(5) The Minister may, subject to such conditions as he thinks fit, issue a certificate of validation rendering valid for the purposes of this Order a certificate of airworthiness issued in respect of any aircraft under the law of any country other than Trinidad and Tobago.

(6) Subject to the provisions of this section and of section 67, a certificate of airworthiness or validation issued under this section shall remain in force for such period as may be specified therein, and may be renewed from time to time by the Minister for such further period as he thinks fit.

(7) A certificate of airworthiness or a certificate of validation issued in respect of an aircraft shall cease to be in force—

- (a) if the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft is overhauled, repaired or modified, or if any part of the aircraft or of such equipment is removed or is replaced, otherwise than in a manner and with material of a type approved by the Minister either generally or in relation to a class of aircraft or to the particular aircraft; or
- (b) until the completion of any inspection of the aircraft or of any such equipment as aforesaid, being an inspection made for the purpose of ascertaining whether the aircraft remains airworthy; and—
 - (i) classified as mandatory by the Minister; or
 - (ii) required by a maintenance schedule approved by the Minister in relation to that aircraft; or
- (c) until the completion to the satisfaction of the Minister of any modification of the aircraft or of any such equipment as aforesaid, being a modification required by the Minister for the purpose of ensuring that the aircraft remains airworthy.

(8) Nothing in this Order shall oblige the Minister to accept an application for the issue of a certificate of airworthiness or validation or for the variation or renewal of any such certificate when the application is not supported by such reports from such approved persons as the Minister may specify either generally or in a particular case or class of cases.

9. (1) An aircraft registered in Trinidad and Tobago in respect of which a certificate of airworthiness in either the transport or in the aerial work category is in force shall not fly unless—

- (a) the aircraft including in particular its engines, together with its equipment and radio station, is maintained in accordance with a maintenance schedule approved by the Minister in relation to that aircraft;
- (b) there is in force a certificate (in this Order referred to as a "certificate of maintenance review") issued in respect of the aircraft in accordance with the provisions of this section and such certificate shall certify the date on which the maintenance review was carried out and the date thereafter when the next review is due.

(2) The approved maintenance schedule referred to in subsection (1) shall specify the occasions on which a review must be carried out for the purpose of issuing a certificate of maintenance review.

(3) A certificate of maintenance review may be issued for the purposes of this section only by—

- (a) the holder of an aircraft maintenance engineer's licence—
 - (i) granted under this Order being a licence which entitles him to issue that certificate; or
 - (ii) granted under the law of a country other than Trinidad and Tobago and rendered valid under this Order in accordance with the privileges endorsed on the licence; or
 - (iii) granted under the law of any country specified in regulations made under this Order in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed; or
- (b) a person whom the Minister has authorised to issue a certificate of maintenance review in a particular case, and in accordance with that authority; or
- (c) a person approved by the Minister as being competent to issue such certificates, and in accordance with the approval,

save that, in approving a maintenance Schedule, the Minister may direct that certificates of maintenance review relating to that Schedule, or to any part thereof specified in its direction, may be issued only by the holder of such a licence as is so specified and for this purpose the operator of the aircraft shall make available to that person such information as is necessary.

(4) A person referred to in paragraph (3) of this section shall not issue a certificate of maintenance review unless he has first verified that—

- (a) maintenance has been carried out on the aircraft in accordance with the maintenance schedule approved for that aircraft;
- (b) inspections and modifications required by the Minister as provided in this Order have been completed as certified in the relevant certificate of release to service issued in accordance with section 11 of this Order;
- (c) defects entered in the technical log of the aircraft in accordance with section 10 of this Order have been rectified or the rectification thereof has been deferred in accordance with procedures approved by the Minister; and
- (d) certificates of release to service have been issued in accordance with section 11 of this Order.

(5) A certificate of maintenance review shall be issued in duplicate. One copy of the most recently issued certificate shall be carried in the aircraft when section 62 so requires, and the other shall be kept by the operator elsewhere than in the aircraft.

(6) Subject to the provisions of section 66, each certificate of maintenance review shall be preserved by the operator of the aircraft for a period of two years after it has been issued.

Technical log

10. (1) A technical log shall be kept in respect of an aircraft registered in Trinidad and Tobago being an aircraft in respect of which a certificate of airworthiness in either the transport or in the aerial work category is in force.

(2) At the end of every flight by an aircraft to which this section applies the commander of the aircraft shall enter—

- (a) the times when the aircraft took off and landed;
- (b) particulars of any defect which is known to him and which affects the airworthiness or safe operation of the aircraft, or if no such defect is known to him, an entry to that effect; and
- (c) such other particulars in respect of the airworthiness or operation of the aircraft as the Minister may require,

in a technical log, or, in the case of an aircraft of which the maximum total weight authorised does not exceed 2,730 kg and which is not operated by a person who is the holder of or is required by section 6(1) to hold an air operator's certificate, in such other record as the Minister shall approve and he shall sign and date such entries, save that in the case of a number of consecutive flights each of which begins and ends—

- (a) within the same period of twenty-four hours;
- (b) at the same aerodrome, except where each such flight is for the purpose of dropping or projecting any material for agricultural, public health or similar purposes; and
- (c) with the same person as commander of the aircraft,

the commander of an aircraft may, except where he becomes aware of a defect during an earlier flight, make the entries as aforesaid in a technical log at the end of the last of such consecutive flights.

(3) Upon the rectification of any defect which has been entered in a technical log in accordance with subsection (2) a person issuing a certificate of release to service required by section 11 in respect of that defect shall enter the certificate in the technical log in such a position as to be readily identifiable with the defect to which it relates.

(4) The technical log referred to in this section shall be carried in the aircraft when section 62 so requires and copies of the entries referred to in this section shall be kept on the ground, save that, in the case of an aeroplane of which the maximum total weight authorised does not exceed 2,730 kg or a helicopter, if it is not reasonably practicable for the copy of the technical log to be kept on the ground it may be carried in the aeroplane or helicopter, as the case may be, in a box approved by the Minister for that purpose.

(5) Subject to the provisions of section 66, a technical log or such other approved record required by this section shall be preserved by the operator of the aircraft to which it relates until a date two years after the aircraft has been destroyed or has been permanently withdrawn from use, or for such shorter period as the authority may permit in a particular case.

11. (1) Except as provided in subsection (2) an aircraft registered in Trinidad and Tobago being an aircraft in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force, shall not fly unless there is in force a certificate, in this Order referred to as a "certificate of release to service" issued in accordance with this section if the aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained, or has been inspected as provided in section 8(7)(b), as the case may be, save that if

Inspection,
overhaul,
repair,
replacement
and
modifications

a repair or replacement of a part of an aircraft or its equipment is carried out when the aircraft is at such a place that it is not reasonably practicable—

- (a) for the repair or replacement to be carried out in such a manner that a certificate of release to service can be issued under this section in respect thereof; or
- (b) for such certificate to be issued while the aircraft is at that place, it may fly to a place at which such certificate can be issued, being the nearest place—
 - (i) to which the aircraft can, in the reasonable opinion of the commander thereof, safely fly by a route for which it is properly equipped; and
 - (ii) to which it is reasonable to fly having regard to any hazards to the liberty or health of any person on board,

and in such case the commander of the aircraft shall cause written particulars of the flight, and the reasons for making it, to be given to the Minister within ten days thereafter.

(2) Nothing in subsection (1) shall require a certificate of release to service to be in force in respect of an aircraft of which the maximum total weight authorised does not exceed 2,730 kg and in respect of which a certificate of airworthiness of the special category is in force, unless the Minister gives a direction to the contrary in a particular case.

(3) Nothing in subsection (1) shall prevent an aircraft in respect of which there is in force a certificate of airworthiness in the private or special categories and whose maximum total weight authorised does not exceed 2,730 kg from flying if the only repairs or replacements in respect of which a certificate of release to service is not in force are of such a description as are specified in Regulations made under this Order and have been carried out personally by the owner or operator of the aircraft being the holder of a pilot's licence granted or rendered valid under this Order.

(4) In the circumstances referred to in subsection (3) the owner or operator, as the case may be, of the aircraft, shall keep in the aircraft a log book kept in respect of the aircraft pursuant to section 15 a record which identifies the repair or replacement and shall sign and date the entries and, subject to the provisions of section 66, shall preserve the log book for the period specified in section 15 and any equipment or parts used in carrying out such repairs or replacements shall be of a type approved by the Minister whether generally of in relation to a class of aircraft or one particular aircraft.

(5) Neither—

- (a) equipment provided in compliance with Regulations made under this Order; nor
- (b) radio apparatus provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not such apparatus is provided in compliance with this Order or any Regulations made thereunder,

shall be installed or placed on board for use in an aircraft registered in Trinidad and Tobago after being overhauled, repaired, modified or inspected, unless there is in force in respect thereof at the time when it is installed or placed on board a certificate of release to service issued in accordance with this section.

(6) A certificate of release to service shall—

- (a) certify that the aircraft or any part thereof or its equipment has been overhauled, repaired, replaced, modified or maintained, as the case may be, in a manner and with material of a type approved by the Minister either generally or in relation to a class of aircraft or the particular aircraft and shall identify the overhaul, repair, replacement, modification or maintenance to which the certificate relates and shall include particulars of the work done; or
- (b) certify in relation to any inspection required by the Minister that the aircraft or the part thereof or its equipment, as the case may be, has been inspected in accordance with the requirements of the Minister and that any consequential repair, replacement or modification has been carried out as aforesaid.

(7) A certificate of release to service may be issued for the purposes of this section only by—

- (a) the holder of an aircraft maintenance engineer's licence—
 - (i) granted under this Order, being a licence which entitles him to issue that certificate;
 - (ii) granted under the law of a country other than Trinidad and Tobago and rendered valid under this Order, in accordance with the privileges endorsed on the licence; or
 - (iii) granted under the law of any country specified in Regulations made under this Order in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed; or

- (b) the holder of an aircraft maintenance engineer's licence or authorisation as such an engineer granted or issued by or under the law of any Contracting State other than Trinidad and Tobago in which the overhaul, repair, replacement, modification or inspection has been carried out, but only in respect of aircraft of which the maximum total weight authorised does not exceed 2,730 kg and in accordance with the privileges endorsed on the licence;
- (c) a person approved by the Minister as being competent to issue such certification, and in accordance with that approval;
- (d) a person whom the Minister has authorised to issue the certificate in a particular case, and in accordance with that authority; or
- (e) in relation only to the adjustment and compensation of direct reading magnetic compasses, the holder of an Airline Transport Pilot's Licence (Aeroplanes), a Senior Commercial Pilot's Licence (Aeroplanes) or a Flight Navigator's Licence granted or rendered valid under this Order.

(8) Subject to the provisions of section 66, a certificate of release to service shall be preserved by the operator of the aircraft to which it relates for the period of time for which he is required to preserve the log book relating to the same part of the aircraft or to the same equipment or apparatus as the case may be.

(9) In this section, the expression "repair" includes in relation to a compass the adjustment and compensation thereof and the expression "repaired" shall be construed accordingly.

Licensing of
maintenance
engineers

12. (1) The Minister may grant aircraft maintenance engineer's licences, subject to such conditions as he thinks fit, upon his being satisfied that the applicant is a fit person to hold the licence and has furnished such evidence and passed such examinations and tests as the Minister may require of him for the purpose of establishing that he has sufficient knowledge, experience, competence and skill in aeronautical engineering.

(2) An aircraft maintenance engineer's licence shall authorise the holder, subject to such conditions as may be specified in the licence to issue—

- (a) certificates of maintenance review in respect of such aircraft as may be so specified;

- (b) certificates of release to service in respect of such overhauls, repairs, replacements, modifications, maintenance and inspections of such aircraft and such equipment as may be so specified; or
- (c) certificates of fitness for flight under "A Conditions" in respect of such aircraft as may be so specified.

(3) A licence shall, subject to the provisions of section 67, remain in force for the period specified therein, not exceeding five years, but may be renewed by the Minister from time to time upon his being satisfied that the applicant is a fit person and is qualified as aforesaid.

(4) The Minister may issue a certificate rendering valid for the purposes of this Order any licence as an aircraft maintenance engineer granted under the law of any country other than Trinidad and Tobago and such certificate may be issued subject to such conditions, and for such period, as the Minister thinks fit.

(5) Upon receiving a licence granted under this section, the holder shall forthwith sign his name thereon in ink with his ordinary signature.

(6) Without prejudice to any other provision of this Order the Minister may, for the purpose of this section, either absolutely or subject to such conditions as he thinks fit—

- (a) approve any course of training or instruction;
- (b) authorise a person to conduct such examinations or tests as he may specify;
- (c) approve a person to provide or conduct any course of training or instructions; and
- (d) approve a person as qualified to furnish reports to him and to accept such reports.

13. (1) An aircraft shall not fly unless it is so equipped as to comply with the law of the country in which it is registered, and to enable lights and markings to be displayed, and signals to be made, in accordance with this Order and any regulations made thereunder. ^{Equipment of aircraft}

(2) In the case of aircraft registered in Trinidad and Tobago the equipment required to be provided in addition to any other equipment required by or under this Order shall be that specified in Regulations made under this Order as are applicable in the circumstances and shall comply with the provisions of those Regulations and except as otherwise provided in those Regulations, shall be of a type approved by the Minister either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(3) In any particular case the Minister may direct that an aircraft registered in Trinidad and Tobago shall carry such additional or special equipment or supplies as he may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations, or the survival of the persons carried in the aircraft.

(4) The equipment carried in compliance with this section shall be so installed or stowed and kept stowed, and so maintained and adjusted, as to be readily accessible and capable of being used by the person for whose use it is intended.

(5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft and in every public transport aircraft registered in Trinidad and Tobago there shall be—

- (a) provided individually for each passenger; or
- (b) if the Minister so permits in writing, exhibited in a prominent position in every passenger compartment, a notice relevant to the aircraft in question containing pictorial—
 - (i) instructions on the brace position to be adopted in the event of an emergency landing;
 - (ii) instructions on the method of use of the safety belts and safety harnesses as appropriate;
 - (iii) information as to where emergency exits are to be found and instructions as to how they are to be used;
 - (iv) information as to where the life-jackets, escape slides, life-rafts and oxygen masks, if required to be provided by subsection (2), are to be found and instructions as to how they are to be used.

(6) All equipment installed or carried in an aircraft, whether or not in compliance with this section, shall be so installed or stowed and kept stowed and so maintained and adjusted as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

(7) Without prejudice to subsection (2), all navigational equipment, other than radio apparatus, of any of the following types, namely—

- (a) equipment capable of establishing the aircraft's position in relation to its position at some earlier time by computing and applying the resultant of the acceleration and gravitational forces acting upon it, and
- (b) equipment capable of establishing automatically the altitude and relative bearing of selected celestial bodies, when carried in an aircraft registered in Trinidad and Tobago whether

or not in compliance with this Order or any regulations made thereunder, shall be of a type approved by the Minister either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(8) This section shall not apply in relation to radio apparatus except as may be specified in the aforesaid Regulations.

14. (1) An aircraft shall not fly unless it is so equipped with radio and radio navigation equipment as to comply with the law of the country in which the aircraft is registered and to enable communications to be made and the aircraft to be navigated, in accordance with the provisions of this Order and any Regulations made thereunder. Radio equipment of aircraft

(2) Without prejudice to subsection (1), the aircraft shall be equipped with radio and radio navigation equipment in accordance with the Regulations made under this Order.

(3) In any particular case the Minister may direct that an aircraft registered in Trinidad and Tobago shall carry such additional or special radio or radio navigation equipment as he may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.

(4) Subject to such exceptions as may be prescribed the radio and radio navigation equipment provided in compliance with this section in an aircraft registered in Trinidad and Tobago shall always be maintained in serviceable condition.

(5) All radio and radio navigation equipment installed in an aircraft registered in Trinidad and Tobago or carried on such an aircraft for use in connection with the aircraft, whether or not in compliance with this Order or any Regulations made thereunder, shall be of a type approved by the Minister in relation to the purpose for which it is to be used, and shall, except in the case of a glider which is permitted under section 3(1) to fly unregistered, be installed in a manner approved by the Minister and neither the equipment nor the manner in which it is installed shall be modified except with the approval of the Minister.

15. (1) This section shall not apply to equipment required to be carried by virtue of section 38(2) and (3). Minimum equipment requirements

(2) Subject to subsection (1), the Minister may, subject to such conditions as it thinks fit, grant in respect of any aircraft or class of aircraft registered in Trinidad and Tobago a permission permitting such aircraft to commence a flight in specified circumstances notwithstanding that any specified item of equipment including radio apparatus, required by or under this Order to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.

(3) An aircraft registered in Trinidad and Tobago shall not commence a flight if any of the equipment, including radio apparatus, required by or under this Order to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use—

- (a) otherwise than under and in accordance with the terms of a permission under this article which has been granted to the operator; and
- (b) unless in the case of an aircraft to which section 26 applies, the operations manual required contains such particulars of the permission as may be necessary to enable the commander of the aircraft to determine if he can comply with section 34(b).

Aircraft
engine and
propeller log
book

16. (1) In addition to any other log books required by or under this Order, the following log books shall be kept in respect of aircraft registered in Trinidad and Tobago—

- (a) an aircraft log book;
- (b) a separate log book in respect of each engine fitted in the aircraft; and
- (c) a separate log book in respect of each variable pitch propeller fitted to the aircraft.

(2) The log books referred to in subsection (1), shall include the particulars respectively specified in Regulations made under this Order and in the case of an aircraft having a maximum total weight authorised not exceeding 2,730 kg shall be of a type approved by the Minister.

(3) Each entry in the log book, other than such entries as the aforesaid Regulations otherwise provide, shall be made as soon as practicable after the occurrence to which it relates, but in no event more than seven days after the expiration of the certificate of maintenance review, if any, in force in respect of the aircraft at the time of the occurrence.

(4) Entries in a log book may refer to other documents, which shall be clearly identified, and any other documents so referred to shall be deemed, for the purposes of this Order, to be part of the log book.

(5) It shall be the duty of the operator of every aircraft in respect of which log books are required to be kept as aforesaid to keep them or cause them to be kept in accordance with this section.

(6) Subject to the provisions of section 66 every log book shall be preserved by the operator of the aircraft until a date two years after the aircraft, the engine or the variable pitch propeller, as the case may be, has been destroyed or has been permanently withdrawn from use.

17. (1) Every flying machine and glider in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force shall be weighed, and the position of its centre of gravity determined, at such times and in such a manner as the Minister may require or approve in the case of that aircraft.

(2) Upon the aircraft being weighed as aforesaid the operator of the aircraft shall prepare a weight schedule showing—

- (a) either the basic weight of the aircraft, that is to say, the weight of the aircraft empty together with the weight of unusable fuel and unusable oil in the aircraft and of such items of equipment as are indicated in the weight schedule, or such other weight as may be approved by the Minister in the case of that aircraft; and
- (b) either the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic weight or such other position of the centre of gravity as may be approved by the Minister in the case of that aircraft.

(3) Subject to the provisions of section 66 the weight schedule shall be preserved by the operator of the aircraft until the expiration of a period of six months following the next occasion on which the aircraft is weighed for the purposes of this section.

18. The Minister may cause such inspections, investigations, tests, experiments and flight trials to be made as he deems necessary for the purposes of this Part and any person authorised to do so in writing by the Minister may at any reasonable time inspect any part of, or material intended to be incorporated in or used in the manufacture of any part of, an aircraft or its equipment or any documents relating thereto and may for that purpose go upon any aerodrome or enter any aircraft factory.

PART IV

AIRCRAFT CREW AND LICENSING

19. (1) An aircraft shall not fly unless it carries a flight crew of the number and description required by the law of the country in which it is registered.

(2) An aircraft registered in Trinidad and Tobago shall carry a flight crew adequate in number and description to ensure the safety of the aircraft and of at least the number and description specified in the certificate of airworthiness issued or rendered valid under this Order or, if no certificate of airworthiness is required under this Order to be in force, the certificate or airworthiness, if any, last in force under this Order, in respect of that aircraft.

(3) A flying machine registered in Trinidad and Tobago and flying for the purpose of public transport, having a maximum total weight authorised exceeding 5,700 kg shall carry not less than two pilots as members of the flight crew thereof.

(4) An aeroplane registered in Trinidad and Tobago and flying for the purpose of public transport in circumstances where the aircraft commander is required to comply with Instrument Flight Rules and having a maximum total weight authorised of 5,700 kg or less and powered by—

- (a) one or more turbine jets;
- (b) one or more turbine propeller engines and provided with a means of pressurizing the personnel compartments;
- (c) two or more turbine propeller engines and certificated to carry more than nine passengers;
- (d) two or more turbine propeller engines and certificated to carry fewer than ten passengers and not provided with a means of pressurizing the personnel compartments, unless it is equipped with an autopilot which has been approved by the authority for the purposes of this section and which is serviceable on takeoff; or
- (e) two or more piston engines, unless it is equipped with an autopilot which has been approved by the Minister for the purposes of this section and which is serviceable on take-off,

shall carry not less than two pilots as members of the flight crew thereof, save that an aeroplane described in subparagraphs (iv) or (v) which is equipped with an approved autopilot shall not be required to carry two pilots notwithstanding that before take-off the approved autopilot is found to be unserviceable, if the aeroplane flies in accordance with arrangements approved by the Minister.

(5) An aircraft registered in Trinidad and Tobago engaged on a flight for the purpose of public transport shall carry—

- (a) a flight navigator as a member of the flight crew; or
- (b) navigational equipment approved by the Minister and used in accordance with any conditions subject to which that approval may have been given,

if on the route or any diversion therefrom, being a route or diversion planned before take-off, the aircraft is intended to be more than five hundred nautical miles from the point of take-off measured along the route to be flown, and to pass over part of an area specified in Regulations made under this Order and the flight navigator carried in compliance with this section shall be carried in addition to any person who is carried in accordance with this section to perform other duties.

(6) An aircraft registered in Trinidad and Tobago which is required by the provisions of section 14 to be equipped with radio communication apparatus shall carry a flight radio operator as a member of the flight crew, who, if he is required to operate radiotelegraph apparatus, shall be carried in addition to any other person who is carried in accordance with this section to perform other duties.

(7) If it appears to him to be expedient to do so in the interests of safety, the Minister may direct any particular operator of any aircraft registered in Trinidad and Tobago that the aircraft operated by him or any such aircraft shall not fly in such circumstances as the Minister may specify unless those aircraft carry in addition to the flight crew required to be carried therein by the foregoing provisions of this section such additional persons as members of the flight crew as he may specify in the direction.

(8) Subsections (9) and (10) apply to any flight for the purpose of public transport by an aircraft registered in Trinidad and Tobago—

- (a) on which is carried twenty or more passengers; or
- (b) which may in accordance with its certificate of airworthiness carry more than thirty-five passengers and on which at least one passenger is carried.

(9) The crew of any aircraft on a flight to which this subsection and subsection (10) apply shall include cabin attendants carried for the purposes of performing in the interests of the safety of passengers, duties to be assigned by the operator or the commander of the aircraft but who shall not act as members of the flight crew.

(10) On a flight to which this subsection and subsection (9) apply there shall be carried not less than one cabin attendant for every fifty, or fraction of fifty passenger seats installed in the aircraft, save that the number of cabin attendants calculated in accordance with this subsection need not be carried where the Minister has granted written permission to the operator to carry a lesser number on that flight and the operator carries the number specified in that permission and complies with any other terms and conditions subject to which such permission is granted.

(11) If it appears to be expedient to do so in the interests of safety, the Minister may direct any particular operator of any aircraft registered in Trinidad and Tobago that the aircraft operated by him or any such aircraft shall not fly in such circumstances as the Minister may specify unless those aircraft carry in addition to the cabin attendants required to be carried therein by the foregoing provisions of this section such additional persons as cabin attendants as it may specify in the direction.

Members of
flight crew
requirement
of licences

20. (1) Subject to the provisions of this section, a person shall not act as a member of the flight crew of an aircraft registered in Trinidad and Tobago unless he is the holder of an appropriate licence granted or rendered valid under this Order, save that a person may within Trinidad and Tobago without being the holder of such a licence—

(a) act as a flight radiotelephony operator if—

- (i) he does so as the pilot of a glider not flying for the purpose of public transport or aerial work, or as a person being trained in an aircraft registered in Trinidad and Tobago to perform duties as a member of the flight crew of an aircraft;
- (ii) he is authorised to operate the radiotelephony station by the holder of the licence granted in respect of that station under any enactment;
- (iii) messages are transmitted only for the purposes of instruction, or of the safety or navigation of the aircraft;
- (iv) messages are transmitted only on a frequency exceeding 60 MHz assigned by the Minister for use on flights on which a flight radiotelephony operator acts in one of the capacities specified in subparagraph (i);
- (v) the transmitter is pre-set to one or more of the frequencies so assigned and cannot be adjusted in flight to any other frequency;
- (vi) the operation of the transmitter requires the use only of external switches; and
- (vii) the stability of the frequency radiated is maintained automatically by the transmitter;

(b) subject to section 21, act as pilot in command of an aircraft for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence if—

- (i) he is at least seventeen years of age;
- (ii) he is the holder of a valid medical certificate to the effect that he is fit so to act issued by a person approved by the Minister;
- (iii) he complies with any conditions subject to which that medical certificate was issued;
- (iv) no other person is carried in the aircraft;
- (v) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests; and

- (vi) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order being a licence which includes a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown;
- (c) subject to section 21(9), act as pilot of an aircraft in respect of which the flight crew required to be carried by or under this Order does not exceed one pilot for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence if—
- (i) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests;
 - (ii) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order being a licence which includes a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown; and
 - (iii) the aircraft is fitted with dual controls and he is accompanied in the aircraft by the said instructor who is seated at the other set of controls or the aircraft is fitted with controls designed for and capable of use by two persons and he is accompanied in the aircraft by the said instructor who is seated so as to be able to use the controls;
- (d) subject to section 21(9), act as pilot in command of an aircraft at night if—
- (i) he is the holder of an appropriate licence granted or rendered valid under this Order in all respects save that the licence does not include an instrument rating and he has not within the immediately preceding thirteen months carried out as pilot in command not less than five take-offs and landings at a time when the depression of the centre of the sun was not less than 12° below the horizon;

- (ii) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order being a licence which includes a flying instructors rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown by night;
 - (iii) no person other than that specified in subparagraph (ii) above is carried; and
 - (iv) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests;
- (e) subject to section 21(9), act as pilot in command of a balloon if—
- (i) he is the holder of an appropriate licence granted or rendered valid under this Order in all respects save that he has not within the immediately preceding thirteen months carried out as pilot in command five flights each of not less than five minutes duration;
 - (ii) he so acts in accordance with instructions given by a person authorised by the Minister to supervise flying in the type of balloon being flown;
 - (iii) no person other than that specified in subparagraph (ii) is carried; and
 - (iv) the balloon is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests.
- (2) Subject as aforesaid, a person shall not act as a member of the flight crew required by or under this Order to be carried in an aircraft registered in a country other than Trinidad and Tobago unless—
- (a) in the case of an aircraft flying for the purpose of public transport or aerial work he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered; or
 - (b) in the case of any other aircraft, he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or under this Order, and the Minister does not in the particular case give a direction to the contrary.

(3) For the purposes of this section, a licence granted under the law of a Contracting State other than Trinidad and Tobago purporting to authorise the holder thereof to act as a member of the flight crew of an aircraft, not being a licence purporting to authorise him to act as a student pilot only, shall, unless the Minister in the particular case gives a direction to the contrary, be deemed to be a licence rendered valid under this Order but does not entitle the holder—

- (a) to act as a member of the flight crew of any aircraft flying for the purpose of public transport or aerial work or on any flight in respect of which he receives remuneration for his services as a member of the flight crew; or
- (b) in the case of a pilot's licence, to act on any flight as pilot of any aircraft flying in controlled airspace in circumstances requiring compliance with the Instrument Flight Rules or to give any instruction in flying.

(4) Notwithstanding subsection (1), a person may, unless the certificate of airworthiness in force in respect of the aircraft otherwise requires, act as pilot of an aircraft registered in Trinidad and Tobago for the purpose of undergoing training or tests for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating therein without being the holder of an appropriate licence, if the following conditions are complied with:

- (a) no other person shall be carried in the aircraft or in an aircraft being towed thereby except a person carried as a member of the flight crew in compliance with this Order, a person authorised by the Minister to witness the aforesaid training or tests or to conduct the aforesaid tests, or, if the pilot in command of the aircraft is the holder of an appropriate licence, a person carried for the purpose of being trained or tested as a member of the flight crew of an aircraft; and
- (b) the person acting as the pilot of the aircraft without being the holder of an appropriate licence either—
 - (i) within the period of six months immediately preceding was serving as a qualified pilot of aircraft in the Defence Force of Trinidad and Tobago, and his physical condition has not, so far as he is aware, so deteriorated during that period as to render him unfit for the licence for which he intends to qualify; or

- (ii) holds a pilot's licence, a flight navigator's licence or a flight engineer's licence granted or rendered valid under this Order and the purpose of the training or test is to enable him to qualify under this Order for the grant of a pilot's licence or for the inclusion of an additional type in the aircraft rating in his licence and he acts under the supervision of a person who is the holder of an appropriate licence.

(5) Notwithstanding subsection (1), a person may act as a member of the flight crew, otherwise than as a pilot, of an aircraft registered in Trinidad and Tobago for the purposes of undergoing training or tests for the grant or renewal of a flight navigator's or a flight engineer's licence or for the inclusion, renewal or extension of a rating thereon, without being the holder of an appropriate licence if he acts under supervision and in the presence of another person who is the holder of the type of licence or rating for which the person undergoing the training or tests is being trained or tested.

(6) Notwithstanding subsection (1), a person may act as a member of the flight crew of an aircraft registered in Trinidad and Tobago without being the holder of an appropriate licence if, in so doing, he is acting in the course of his duty as a member of the Defence Force of Trinidad and Tobago.

(7) For the purposes of this section, "appropriate licence" means a licence which entitles the holder to perform the functions which he undertakes in relation to the aircraft concerned and the flight on which it is engaged.

(8) This section shall not require a licence to be held by a person by reason of his acting as a member of the flight crew of a glider unless—

- (a) he acts as a flight radio operator; or
- (b) the flight is for the purpose of a public transport or aerial work, other than aerial work which consists of the giving of instruction in flying in a glider owned or operated by a flying club of which the person giving and the person receiving instructions are both members.

(9) Notwithstanding anything in this section—

- (a) the holder of a licence granted or rendered valid under this Order, being a licence endorsed to the effect that the holder does not satisfy in full the relevant international standard, shall not act as a member of the flight crew of an aircraft registered in Trinidad and Tobago in or over the territory of a Contracting State other than Trinidad and Tobago except in accordance with permission granted by the competent authorities of that State;

- (b) the holder of a licence granted or rendered valid under the law of a Contracting State other than Trinidad and Tobago, being a licence endorsed as aforesaid, shall not act as a member of the flight crew of any aircraft in or over Trinidad and Tobago except in accordance with permission granted by the Minister whether or not the licence is or is deemed to be rendered valid under this Order.

21. (1) The Minister may grant licences, subject to such conditions as he thinks fit, to such classes as are prescribed by the Minister under this Order authorising the holder to act as a member of the flight crew of an aircraft registered in Trinidad and Tobago upon his being satisfied that the applicant is a fit person to hold the licence, and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness to act in the capacity to which the licence relates, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests including in particular medical examinations and undertakes such courses of training as the Minister may require of him.

Grant,
renewal and
effect of
Flight Crew
Licences

(2) A licence of any class shall not be granted to any person who is under the prescribed minimum age specified for that class of licence.

(3) A licence granted under this section shall not be valid unless it bears thereon the ordinary signature of the holder in ink.

(4) A licence shall, subject to the provisions of section 67, remain in force for the periods indicated in the licence and may be renewed by the Minister from time to time upon his being satisfied that the applicant is a fit person and qualified as aforesaid and if no period is indicated in the licence it shall remain in force, subject as aforesaid, for the lifetime of the holder.

(5) The Minister may include in a licence a rating, subject to such conditions as he thinks fit, of any of the prescribed classes, upon his being satisfied that the applicant is qualified as aforesaid to act in the capacity to which the rating relates, and such rating shall be deemed to form part of the licence.

(6) Subject to any conditions of the licence and to the provisions of this Order, a licence of any class shall entitle the holder to perform the functions specified in respect of that licence in the aforesaid Regulations under the heading "privileges", and a rating of any class shall entitle the holder of the licence in which such rating is included to perform the functions specified in respect of that rating in the aforesaid Regulations.

(7) Subject to subsection (9), the holder of a pilot's licence or a flight engineer's licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the licence bears a valid certificate of test or a valid certificate of experience, which

certificate shall in either case be appropriate to the functions he is to perform on that flight in accordance with the aforesaid Regulations and shall otherwise comply with that Part, save that the holder of a Private Pilot's Licence (Balloons and Airships) or a Commercial Pilot's Licence (Balloons) shall be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight when the licence does not bear such a certificate.

(8) The holder of a flight navigator's licence shall not be entitled to perform functions on a flight to which section 19 applies unless the licence bears a valid certificate of experience which certificate shall be appropriate to the functions he is to perform on that flight in accordance with the aforesaid Regulations and shall otherwise comply with the Regulations.

(9) In any case where the Private Pilot's Licence is in such a form that it is not possible to include certificates therein, the holder of such a licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the certificate of test or certificate of experience required by subsection (9) is included in the personal flying log book required to be kept by him under section 23.

(10) A person shall not be entitled to perform the functions to which an instrument rating (aeroplanes), an instrument rating (helicopters), a flying instructor's rating or an assistant flying instructor's rating relates unless his licence bears a valid certificate of test which certificate shall be appropriate to the functions to which the rating relates in accordance with the aforesaid Regulations and shall otherwise comply with that Part.

(11) A person who, on the last occasion when he took a test for the purposes of subsections (7) to (10), failed that test shall not be entitled to fly in the capacity for which that test would have qualified him had he passed it.

(12) The holder of a licence, other than a flight radiotelephony operator's licence, granted under this section shall not be entitled to perform any of the functions to which his licence relates unless it includes a valid medical certificate.

(13) Every applicant for or holder of a licence granted under this section shall upon such occasions as the Minister may require submit himself to medical examination by a person approved by the Minister either generally or in a particular case or class of case who shall make a report to the Minister in such form as the Minister may require.

(14) A person shall not be entitled to act as a member of the flight crew of an aircraft registered in Trinidad and Tobago if he knows or suspects that his physical or mental condition renders him temporarily or permanently unfit to perform such functions or to act in such capacity.

(15) Every holder of a medical certificate issued under section 20 or 21 who—

- (a) suffers any personal injury involving incapacity to undertake his functions as a member of the flight crew; or
- (b) suffers any illness involving incapacity to undertake those functions throughout a period of twenty days or more; or
- (c) in the case of a woman, has reason to believe that she is pregnant shall inform the Minister in writing of such injury, illness or pregnancy, as soon as possible in the case of injury or pregnancy, and as soon as the period of twenty days has elapsed in the case of illness and the medical certificate shall be deemed to be suspended upon the occurrence of such injury or the elapse of such period of illness or the confirmation of the pregnancy.

(16) On the basis of the medical examination, referred to in subsection (15), the Minister or any person approved by him as competent to do so may issue a medical certificate subject to such conditions as it thinks fit to the effect that it or he has assessed the holder of the licence as fit to perform the functions to which the licence relates and the certificate shall, without prejudice to subsection (8), be valid for such period as is therein specified and shall be deemed to form part of the licence.

(17) In the case of injury or illness the suspension shall cease upon the holder being medically examined under the arrangements made by the Minister and pronounced fit to resume his functions as a member of the flight crew or upon the Minister exempting, subject to such conditions as he thinks fit, the holder from the requirement of a medical examination.

(18) In the case of pregnancy, the suspension may be lifted by the Minister for such period and subject to such conditions as he thinks fit and shall cease upon the holder being medically examined under arrangements made by the Minister after the pregnancy has ended and pronounced fit to resume her functions as a member of the flight crew.

(19) Nothing in this Order shall prohibit the holder of a pilot's licence from acting as pilot of an aircraft having a maximum total weight authorised not exceeding 5,700 kg when, with the permission of the Minister, he is testing any person for the purposes of subsection (1), (2), (3), (4), (5), (7), (8), (9) or (10), notwithstanding that the type of aircraft in which the test is conducted is not specified in the aircraft rating included in his licence or that the licence or personal flying log book, as the case may be, does not include a valid certificate of test or a valid certificate of experience in respect of the type of aircraft.

(20) Where any provision of Regulations made under this Order permits a test to be conducted in a flight simulator approved by the Minister, that approval may be granted subject to such conditions as the Minister thinks fit.

(21) Without prejudice to any other provision of this Order the Minister may, for the purpose of this section either absolutely or subject to such conditions as he thinks fit—

- (a) approve any course of training or instruction;
- (b) authorise a person to conduct such examinations or tests as he may specify;
- (c) approve a person to provide any course of training or instruction; and
- (d) approve a person as qualified to furnish reports to him and to accept such reports.

Validation of
licences

22. The Minister may issue a certificate of validation rendering valid for the purposes of this Order any licence as a member of the flight crew of aircraft granted under the law of any country other than Trinidad and Tobago and a certificate of validation may be issued subject to such conditions and for such periods as the Minister thinks fit.

Personal
flying log
book

23. (1) Every member of the flight crew of an aircraft registered in Trinidad and Tobago and every person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under this Order shall keep a personal flying log book in which the following particulars shall be recorded:

- (a) the name and address of the holder of the log book;
- (b) particulars of the holder's licence, if any, to act as member of the flight crew of an aircraft;
- (c) the name and address of his employer, if any.

(2) Particulars of each flight during which the holder of the log book acted either as a member of the flight crew of an aircraft or for the purpose of qualifying for the grant or renewal of a licence under this Order, as the case may be, shall be recorded in the log book at the end of each flight or as soon thereafter as is reasonably practicable, including—

- (a) the date, the places at which the holder embarked on and disembarked from the aircraft and the time spent during the course of a flight when he was acting in either capacity;
- (b) the type and registration mark of the aircraft;
- (c) the capacity in which the holder acted in flight;
- (d) particulars of any special conditions under which the flight was conducted including night flying and instrument flying;
- (e) particulars of any test or examination undertaken whilst in flight.

(3) For the purposes of this section, a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

(4) Particulars of any test or examination undertaken whilst in a flight simulator shall be recorded in the log book, including—

- (a) the date of the test or examination;
- (b) the type of simulator;
- (c) the capacity in which the holder acted;
- (d) the nature of the test or examination.

24. (1) A person shall not give any instruction in flying to which this section applies unless— Instruction in flying

- (a) he holds a licence, granted or rendered valid under this Order, entitling him to act as pilot in command of the aircraft for the purpose and in the circumstances under which the instruction is to be given; and
- (b) his licence includes a flying instructor's rating or an assistant flying instructor's rating entitling the holder to give the instruction.

(2) This section applies to instruction in flying given to any person flying or about to fly a flying machine or glider for the purpose of becoming qualified for—

- (a) the grant of a pilot's licence;
- (b) the inclusion or variation of any rating in his licence,

save that this section shall not apply to any instruction in flying given to a person for the purpose of becoming qualified for the inclusion in his licence of an aircraft rating entitling him to act as pilot of a multi-engine aircraft or of an aircraft of any class appearing in column 4 of the Table in Schedule 1 if that person has previously been entitled under the Order, or qualified in the Defence Force of Trinidad and Tobago to act as pilot of multi-engined aircraft, or of an aircraft of that class as the case may be.

25. A person under the age of sixteen years shall not act as pilot in command of a glider. Glider pilot—
minimum age

PART V

OPERATION OF AIRCRAFT

26. (1) This section applies to public transport aircraft registered in Trinidad and Tobago except aircraft used for the time being solely for flights not intended to exceed sixty minutes in duration, which are either— Operations manual

- (a) flights solely for training persons to perform duties in an aircraft; or
- (b) flights intended to begin and end at the same aerodrome.

(2) The operator of every aircraft to which this section applies shall—

- (a) make available to each member of his operating staff an operations manual; and
- (b) ensure that each copy of the operations manual is kept up to date; and
- (c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to his duties on the flight.

(3) An operations manual shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such including in particular information and instructions relating to the matters specified in Regulations made under this Order, save that the operations manual shall not be required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.

(4) An aircraft to which this section applies shall not fly unless, not less than thirty days prior to such flight, the operator of the aircraft has furnished to the Minister a copy of the whole of the operations manual for the time being in effect in respect of the aircraft.

(5) Any amendments or additions to the operations manual shall be furnished to the Minister by the operator or immediately after they come into effect, save that, where an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to the Minister.

(6) Without prejudice to subsections (1) to (5) the operator shall make such amendments or additions to the operations manual as the Minister may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

(7) For the purposes of this section and section 47, "operating staff" means the servants and agents employed by the operator, whether or not as members of the crew of the aircraft, to ensure that the flights of the aircraft are conducted in a safe manner, and includes an operator who himself performs those functions.

(8) If in the course of a flight on which weather radar is required by Regulations made under this Order the weather radar equipment becomes unserviceable, the aircraft shall be operated on the remainder of that flight in accordance with any relevant instructions in the operations manual.

27. (1) The operator of every aircraft registered in Trinidad and Tobago and flying for the purpose of public transport shall— Training manual

- (a) make a training manual available to every person appointed by the operator to give or to supervise the training, experience, practice or periodical tests required under section 28(2); and
- (b) ensure that each copy of that training manual is kept up to date.

(2) Each training manual shall contain all such information and instructions as may be necessary to enable a person appointed by the operator to give or to supervise the training, experience, practice and periodical tests required under section 28(2) to perform his duties as such including in particular information and instructions relating to the matters specified in Regulations made under this Order.

(3) An aircraft to which this section applies shall not fly unless, not less than thirty days prior to such flight, the operator of the aircraft has furnished to the Minister a copy of the whole of his training manual relating to the crew of that aircraft.

(4) Any amendments or additions to the training manual shall be furnished to the Minister by the operator before or immediately after they come into effect, save that where an amendment or addition relates to training, experience, practice or periodical tests on an aircraft to which the training manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to the Minister.

(5) Without prejudice to subsections (1) to (4) the operator shall make amendments or additions to the training manual as the Minister may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

28. (1) The operator of an aircraft registered in Trinidad and Tobago shall not permit the aircraft to fly for the purpose of public transport without first— Public transport—operator's responsibilities

- (a) designating from among the flight crew a pilot to be the commander of the aircraft for the flight; and
- (b) satisfying himself by every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion therefrom are adequate for the safe navigation of the aircraft; and

(c) satisfying himself by every reasonable means that the aerodromes at which it is intended to take-off or land and any alternate aerodrome at which a landing may be made are suitable for the purpose and in particular are adequately manned and equipped to ensure the safety of the aircraft and its passengers so, however, that the operator of the aircraft shall not be required to satisfy himself as to the adequacy of fire-fighting, search, rescue or other services which are required only after the occurrence of an accident.

(2) The operator of an aircraft registered in Trinidad and Tobago shall not permit any person to be a member of the crew thereof during any flight for the purpose of public transport, except a flight for the sole purpose of training persons to perform duties in aircraft, unless such person has had the training, experience, practice and periodical tests specified in Regulations made under this Order in respect of the duties which he is to perform and unless the operator has satisfied himself that such person is competent to perform his duties, and in particular to use the equipment provided in the aircraft for that purpose and the operator shall maintain, preserve, produce and furnish information respecting records relating to the foregoing matters in accordance with the aforesaid Regulations.

(3) The operator of an aircraft registered in Trinidad and Tobago shall not permit any member of the flight crew thereof, during any flight for the purpose of the public transport of passengers, to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely affect the flight characteristics of the aircraft.

Loading—
public
transport
aircraft and
suspended
loads

29. (1) The operator of an aircraft registered in Trinidad and Tobago shall not cause or permit it to be loaded for a flight for the purpose of public transport, or any load to be suspended therefrom, except under the supervision of a person whom he has caused to be furnished with written instructions as to the distribution and securing of the load so as to ensure that—

(a) the load may safely be carried on the flight; and

(b) any conditions subject to which the certificate of airworthiness in force in respect of the aircraft was issued or rendered valid, being conditions relating to the loading of the aircraft, are complied with.

(2) The instructions shall indicate the weight of the aircraft prepared for service, that is to say the aggregate of the weight of the aircraft, shown in the weight schedule referred to in section 17, and the weight of such additional items in or on the aircraft as the operator

thinks fit to include and the instructions shall indicate the additional items included in the weight of the aircraft prepared for service, and show the position of the centre of gravity of the aircraft at that weight, save that this subsection shall not apply in relation to a flight if—

- (a) the aircraft's maximum total weight authorised does not exceed 1,150 kg; or
- (b) the aircraft's maximum total weight authorised does not exceed 2,730 kg and the flight is intended not to exceed sixty minutes in duration and is either—
 - (i) a flight solely for training persons to perform duties in an aircraft; or
 - (ii) a flight intended to begin and end at the same aerodrome; or
- (c) the aircraft is a helicopter the maximum total weight authorised of which does not exceed 3,000 kg and the total seating capacity of which does not exceed five persons.

(3) The operator of an aircraft shall not cause or permit it to be loaded in contravention of the instructions referred to in subsection (1).

(4) The person supervising the loading of the aircraft shall, before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the prescribed requirements and shall, unless he is himself the commander of the aircraft, submit the load sheet for examination by the commander of the aircraft who shall sign his name thereon, save that the foregoing requirements of this subsection shall not apply if—

- (a) the load and the distributing and securing thereof upon the next intended flight are to be unchanged from the previous flight and the commander of the aircraft makes and signs an endorsement to that effect upon the load sheet for the previous flight, indicating the date of the endorsement, the place of departure upon the next intended flight and the next intended place of destination; or
- (b) subsection (2) does not apply in relation to the flight.

(5) One copy of the load sheet shall be carried in the aircraft when section 62 so requires until the flights to which it relates have been completed and one copy of that load sheet and of the instructions referred to in this section shall be preserved by the operator until the expiration of a period of six months thereafter and shall not be carried in the aircraft, save that in the case of an aeroplane of which the maximum total weight authorised does not exceed 2,730 kg or a helicopter, if it is not reasonably practicable for the copy of the load sheet to be kept on the ground it may be carried in the aeroplane or helicopter, as the case may be, in a box approved by the Minister for that purpose.

(6) The operator of an aircraft registered in Trinidad and Tobago and flying for the purpose of the public transport of passengers shall not cause or permit baggage to be carried in the passenger compartment of the aircraft unless such baggage can be properly secured and, in the case of an aircraft capable of seating more than thirty passengers, such baggage other than baggage carried in accordance with a permission under section 37(2)(d), shall not exceed the capacity of the spaces in the passenger compartment approved by the Minister for the purpose of stowing baggage.

Public
transport—
operating
conditions

30. (1) An aircraft registered in Trinidad and Tobago shall not fly for the purpose of public transport, except for the sole purpose of training persons to perform duties in aircraft, unless such requirements as may be prescribed in respect of its weight and related performance and flight in specified meteorological conditions or at night are complied with.

(2) The assessment of the ability of an aircraft to comply with subsection (1) shall be based on the information as to its performance contained in the certificate of airworthiness relating to the aircraft and in the event of the information given therein being insufficient for that purpose such assessment shall be based on the best information available to the commander of the aircraft.

(3) A flying machine registered in Trinidad and Tobago when flying over water for the purpose of public transport shall fly, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the aircraft—

- (a) if it has one engine only, in the event of the failure of that engine;
- (b) if it has more than one engine, in the event of the failure of one of those engines, and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness relating to the aircraft,

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(4) Without prejudice to the provisions of subsection (3), an aeroplane in respect of which there is in force under this Order a certificate of airworthiness designating the aeroplane at being of performance "group X" shall not fly over water for the purpose of public transport so as to be more than sixty minutes flying time from the nearest shore, unless the aeroplane has more than two power units and for the purposes of this paragraph, flying time shall be calculated at normal cruising speed with one power unit inoperative.

(5) Without prejudice to the provisions of subsection (3), a helicopter in respect of which there is in force under this Order a certificate of airworthiness designating the helicopter as being of performance group B (in this subsection and subsection (6) "called a group B helicopter") shall not fly over water for the purpose of public transport so as to be more than twenty seconds flying time from a point from which it can make an authoritative descent to land suitable for an emergency landing (in this subsection and subsection (6) called "the specified circumstances") unless it is equipped with apparatus approved by the Minister enabling it to land safely on water (in subsection (6) called "the required apparatus").

(6) Without prejudice to subsection (3), a group B helicopter equipped with the required apparatus, which is flying under and in accordance with the terms of an air operator's certificate, shall not fly in the specified circumstances on any flight for more than three minutes except with the permission in writing of the Minister and in accordance with any conditions subject to which that permission may have been granted.

(7) For the purposes of subsections (5) and (6), flying time shall be calculated on the assumption that a helicopter is flying in still air at the speed specified in the certificate of airworthiness in force in respect of the helicopter as the speed for compliance with regulations governing flights over water.

(8) Without prejudice to the provisions of subsection (3), a helicopter in respect of which there is in force under this Order a certificate of airworthiness designating the helicopter as being of performance group A2 (in this paragraph of this article called "a group A2 helicopter"), which is flying under and in accordance with the terms of an air operator's certificate, shall not fly over water for the purpose of public transport for more than fifteen minutes during any flight unless it is equipped with apparatus approved by the Minister enabling it to land safely on water (in subsection (6) called "the required apparatus").

(9) Notwithstanding subsection (1), a helicopter in respect of which there is in force under this Order a Certificate of Airworthiness designating the helicopter as being of performance Group A or Group A (Restricted) may fly for the purpose of public transport in accordance with the weight and related performance requirements prescribed for helicopters designated as being of —

- (a) performance Group A (Restricted) in the case of a helicopter designated as being of performance Group A if—
 - (i) the maximum total weight authorised of the helicopter is less than 5,700 kg; and
 - (ii) the total number of passengers carried on the helicopter does not exceed fifteen; or
- (b) performance Group B if—
 - (i) the maximum total weight authorised of the helicopter is less than 2,730 kg; and
 - (ii) the total number of passengers carried does not exceed nine.

Aircraft registered in Trinidad and Tobago— aerodrome operating minima

31. (1) This section applies to public transport aircraft registered in Trinidad and Tobago.

(2) The operator of every aircraft to which this section applies shall establish and include in the operations manual relating to the aircraft the particulars (in this subsection called “the particulars”) of the aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every alternate aerodrome, save that in relation to any flight wherein —

- (i) an operations manual is not required pursuant to section 26(2)(a); or
- (ii) it is not practicable to include the particulars in the operations manual,

the operator of the aircraft shall, prior to the commencement of the flight, cause to be furnished in writing to the commander of the aircraft the particulars calculated in accordance with the required data and instructions as defined in subsection (2) and the operator shall cause a copy of the particulars to be retained outside the aircraft for a minimum period of three months.

(3) The operator of every aircraft to which this section applies for which an operations manual is required pursuant to section 26(2)(a), shall include in that operations manual such data and instructions (in this section called “the required data and instructions”) as will enable the commander of the aircraft to calculate the aerodrome operating minima appropriate to aerodromes the use of which cannot reasonably have been foreseen by the operator prior to the commencement of the flight.

(4) The operator of every such aircraft to which this section applies for which an operations manual is not required pursuant to section 26(2)(a) shall, prior to the commencement of the flight, cause to be furnished in writing to the commander of the aircraft the required data and instructions and the operator shall cause a copy of the required data and instructions to be retained outside the aircraft for a minimum period of three months.

(5) The aerodrome operating minima specified shall not, in respect of any aerodrome, be such as would permit a landing or take-off at that aerodrome by the aircraft in question at a time when the aerodrome operating minima declared in respect of that aerodrome for such aircraft by the competent authority would not permit a take-off or landing, as the case may be, unless that authority otherwise permits in writing.

(6) In establishing aerodrome operating minima for the purposes of this section the operator of the aircraft shall take into account the following matters:

- (a) the type and performance and handling characteristics of the aircraft and any relevant conditions in its certificate of airworthiness;
- (b) the composition of its crew;
- (c) the physical characteristics of the relevant aerodrome and its surroundings;
- (d) the dimensions of the runways which may be selected for use; and
- (e) whether or not there are in use at the relevant aerodrome any aids, visual or otherwise, to assist aircraft in approach, landing or take-off, being aids which the crew of the aircraft are trained and equipped to use the nature of any such aids that are in use, and the procedures for approach, landing and take-off which may be adopted according to the existence or absence of such aids,

and shall establish in relation to each runway which may be selected for use such aerodrome operating minima as are appropriate to each set of circumstances which can reasonably be expected.

(7) An aircraft to which this section applies shall not commence a flight at a time when —

- (a) the cloud ceiling or the runway visual range at the aerodrome of departure is less than the relevant minimum specified for take-off; or
- (b) according to the information available to the commander of the aircraft it would not be able without contravening subsections (7) or (8), to land at the aerodrome of intended destination at the estimated time of arrival there and at any alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.

(8) An aircraft to which this section applies, when making a descent to an aerodrome, shall not descend from a height of 1,000 feet or more above the aerodrome to a height less than 1,000 feet above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(9) An aircraft to which this section applies, when making a descent to an aerodrome, shall not—

- (a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height,

unless in either case from such height the specified visual reference for landing is established and maintained.

(10) If, according to the information available, an aircraft would as regards any flight be required by the Rules of the Air to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the commander of the aircraft shall select prior to take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(11) In this section "specified" in relation to aerodrome operating minima means such particulars of aerodrome operating minima as have been specified by the operator in, or are ascertainable by reference to, the operations manual relating to that aircraft, or furnished in writing to the commander of the aircraft by the operator pursuant to subsection (2) or (4).

Aircraft not
registered in
Trinidad and
Tobago—
aerodrome
operating
minima

32. (1) A public transport aircraft registered in a country other than Trinidad and Tobago shall not fly in or over Trinidad and Tobago unless the operator thereof shall have furnished to the Minister such particulars as he may from time to time have required relating to the aerodrome operating minima specified by the operator in relation to aerodromes in Trinidad and Tobago for the purpose of limiting their use by the aircraft for take-off or landing, including any instructions given by the operator in relation to such aerodrome operating minima.

(2) An aircraft referred to in subsection (1), shall not fly in or over Trinidad and Tobago unless the operator shall have made such amendments or additions to the aerodrome operating minima so specified and any instructions so given as the Minister may require for the purpose of ensuring the safety of the aircraft or the safety, efficiency or regularity of air navigation.

(3) An aircraft referred to in subsection (1), shall not take-off or land at an aerodrome in Trinidad and Tobago in contravention of the specified aerodrome operating minima or the specified instruction.

(4) Without prejudice to the provisions of subsection (3), a public transport aircraft registered in a country other than Trinidad and Tobago, when making a descent to an aerodrome, shall not descend from a height of 1000 ft or more above the aerodrome to a height less than 1000 ft above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than specified minimum for landing.

(5) Without prejudice to the provisions of subsection (3), a public transport aircraft registered in a country other than Trinidad and Tobago, when making a descent to an aerodrome, shall not—

(a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or

(b) descend below the relevant specified minimum descent height,

unless in either case from such height the specified visual reference for landing is established and is maintained.

(6) In this section "specified" in relation to an aircraft means specified by the operator in, or ascertainable by reference to, the particulars furnished by the operator to the Minister pursuant to subsection (1).

33. (1) This section shall apply to any aircraft which is not a public transport aircraft.

(2) An aircraft to which this section applies when making a descent at an aerodrome to a runway in respect of which there is a notified instrument approach procedure shall not descend from a height of 1,000 feet or more above the aerodrome to a height less than 1,000 feet above the aerodrome if the relevant runway visual range for that runway is at the time less than the specified minimum for landing.

(3) An aircraft to which this section applies when making a descent to a runway in respect of which there is a notified instrument approach procedure shall not—

- (a) continue an approach to landing on such a runway by flying below the relevant specified decision height; or
- (b) descent below the relevant specified minimum descent height, unless in either case from such height the specified visual reference for landing is established and is maintained.

(4) In this article "specified" in relation to aerodrome operating minima means such particulars of aerodrome operating minima as have been notified in respect of the aerodrome or if the relevant minima have not been notified such minima as are ascertainable by reference to the notified method for calculating aerodrome operating minima.

34. The commander of an aircraft registered in Trinidad and Tobago shall satisfy himself before the aircraft takes off—

- (a) that the flight can safely be made, taking into account the latest information available as to the route and aerodrome to be used, the weather reports and forecasts available, and any alternative course of action which can be adopted in case the flight cannot be completed as planned;
- (b) that the equipment including radio apparatus, required by under this Order to be carried in the circumstances of the intended flight is carried and is in a fit condition for use and that the flight may commence under and in accordance with the terms of a permission granted to the operator pursuant to section 15;
- (c) that the aircraft is in every way fit for the intended flight, and that where a certificate of maintenance review is required by section 9(1) to be in force, it is in force and will not be cease to be in force during the intended flight;

Non-public
transport
aircraft—
aerodrome
operating minima

Pre-flight
action by
commander of
aircraft

- (d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;
- (e) in the case of a flying machine or airship, that sufficient fuel, oil and engine coolant, if required, are carried for the intended flight, and that a safe margin has been allowed for contingencies, and, in the case of a flight for purpose of public transport, that the instructions in the operations manual relating to fuel, oil and engine coolant have been complied with;
- (f) in the case of an airship or balloon, that sufficient ballast is carried for the intended flight;
- (g) in the case of a flying machine, that, having regard to the performance of the flying machine in the conditions to be expected on the intended flight, and to any obstructions at the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height thereafter, and making a safe landing at the place of intended destination;
- (h) that any pre-flight check system established by the operator and set forth in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft.

Passenger
briefing by
commander

35. The commander of an aircraft registered in Trinidad and Tobago shall take all reasonable steps to ensure—

- (a) before the aircraft takes off on any flight, that all passengers are made familiar with the position and method of use of emergency exits, safety belts with diagonal shoulder strap where required to be carried, safety harnesses and, where required to be carried, oxygen equipment, lifejackets and the floor path lighting system and all other devices required by or under this Order and intended for use by passengers individually in the case of an emergency occurring to the aircraft; and
- (b) that in an emergency during a flight, all passengers are instructed in the emergency action which they should take, save that this section shall not apply to the commander of such an aircraft in relation to a flight under and in accordance with the terms of a police air operator's certificate.

Pilots to
remain at
controls

36. (1) The commander of an aircraft registered in Trinidad and Tobago being a flying machine or glider, shall cause one pilot to remain at the controls at all times while the aircraft is in flight.

(2) If the aircraft referred to in subsection (1), is required by or under this order to carry two pilots, the commander shall cause both pilots to remain at the controls during take-off and landing.

(3) If the aircraft referred to in subsection (1), carries two or more pilots, whether or not it is required to do so, and is engaged on a flight for the purpose of the public transport of passengers the commander shall remain at the controls during take-off and landing.

(4) Each pilot at the controls shall be secured in his seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness except that during take-off and landing a safety harness shall be worn if it is required by section 13 of this order.

37. (1) This section applies to flights for the purpose of the public transport of passengers by aircraft registered in Trinidad and Tobago other than flights under and in accordance with the terms of a police air operator's certificate. Public transport of passengers—additional duties of commander

(2) In relation to every flight to which this section applies the commander of the aircraft shall—

- (a) if the aircraft is not a seaplane but is intended in the course of the flight to reach a point more than twenty minutes flying time, while flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water, from the nearest land, take all reasonable steps to ensure that before take-off, all passengers are given a demonstration of the method of use of the life jackets required by or under this order for the use of passengers;
- (b) if the aircraft is not a seaplane but is required by section 20(7) to carry cabin attendants, take all reasonable steps to ensure that, before the aircraft takes off on a flight—
- (i) which is intended to proceed beyond gliding distance from land; or
 - (ii) on which in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the aircraft would be forced to land onto water,

all passengers are given a demonstration of the method of use of the life jackets required by or under this Order for the use of passengers, save that where the only requirement to give such a demonstration arises because it is reasonably possible that the aircraft would be forced to land onto water at any one or more of the likely alternate destinations the demonstration need not be given until after the decision has been taken to divert to such a destination;

- (c) if the aircraft is a seaplane, take all reasonable steps to ensure that before the aircraft takes off all passengers are given a demonstration of the method of use of lifejackets;
- (d) before the aircraft takes off, and before it lands, take all reasonable steps to ensure that the crew of the aircraft are properly secured in their seats and that any persons carried in compliance with section 20(7) are properly secured in seats which shall be in a passenger compartment and which shall be so situated that those persons can readily assist passengers;
- (e) from the moment when, after the embarkation of its passengers for the purpose of taking off, it first moves until after it has taken off, and before it lands until it comes to rest for the purpose of the disembarkation of its passengers, and whenever by reason of turbulent air or any emergency occurring during the flight he considers the precaution necessary—
 - (i) take all reasonable steps to ensure that all passengers of two years of age or more are properly secured in their seats by safety belts, with diagonal shoulder strap, where required to be carried, or safety harnesses and that all passengers under the age of two years are properly secured by means of a child restraint device; and
 - (ii) take all reasonable steps to ensure that those items of baggage in the passenger compartment which he reasonably considers ought by virtue of their size, weight or nature to be properly secured are properly secured and, in the case of an aircraft capable of seating more than thirty passengers, that such baggage is either stowed in the passenger compartment stowage spaces approved by the Minister for the purpose or carried in accordance with the terms of a written permission granted by the Minister which permission may be granted subject to such conditions as the Minister thinks fit;
- (f) in the case of aircraft in respect of which a certificate of airworthiness was first issued, whether in Trinidad and Tobago or elsewhere, on or after 1st January, 1989 except in a case where a pressure greater than 700 millibars is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that—

- (i) before the aircraft reaches flight level 100 the method of use of the oxygen provided in the aircraft in compliance with the requirements of section 13 is demonstrated to all passengers;
 - (ii) when flying above flight level 120 all passengers and cabin attendants are recommended to use oxygen; and
 - (iii) during any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft;
- (g) in the case of aircraft in respect of which a certificate of airworthiness was first issued, whether in Trinidad and Tobago or elsewhere prior to 1st January, 1989, except in the case where a pressure greater than 700 millibars is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that—
- (i) before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of section 13 is demonstrated to all passengers;
 - (ii) when flying above flight level 130 all passengers and cabin attendants are recommended to use oxygen; and
 - (iii) during any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft,

save that he need not comply with the provisions of this paragraph if he complies instead with the provisions of paragraph (f).

38. (1) The radio station in an aircraft shall not be operated, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station under the law of the country in which the aircraft is registered, and by a person duly licensed or otherwise permitted to operate the radio station under that law. Operation of
radio in
aircraft

(2) Whenever an aircraft is in flight in such circumstances that it is required by or under this order to be equipped with radio communications apparatus, a continuous radio watch shall be maintained by a member of the flight crew listening to the signals transmitted upon the frequency notified, or designated by a message received from an appropriate aeronautical radio station, for use by the aircraft, save that—

- (a) the radio watch may be discontinued or continued on another frequency to the extent that a message as aforesaid so permits; and

- (b) the watch may be kept by a device installed in the aircraft if—
 - (i) the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and
 - (ii) that station is notified, or in the case of a station situated in a country other than Trinidad and Tobago otherwise designated as transmitting a signal suitable for that purpose.

(3) Whenever an aircraft is in flight in such circumstances that it is required by or under this Order to be equipped with radio or radio navigation equipment a member of the flight crew shall operate that equipment in such a manner as he may be instructed by the appropriate air traffic control unit or as may be notified in relation to any notified airspace in which the aircraft is flying.

(4) The radio station in an aircraft shall not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions shall not be made except as follows:

- (a) emission of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying;
- (b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;
- (c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice;
- (d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in subsection (1).

(5) In every aircraft registered in Trinidad and Tobago which is equipped with radio communication apparatus a telecommunication log book shall be kept in which the following entries shall be made:

- (a) the identification of the aircraft radio station;
- (b) the date and time of the beginning and end of every radio watch maintained in the aircraft and of the frequency on which it was maintained;
- (c) the date and time, and particulars of all messages and signals sent or received, including in particular details of any distress signals or distress messages sent or received;
- (d) particulars of any action taken upon the receipt of a distress signal or distress message;

- (e) particulars of any failure or interruption of radio communications and the cause thereof,

save that a telecommunication log book shall not be required to be kept in respect of communication by radiotelephony with a radio station on land or on a ship which provides a radio service for aircraft.

(6) The flight radio operator maintaining radio watch shall sign the entries in the telecommunication log book indicating the times at which he began and ended the maintenance of such watch.

(7) The telecommunication log book shall be preserved by the operator of the aircraft until a date six months after the date of the last entry therein.

(8) In any flying machine registered in Trinidad and Tobago which is engaged on a flight for the purpose of public transport the pilot and the flight engineer, if any, shall not make use of a hand-held microphone, whether for the purpose of radio communication or of intercommunication within the aircraft, whilst the aircraft is flying in controlled airspace below flight level 150 or is taking off or landing.

39. (1) An aircraft registered in Trinidad and Tobago shall not fly in airspace prescribed for the purposes of this section unless— Minimum navigation performance

- (a) it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability;
- (b) the navigation systems required by paragraph (a) are approved by the Minister and installed and maintained in a manner approved by the Minister;
- (c) the operating procedures for the navigation systems required by paragraph (a) are approved by the Minister; and
- (d) the equipment is operated in accordance with the approved procedures while the aircraft is flying in the airspace.

(2) An approval granted by the Minister for the purposes of this section shall be in writing and may be subject to such conditions as the Minister thinks fit.

40. (1) An aircraft registered in Trinidad and Tobago shall not fly in controlled airspace notified for the purposes of this subsection as an area navigation route or area unless— Area navigation equipment aircraft registered in Trinidad and Tobago

- (a) it is equipped with area navigation equipment which is approved by the Minister in relation to the purpose for which it is to be used, and which is installed and maintained in a manner approved by the Minister; and
- (b) the said equipment is capable of being operated so as to enable the aircraft to maintain the navigation accuracy notified in respect of the airspace in which the aircraft is flying, and it is so operated.

(2) An aircraft registered in Trinidad and Tobago shall not, when flying in controlled airspace notified for the purposes of this

subsection, not being an area navigation route or area, be navigated by means of area navigation equipment unless—

- (a) the said equipment is approved by the Minister in relation to the purpose for which it is to be used, and is installed and maintained in a manner approved by the Minister; and
- (b) the said equipment is capable of being operated so as to enable the aircraft to maintain the navigation accuracy notified in respect of the airspace in which the aircraft is flying, and it is so operated.

(3) For the purposes of this section, an approval shall be in writing and may be subject to such conditions as the Minister thinks fit and such an approval may be granted in respect of any aircraft or specified class or category of aircraft or in respect of a specified type or types of equipment.

Area
navigation
equipment—
aircraft not
registered in
Trinidad and
Tobago

41. (1) An aircraft which is not registered in Trinidad and Tobago shall not fly in controlled airspace notified for the purpose of this section unless—

- (a) it is so equipped with area navigation equipment as to comply with the law of the country in which the aircraft is registered insofar as that law requires it to be equipped when flying within any specified areas; and
- (b) the said equipment is capable of being operated so as to enable the aircraft to maintain the navigation accuracy notified in respect of the airspace in which the aircraft is flying and it is so operated.

(2) An aircraft which is not registered in Trinidad and Tobago shall not, when flying in controlled airspace notified for the purposes of section 40(2) be navigated by means of area navigation equipment unless—

- (a) the said equipment complies with the law of the country in which the aircraft is registered insofar as that law requires it to be so equipped when flying within any specified areas; and
- (b) the said equipment is capable of being operated so as to enable the aircraft to maintain the navigation accuracy notified in respect of the airspace in which the aircraft is flying, and it is so operated.

Use of flight
recording
systems and
preservation
of records

42. (1) On any flight on which a flight data recorder or a cockpit voice recorder or a combined cockpit voice recorder/flight data recorder is required by regulations made under this Order to be carried in an aeroplane it shall always be in use from the beginning of the take-off run to the end of the landing run.

(2) The operator of the aeroplane shall at all times, subject to the provisions of section 66, preserve—

- (a) the last twenty-five hours of recording made by any flight data recorder required by or under this Order to be carried in an aeroplane; and
- (b) a record of not less than one representative flight, that is to say, a recording of a flight made within the last twelve months which includes a take-off, climb, cruise, descent, approach to landing and landing, together with a means of identifying the record with the flight to which it relates,

and shall preserve such records for such period as the Minister may in a particular case direct.

(3) On any flight on which a flight voice recorder or a flight data recorder or a combination thereof is required by the said regulations to be carried in a helicopter—

- (a) it shall always be in use from the time the rotors first turn for the purpose of taking off until the rotors are next stopped; and
- (b) the operator of the helicopter shall comply with any such requirements as are prescribed relating to the preservation of any recordings of any such recorders.

43. (1) An aircraft in flight shall not tow a glider unless the certificate of airworthiness issued or rendered valid in respect of the towing aircraft under the law of the country in which that aircraft is registered includes an express provision that it may be used for that purpose.

(2) The length of the combination of towing aircraft, tow rope and glider in flight shall not exceed 150 metres.

(3) The commander of an aircraft which is about to tow a glider shall satisfy himself, before the towing aircraft takes off—

- (a) that the tow rope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of safely taking off, reaching and maintaining a safe height at which to separate the combination and that thereafter the towing aircraft can make a safe landing at the place of intended destination;
- (b) that signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely;

- (c) that emergency signals have been agreed between the commander of the towing aircraft and the commander of the glider, to be used, respectively, by the commander of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the commander of the glider to indicate that the tow cannot be released.

(4) The glider shall be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

Towing,
picking up
and raising of
persons and
articles

44. (1) Subject to this section, an aircraft in flight shall not, by means external to the aircraft, tow any article, other than a glider, or pick up or raise any person, animal or article, unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered includes an express provision that it may be used for that purpose.

(2) An aircraft shall not launch or pick up tow ropes, banners or similar articles other than at an aerodrome.

(3) An aircraft in flight shall not tow any article, other than a glider, at night or when flight visibility is less than one nautical mile.

(4) The length of the combination of towing aircraft, tow rope, and article in tow, shall not exceed 150 metres.

(5) A helicopter shall not fly at any height over a congested area of a city, town or settlement at any time when any person, article or animal is suspended from the helicopter.

(6) A passenger shall not be carried in a helicopter at any time when an article, person or animal is suspended therefrom, other than a passenger who has duties to perform in connection with the article, person or animal or a passenger who has been picked up or raised by means external to the helicopter or a passenger who is intended shall be lowered to the surface by such means.

(7) Nothing in this section shall—

- (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by or under this Order to be towed or displayed by an aircraft in flight;
- (b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;
- (c) apply to any aircraft while it is flying in accordance with the "B Conditions";
- (d) be taken to permit the towing or picking up of a glider otherwise than in accordance with section 43.

45. (1) Animals and articles, whether or not attached to a parachute, shall not be dropped, or be permitted to drop, from an aircraft in flight so as to endanger persons or property. ^{Dropping of animals and articles}

(2) Except under and in accordance with the terms of an aerial application certificate granted under section 47, animals and articles, whether or not attached to a parachute, shall not be dropped, or be permitted to drop, to the surface from an aircraft flying over Trinidad and Tobago, save that this subsection shall not apply to the dropping of articles by, or with the authority of, the commander of the aircraft in any of the following circumstances:

- (a) the dropping of articles for the purpose of saving life;
- (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
- (c) the dropping of ballast in the form of fine sand or water;
- (d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of this Order;
- (e) the dropping at an aerodrome of tow ropes, banners, or similar articles towed by aircraft;
- (f) the dropping of articles for the purposes of public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the Minister and in accordance with any conditions subject to which that permission may have been given;
- (g) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind drift indicators are dropped with the permission of the Minister and in accordance with any conditions subject to which that permission may have been given.

(3) For the purposes of this section dropping includes projecting and lowering.

(4) Nothing in this section shall prohibit the lowering of any animal or article from a helicopter to the surface, if the certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered includes an express provision that it may be used for that purpose.

46. (1) A person shall not drop, be dropped or be permitted to drop to the surface or jump from an aircraft flying over Trinidad and Tobago except under and in accordance with the terms of a written permission granted by the Minister under this section. ^{Dropping of persons}

(2) For the purpose of this section dropping includes projecting and lowering.

(3) Notwithstanding the grant of a permission under subsection (1), a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(4) An aircraft shall not be used for the purpose of dropping persons unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered includes an express provision that it may be used for that purpose and the aircraft is operated in accordance with the written permission granted by the Minister under this section.

(5) Every applicant for and every holder of a permission shall make available to the Minister if requested to do so a parachuting manual and shall make such amendments or additions to such manual as the Minister may require.

(6) The holder of a permission shall make available to every employee or person who is engaged or may engage in parachuting activities conducted by him the manual which shall contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(7) Without prejudice to any other provision of this Order the Minister may, for the purpose of this section, accept reports furnished to him by a person whom he may approve, either absolutely or subject to such conditions as he thinks fit, as qualified to furnish such reports.

(8) Nothing in this section shall apply to the descent of persons by parachute from an aircraft in an emergency.

(9) Nothing in this section shall prohibit the lowering of any person in an emergency or for the purpose of saving life.

(10) Nothing in this section shall prohibit the lowering of any person from a helicopter to the surface, if the certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered includes an express provision that it may be used for that purpose.

Issue of aerial
application
certificates

47. (1) An aircraft shall not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes, otherwise than under and in accordance with the terms of an aerial application certificate granted to the operator of the aircraft under subsection (2).

(2) The Minister may grant to any person applying therefor an aerial application certificate if he is satisfied that that person is a fit person to hold the certificate and is competent having regard in particular to his previous conduct and experience, his equipment, organisation, staffing and other arrangements, to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in subsection (1).

(3) The certificate may be granted subject to such conditions as the Minister thinks fit including, without prejudice to the generality of the foregoing, conditions for ensuring that the aircraft and any article dropped from it do not endanger persons or property in the aircraft or elsewhere, and shall, subject to the provisions of section 67, remain in force for the period specified in the certificate.

(4) Every applicant for and holder of an aerial application certificate shall make available to the Minister upon application and to every member of his operating staff upon the certificate being granted an aerial application manual which shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such.

(5) The holder of a certificate shall make such amendments of or additions to the manual as the Minister may require.

(6) For the purposes of this section "operating staff" has the meaning ascribed to it in section 26(7).

48. (1) An aircraft shall not carry any munition of war unless— Carriage of weapons and munitions of war
- (a) such munition of war is carried with the written permission of the Minister and in accordance with any conditions relating thereto; and
 - (b) the commander of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any such munition of war on board or suspended beneath the aircraft and any conditions of the permission of the Minister.

(2) Notwithstanding subsection (1) it shall be unlawful for an aircraft to carry any weapon or munition of war in any compartment or apparatus to which passengers have access.

(3) It shall be unlawful for a person to carry or have in his possession or to take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage thereon any weapon or munition of war unless—

- (a) the weapon or munition of war—
 - (i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereon;
 - (ii) is carried in a part of the aircraft or in any apparatus attached to the aircraft inaccessible to passengers; and
 - (iii) in case of a firearm, is unloaded;

- (b) particulars of the weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences; and
- (c) without prejudice to subsection (1) the operator consents to the carriage of such weapon or munition of war by the aircraft.

(4) Nothing in this section shall apply to any weapon or munition of war taken or carried on board an aircraft registered in a country other than Trinidad and Tobago if the weapon or munition of war, as the case may be, may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

(5) For the purposes of this section a "munition of war" means any weapon, ammunition or article containing an explosive or any noxious liquid, gas or other thing which is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article.

Carriage of
dangerous
goods

49. (1) Without prejudice to any other provisions of this Order, the President may by Order prescribe—

- (a) the classification of certain articles and substances as dangerous goods;
- (b) the categories of dangerous goods which an aircraft may not carry;
- (c) the conditions which apply to the loading on, suspension beneath and carriage by an aircraft of dangerous goods;
- (d) the manner in which dangerous goods must be packed, marked, labelled and consigned before being loaded on, suspended beneath or carried by an aircraft;
- (e) any other provisions for securing the safety of aircraft and any apparatus attached thereto, and the safety of persons and property on the surface in relation to the loading on, suspension beneath or carriage by an aircraft of dangerous goods;
- (f) the persons to whom information about the carriage of dangerous goods must be provided;
- (g) the documents which must be produced to the Minister or an authorised person on request;
- (h) the powers to be conferred on an authorised person relating to the enforcement of the regulations made hereunder.

(2) It shall be an offence to contravene or permit the contravention of or fail to comply with any regulations made hereunder.

(3) The provisions of this section and of any regulations made thereunder shall be additional to and not in derogation of the provisions of section 48.

50. A person shall not be in or on any part of an aircraft in flight which is not a part designed for the accommodation of persons and in particular a person shall not be on the wings or undercarriage of an aircraft and a person shall not be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight, save that a person may have temporary access to—

- (a) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods therein; and
- (b) any part of an aircraft in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.

51. (1) Subject to subsection (6), this section shall apply to every public transport aircraft registered in Trinidad and Tobago.

(2) Whenever an aircraft to which this section applies is carrying passengers, every exit therefrom and every internal door in the aircraft shall be in working order, and during take-off and landing and during any emergency, every such exit and door shall be kept free of obstruction and shall not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers, save that—

- (a) an exit may be obstructed by cargo if it is an exit which, in accordance with arrangements approved by the Minister either generally or in relation to a class of aircraft or a particular aircraft, is not required for use by passengers;
- (b) a door between the flight crew compartment and any adjacent compartment to which passengers have access may be locked or bolted if the commander of the aircraft so determines, for the purpose of preventing access by passengers to the flight crew compartment; and
- (c) nothing in this subsection shall apply to any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aircraft in an emergency if it is not in working order.

(3) Every exit from the aircraft shall be marked with the words "EXIT" or "EMERGENCY EXIT" in capital letters.

(4) Every exit from the aircraft shall be marked with instructions in English and with diagrams, to indicate the correct method of opening the exit.

(5) The markings referred to in subsection (4) shall be placed on or near the inside surface of the door or other closure of the exit and, if it is openable from the outside of the aircraft, on or near the exterior surface.

(6) Every aircraft to which this section applies, being an aircraft of which the maximum total weight authorised exceeds 3,600 kg, shall be marked upon the exterior surface of its fuselage with markings to show the areas, in this subsection referred to as "break-in areas", which can, for purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aircraft.

(7) The break-in areas shall be rectangular in shape and shall be marked by right-angled corner markings, each arm of which shall be 10 centimetres in length along its outer edge and 2.5 centimetres in width.

(8) The words "CUT HERE IN EMERGENCY" shall be marked across the centre of each break-in area in capital letters.

(9) Subsections (6), (7) and (8) shall not apply to helicopters.

(10) On every flight by an aircraft to which this section applies, being an aircraft of which the maximum total weight authorised exceeds 5,700 kg, every exit from such an aircraft intended to be used by passengers in an emergency shall be marked upon the exterior of the aircraft by a band not less than 5 centimeters in width outlining the exit.

(11) The markings required by this section shall—

- (a) be painted, or affixed by other equally permanent means;
- (b) except in the case of the markings required by subsection (10), be red in colour, and in any case in which the colour of the adjacent background is such as to render red markings not readily visible, be outlined in white or some other contrasting colour in such a manner as to render them readily visible;
- (c) in the case of the markings required by subsection (10) be of a colour clearly contrasting with the background on which it appears; and
- (d) be kept at all times clean and unobscured.

(12) If one, but not more than one, exit from an aircraft becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this section shall prevent that aircraft from carrying passengers until it next lands at a place where the exit can be repaired or replaced, save that—

- (a) the number of passengers carried and the position of the seats which they occupy is in accordance with arrangements approved by the Minister either in relation to the particular aircraft or to a class of aircraft; and

- (b) in accordance with arrangements so approved, the exit is fastened by locking or otherwise, the words "EXIT" or "EMERGENCY EXIT" are covered, and the exit is marked by a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words "NO EXIT" in red letters.

52. A person shall not recklessly or negligently act in a manner likely to endanger an aircraft, or any person therein. Imperilling safety of aircraft

53. A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property. Imperilling safety of any person or property

54. (1) A person shall not enter any aircraft when drunk, or be drunk in any aircraft. Drunkenness in aircraft

(2) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of drink or a drug to such an extent as to impair his capacity so to act.

55. (1) Notices indicating when smoking is prohibited shall be exhibited in every aircraft registered in Trinidad and Tobago so as to be visible from each passenger seat therein. Smoking in aircraft

(2) A person shall not smoke in any compartment of an aircraft registered in Trinidad and Tobago at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the commander of the aircraft.

56. Every person in an aircraft registered in Trinidad and Tobago shall obey all lawful commands which the commander of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation. Authority of commander of aircraft

57. A person shall not secrete himself for the purpose of being carried in an aircraft without the consent of either the operator or the commander thereof or of any other person entitled to give consent to his being carried in the aircraft. Stowaways

PART VI FATIGUE OF CREW

58. (1) Sections 59 and 60 apply in relation to any aircraft registered in Trinidad and Tobago which is either— Application and interpretation of Part VI

(a) engaged on a flight for the purpose of public transport; or

(b) operated by an air transport undertaking, save that sections 54 and 55 shall not apply in relation to a flight made only for the purpose of instruction in flying given by or on behalf of a flying club or flying school, or a person who is not an air transport undertaking.

(2) In this Part, the following expressions shall, except where the context otherwise requires, have the meanings hereby respectively assigned to them, that is to say—

(a) “flight time”, in relation to any person, means all time spent by that person in an aircraft whether or not registered in Trinidad and Tobago, other than an aircraft of which the maximum total weight authorised does not exceed 1,600 kg and which is not flying for the purpose of public transport or aerial work, while it is in flight and he is carried therein as a member of the crew thereof;

(b) “day” means a continuous period of twenty-four hours beginning at midnight Coordinated Universal Time

(3) For the purposes of this Part, a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

Fatigue of
crew—
operator's
responsi-
bilities

59. (1) The operator of an aircraft to which this section applies shall not cause or permit that aircraft to make a flight unless—

(a) he has established a scheme for the regulation of flight times for every person flying in that aircraft as a member of its crew;

(b) the scheme is approved by the Minister subject to such conditions as he thinks fit;

(c) either—

(i) the scheme is incorporated in the operations manual required by section 26; or

(ii) in a case where an operations manual is not required by that section the scheme is incorporated in a document, a copy of which has been made available to every person flying in that aircraft as a member of its crew; and

(d) he has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aircraft as a member of its crew.

(2) The operator of an aircraft to which this section applies shall not cause or permit any person to fly therein as a member of its crew if he knows or has reason to believe that that person is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue while he is so flying as may endanger the safety of the aircraft or of its occupants.

(3) The operator of an aircraft to which this section applies shall not cause or permit any person to fly therein as a member of its flight crew unless the operator has in his possession an accurate and up-to-date record in respect of that person and in respect of the twenty-eight days immediately preceding the flight showing—

- (a) all his flight times; and
- (b) brief particulars of the nature of the functions performed by him in the course of his flight times.

(4) The record referred to in subsection (3) shall, subject to the provisions of section 66, be preserved by the operator of the aircraft until a date twelve months after the flight referred to in that subsection.

60. (1) A person shall not act as a member of the crew of an aircraft to which this section applies if he knows or suspects that he is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

Fatigue of crew—responsibilities of crew

(2) A person shall not act as a member of the flight crew of an aircraft to which this section applies unless he has ensured that the operator of the aircraft is aware of his flight times during the period of twenty-eight days preceding the flight.

61. A person shall not act as a member of the flight crew of an aircraft registered in Trinidad and Tobago if at the beginning of the flight the aggregate of all his previous flight times—

Flight times—responsibilities of flight crew

- (a) during the period of twenty-eight consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours; or
- (b) during the period of twelve months expiring at the end of the previous month exceeds 900 hours, save that this section shall not apply to a flight made—
 - (i) in an aircraft of which the maximum total weight authorised does not exceed 1,600 kg and which is not flying for the purposes of public transport or aerial work; or
 - (ii) in an aircraft not flying for the purpose of public transport nor operated by an air transport undertaking, if at the time when the flight begins the aggregate of all the flight times of the aforesaid person since he was last medically examined and found fit by a person approved by the Minister for the purpose of section 21(7) does not exceed twenty-five hours.

PART VII

DOCUMENTS AND RECORDS

Documents to be carried 62. (1) An aircraft shall not fly unless it carries the documents which it is required to carry under the law of the country in which it is registered.

(2) An aircraft registered in Trinidad and Tobago shall, when in flight, carry documents in accordance with Schedule 3, save that, if the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than Trinidad and Tobago the documents may be kept at that aerodrome instead of being carried in the aircraft.

Records to be kept 63. The operator of a public transport aircraft registered in Trinidad and Tobago shall, in respect of any flight by that aircraft during which it may fly at an altitude of more than 49,000 feet, keep a record in a manner prescribed of the total dose of cosmic radiation to which the aircraft is exposed during the flight together with the names of the members of the crew of the aircraft during the flight.

Production of documents and records 64. (1) The commander of an aircraft shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person—

- (a) the certificates of registration and airworthiness in force in respect of the aircraft;
- (b) the licences of its flight crew;
- (c) such other documents as the aircraft is required by section 3 to carry when in flight.

(2) The operator of an aircraft registered in Trinidad and Tobago shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person such of the following documents or records as may have been requested by that person being documents or records which are required, by or under this Order, to be in force or to be carried, preserved or made available—

- (a) the documents referred to in Schedule 3 to this Order as Documents A, B and G;
- (b) the aircraft log book, engine log books and variable pitch propeller log books required under this Order to be kept;
- (c) the weight schedule, if any, required to be preserved under section 16;
- (d) in the case of a public transport aircraft or aerial work aircraft, the documents referred to in Schedule 3 as Documents D, E, F and H;

- (e) any records of flight times, duty periods and rest periods which he is required by section 59(4) of this Order to preserve, and such other documents and information in the possession or control of the operator, as the authorised person may require for the purpose of determining whether those records are complete and accurate;
- (f) any such operations manuals as are required to be made available under section 26(2);
- (g) the record made by any flight data recorder required to be carried by or under this Order;
- (h) the record made from any cosmic radiation detection equipment together with the record of the names of the members of the crew of the aircraft which are required to be kept under section 63.

(3) The holder of a licence granted or rendered valid under this Order shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person his licence, including any certificate of validation.

(4) The requirements of subsection (3) shall be deemed to have been complied with, except in relation to licences required by section 62 to be carried in the aircraft or kept at an aerodrome, if the licence requested is produced within five days after the request has been made at a police station in Trinidad and Tobago specified, at the time of the request, by the person to whom the request is made.

(5) Subsection (3) shall apply to a medical certificate issued pursuant to section 20(1)(b)(ii) as they apply to a licence granted or rendered valid under this Order.

(6) Every person required by section 23 of this Order to keep a personal flying log book shall cause it to be produced within a reasonable time to an authorised person after being requested to do so by him within two years after the date of the last entry therein.

65. An authorised person shall have the power to inspect and copy any certificate, licence, log book, document or record which he has the power pursuant to this Order and any regulations made thereunder to require to be produced to him. Power to inspect and copy documents and records

66. A person required by this Order to preserve any document or record by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, continue to preserve the document or records as if he had not ceased to be the operator, and in the event of his death the duty to preserve the document or record shall fall upon his personal representative, save that if— Preservation of documents, etc.

- (a) another person becomes the operator of the aircraft he or his personal representative shall deliver to that person upon demand the certificates of maintenance review and release to service, the log books and the weight schedule and any record made by a flight data recorder and preserved in accordance with section 42 which are in force or required to be preserved in respect of that aircraft;
 - (b) an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person he or his personal representative shall deliver to that person upon demand the log book relating to that engine or propeller;
 - (c) any person in respect of whom a record has been kept by him in accordance with section 59(4) becomes a member of the flight crew of a public transport aircraft registered in Trinidad and Tobago and operated by another person he or his personal representative shall deliver those records to that other person upon demand,
- and it shall be the duty of that other person to deal with the document or record delivered to him as if he were the first-mentioned operator.

Revocation,
suspension
and variation
of certificates,
licences and
other
documents

67. (1) Subject to subsection (4), the Minister may, if he thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under this Order, pending inquiry into or consideration of the case.

(2) The Minister may, on sufficient ground being shown to his satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other documents referred to in subsection (1).

(3) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under this Order shall surrender it to the Minister within a reasonable time after being required to do so by him.

(4) The breach of any subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued, or which has effect under this Order shall, in the absence of provision to the contrary in the document, render the document invalid during the continuance of the breach.

(5) Notwithstanding subsection (1), a flight manual, performance schedule or other document incorporated by reference in the certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the Minister whether or not after due inquiry.

68. (1) A person shall not with intent to deceive—

Offences in relation to documents and records

- (a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under this Order which has been forged, altered or suspended, or to which he is not entitled;
- (b) lend any certificate, licence, approval, permission, exemption or other document issued or having effect or required by or under this Order to, or allow it to be used by, any other person; or
- (c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal of any such certificate, licence, approval, permission, exemption or other document,

and in this paragraph a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy thereof.

(2) A person shall not intentionally damage, alter or render illegible any log book or other record required by or under this Order to be maintained or any entry made therein, or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it is required under this Order to be preserved.

(3) All entries made in writing in any log book or record referred to in subsection (2) shall be made in ink or indelible pencil.

(4) A person shall not knowingly make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet.

(5) A person shall not purport to issue any certificate for the purposes of this Order or the regulations made thereunder unless he is authorised to do so under this Order.

(6) A person shall not issue any such certificate as aforesaid unless he has satisfied himself that all statements in the certificate are correct.

PART VIII
CONTROL OF AIR TRAFFIC

Rules of the
air

69. (1) Without prejudice to any other provision of this Order, the Minister may make Rules referred to in this Order as the Rules of the Air, prescribing—

- (a) the manner in which aircraft may move or fly including in particular provision for requiring aircraft to give way to military aircraft;
- (b) the lights and other signals to be shown or made by aircraft or persons;
- (c) the lighting and marking of aerodromes;
- (d) the air traffic control services to be provided at aerodrome;
- (e) any other provisions for securing the safety of aircraft in flight and in movement and the safety of persons and property on the surface.

(2) Subject to the provisions of subsection (3), it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air.

(3) It shall be lawful for the Rules of the Air to be departed from to the extent necessary—

- (a) for avoiding immediate danger; or
- (b) for complying with the law of any country other than Trinidad and Tobago within which the aircraft then is.

(4) If any departure from the Rules of the Air is made for the purpose of avoiding immediate danger, the commander of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within ten days thereafter to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the Minister.

(5) Nothing in the Rules of the Air shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

Use of radio
call signs at
aerodromes

70. The person in charge of an aerodrome provided with means of two-way radio communication shall not cause or permit any call sign to be used for a purpose other than a purpose for which that call sign has been notified.

71. (1) Where the Minister deems it necessary in the public interest to restrict or prohibit flying by reason of—

Power to
prohibit or
restrict flying

- (a) the intended gathering or movement of a large number of persons;
- (b) the intended holding of an aircraft race or contest or of an exhibition of flying; or
- (c) national defence or any other reason affecting the public interest,

the Minister may make Regulations prohibiting, restricting or imposing conditions on flight—

- (i) by any aircraft, whether or not registered in Trinidad and Tobago, in any airspace over Trinidad and Tobago;
- (ii) by aircraft registered in Trinidad and Tobago, in any other airspace, being airspace in respect of which the Government of Trinidad and Tobago has in pursuance of international arrangements undertaken to provide navigation services for aircraft.

(2) Regulations made under this section may apply either generally or in relation to any class of aircraft.

(3) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any Regulations which have been made for any of the reasons referred to in subsection (1)(c) he shall unless otherwise instructed pursuant to subsection (4) cause the aircraft to leave the area to which the regulations relate by flying to the least possible extent over such area and the aircraft shall not begin to descend while over such an area.

(4) The commander of an aircraft flying either within an area for which regulations have been made for any of the reasons referred to in subsection (1)(c) or within airspace notified as a Danger Area shall forthwith comply with instructions given by radio or by one of the prescribed visual signals by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

72. (1) Within Trinidad and Tobago—

- (a) a captive balloon or kite shall not be flown at a height of more than 60 metres above the ground level or within 60 metres of any vessel, vehicle or structure;
- (b) a captive balloon shall not be flown within 5 kilometres of an aerodrome;
- (c) a balloon exceeding 2 metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon, shall not be flown in controlled airspace;
- (d) a kite shall not be flown within 5 kilometres of an aerodrome;

Balloons,
kites,
airships,
gliders and
parascending
parachutes

- (e) an airship shall not be moored;
- (f) a glider or parascending parachute shall not be launched by winch and cable or by ground tow to a height of more than 60 metres above ground level,

without the permission in writing of the Minister and in accordance with any conditions subject to which that permission may be granted.

(2) A captive balloon when in flight shall be securely moored, and shall not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.

PART IX

AERODROMES, AERONAUTICAL LIGHTS AND DANGEROUS LIGHTS

Aerodromes
public
transport of
passengers
and
instruction in
flying

73. (1) An aircraft to which this paragraph applies shall not take-off or land at a place in Trinidad and Tobago other than—

- (a) an aerodrome licensed under this Order for the take-off and landing of such aircraft; or
- (b) a Government aerodrome notified as available for the take-off and landing of such aircraft, or in respect of which the person in charge of the aerodrome has given his permission for the particular aircraft to take-off or land as the case may be,

and in accordance with any condition subject to which the aerodrome may have been so licensed or notified, or subject to which such permission may have been given.

(2) Subsection (1) applies to—

- (a) aeroplanes of which the maximum total weight authorised exceeds 2,730 kg and which are flying—
 - (i) for the purpose of public transport of passengers;
 - (ii) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence; or
 - (iii) for the purpose of carrying out flying tests in respect of the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence;
- (b) aeroplanes of which the maximum total weight authorised does not exceed 2,730 kg engaged on either—
 - (i) scheduled journeys for the purpose of the public transport of passengers; or
 - (ii) flights for the purpose of the public transport of passengers beginning and ending at the same aerodrome; or
 - (iii) flights for the purpose of—

- A. instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence; or
 - B. a flying test in respect of the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence; or
- (iv) flight for the purpose of the public transport of passengers at night;
- (c) helicopters and gyroplanes engaged on such flights as are specified in paragraphs (b)(i) and (iii);
 - (d) gliders, other than gliders being flown under arrangements made by a flying club and carrying no person other than a member of the club, which are flying for the purpose of the public transport of passengers or for the purpose of instruction in flying.

(3) The person in charge of any area in Trinidad and Tobago intended to be used for the taking-off or landing of helicopters at night other than such a place as is specified in subsection (1) shall cause to be in operation, whenever a helicopter flying for the purpose of public transport of passengers is taking-off or landing at that area by night, such lighting as will enable the pilot of the helicopter—

- (a) in the case of landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing;
- (b) in the case of taking-off, to make a safe take-off.

(4) A helicopter flying for the purpose of the public transport of passengers at night shall not take-off or land at a place to which subsection (3) applies unless there is in operation such lighting.

74. The Minister may cause to be notified subject to such ^{Use of} conditions as he thinks fit any Government aerodrome as an aerodrome ^{Government} available for the take-off and landing of aircraft engaged on flights for ^{aerodromes} the purpose of the public transport of passengers or for the purpose of instruction in flying or of any classes of such aircraft.

75. (1) The Minister may grant to any person applying for a ^{Licensing of} licence in respect of any aerodrome in Trinidad and Tobago if he is ^{aerodromes} satisfied that—

- (a) that person is competent, having regard to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure that the aerodrome and the airspace within its visual traffic pattern is normally contained are safe for use by aircraft;

- (b) the aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and of its surroundings; and
- (c) the aerodrome manual submitted pursuant to subsection (7) is adequate.

(2) An aerodrome licence may be granted subject to such conditions as the Minister thinks fit and shall, subject to the provisions of section 67, remain in force for the period specified in the licence.

(3) Without prejudice to the generality of subsection (2), if the applicant so requests or if the Minister considers that an aerodrome should be available for the take-off or landing of aircraft to all persons on equal terms and conditions, it may grant a licence (in this Order referred to as "a licence for public use") which shall be subject to the condition that the aerodrome shall at all times when it is available for the take-off or landing of aircraft be so available to all persons on equal terms and conditions.

(4) The holder of an aerodrome licence granted under this Order (in this section called "an aerodrome licence holder") shall—

- (a) furnish to any person on request information concerning the terms of the licence; and
- (b) in the case of a licence for public use, cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft engaged on flights for the purpose of the public transport of passengers or instructions in flying.

(5) An aerodrome licence holder shall not contravene or cause or permit to be contravened any conditions of the aerodrome licence at any time in relation to such aircraft engaged on such flights as are specified in section 73(2), but the licence shall not cease to be valid by reason only of such a contravention.

(6) An aerodrome licence holder shall take all reasonable steps to secure that the aerodrome and the air space within which its visual traffic pattern is normally contained are safe at all times for use by aircraft.

(7) Upon making an application for an aerodrome licence the applicant shall submit to the Minister an aerodrome manual for that aerodrome.

(8) Unless previously submitted pursuant to subsection (7), every aerodrome licence holder shall forthwith submit to the Minister an aerodrome manual for that aerodrome.

(9) An aerodrome manual required pursuant to this section shall contain all such information and instructions as may be necessary to enable the aerodrome operating staff to perform their duties as such including, in particular, information and instructions relating to such matters as are prescribed.

(10) Every applicant for an aerodrome licence or aerodrome licence holder shall—

- (a) furnish to the Minister any amendments or additions to the aerodrome manual before or immediately after they come into effect;
- (b) without prejudice to the foregoing paragraph, make such amendments or additions to the aerodrome manual as the Minister may require for the purpose of ensuring the safe operation of aircraft at the aerodrome or the safety of air navigation; and
- (c) maintain the aerodrome manual and make such amendments as may be necessary for the purposes of keeping its contents up to date.

(11) Every aerodrome licence holder shall make available to each member of the aerodrome operating staff a copy of the aerodrome manual, or a copy of every part of the aerodrome manual which is relevant to his duties and shall ensure that each such copy is kept up to date.

(12) Every aerodrome licence holder shall take all reasonable steps so secure that each member of the aerodrome operating staff—

- (a) is aware of the contents of every part of the aerodrome manual which is relevant to his duties as such; and
- (b) undertakes his duties as such in conformity with the relevant provisions of the manual.

(13) For the purposes of this section—

- (a) “aerodrome operating staff” means all persons, whether or not an aerodrome licence holder and whether or not employed by the aerodrome licence holder, whose duties are concerned either with ensuring that the aerodrome and air space within which its visual traffic pattern is normally contained are safe for use by aircraft, or whose duties require them to have access to the aerodrome manoeuvring area or apron;
- (b) “visual traffic pattern” means the aerodrome traffic zone of the aerodrome, or, in the case of an aerodrome which is not notified for the purposes of the Rules of the Air, the air space which would comprise the aerodrome traffic zone of the aerodrome if it was so notified.

76. (1) A person shall not cause or permit any aeronautical radio station to be established or used unless its purpose has been approved by the Minister and the equipment thereof is of a type the specification of which is approved by the Minister in relation to the purpose for which it is to be used.

Aeronautical
radio stations

(2) The person in charge of an aeronautical radio station the purpose of which is to provide navigational aid by radio or radar to an aircraft making an approach to land or landing at an aerodrome shall not cause or permit that aeronautical radio station to provide such navigational aid unless all aeronautical radio stations operated by that person at that aerodrome are—

- (a) installed, modified and maintained in a manner approved by the Minister; and
- (b) flight checked by the Minister or by a person approved by the Minister for that purpose on such occasions as the Minister may require, save that the provisions of this paragraph shall not apply to any aeronautical radio station which is used solely for the purpose of enabling communications to be made by or on behalf of the operator of an aircraft and the commander thereof.

(3) The person in charge of an aeronautical radio station at an aerodrome for which a licence for public use has been granted shall cause to be notified in relation to that aeronautical radio station the type and hours of operation of any service which is available for use by any aircraft, and in approving the purpose for which an aeronautical radio station is to be used at any other aerodrome the Minister may, if he thinks fit, require the person in charge of the aeronautical radio station to cause such information as aforesaid to be notified.

(4) The provisions of this section shall not apply in respect of any aeronautical radio station of which the person in charge is the Minister.

Aeronautical
radio station
records

77. (1) The person in charge of any aeronautical radio station the purpose of which is to provide navigational aid by radio or radar to an aircraft making an approach to land or landing at an aerodrome shall in respect of all aeronautical radio stations operated by him at that aerodrome—

- (a) keep a written record of functional tests, flight checks and particulars of any overhaul, repair, replacement or modification thereof; and
- (b) preserve the written record for a period of one year or such longer period as the Minister may in a particular case direct and shall within a reasonable time after being requested to do so by an authorised person produce such record to that person.

(2) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit shall provide apparatus which is capable of recording the terms or content of any radio message or signal transmitted to any aircraft either alone or in common with other aircraft or received from any aircraft by the air traffic control unit.

(3) The apparatus provided in compliance with subsection (2) shall be—

- (a) of a type the specification of which is approved by the Minister in relation to the particular aeronautical radio station; and
- (b) installed, modified and maintained in a manner approved by the Minister; and
- (c) in operation at all times when the aeronautical radio station is in operation for providing an air traffic control service.

(4) The person in charge of an aeronautical radio station shall ensure that each record made by the apparatus provided in compliance with subsection (2) includes—

- (a) the identification of the aeronautical radio station;
- (b) the date or dates on which the record was made;
- (c) a means of determining the time at which each message or signal was transmitted;
- (d) the identify of the aircraft to or from which and the radio frequency on which the message or signal was transmitted or received; and
- (e) the time at which the record started and finished.

(5) If at any time the apparatus provided in compliance with subsection (2) ceases to be capable of recording the matters required by this section to be included in the record the person in charge of the aeronautical station shall ensure that a written record is kept in which the particulars specified in subsection (4) are recorded together with a summary of communications exchanged between the aeronautical radio station and aircraft.

(6) The person in charge of the aeronautical radio station shall preserve any record made in compliance with subsections (2) and (5) for a period of thirty days from the date on which the message or signal was recorded or for such longer period as the Minister may in a particular case direct, and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

(7) A person required by this section to preserve any record by reason of his being the person in charge of the aeronautical radio station shall, if he ceases to be such person, continue to preserve the record as if he had not ceased to be such person, and in the event of his death the duty to preserve the record shall fall upon his personal representative, save that if another person becomes the person in charge of the aeronautical radio station the previous person in charge or his personal representative shall deliver the record to that other person on demand, and it shall be the duty of that other person to deal with the record delivered to him as if he were that previous person in charge.

(8) The provisions of this section shall not apply in respect of any aeronautical radio station of which the person in charge is the Minister.

Charges at
aerodromes
licensed for
public use

78. (1) The Minister may, in relation to any aerodrome in respect of which a licence for public use has been granted, or to such aerodromes generally or to any class thereof, prescribe the charges, or the maximum charges, which may be made for the use of the aerodrome and for any services performed at the aerodrome to or in connection with aircraft, and may further prescribe the conditions to be observed in relation to those charges and the performance of those services.

(2) The licensee of an aerodrome in relation to which the Minister has made any Regulations under paragraph (1) of this section shall not cause or permit any charges to be made in contravention of those Regulations and shall cause particulars of the prescribed charges to be kept exhibited at the aerodrome in such a place and manner as to be readily available for the information of any person affected thereby.

(3) The licensee of any aerodrome in respect of which a licence for public use has been granted shall, when required by the Minister furnish to the Minister such particulars as he may require of the charges established by the licensee for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, efficiency or regularity of air navigation.

Use of
aerodromes
by aircraft of
Contracting
States

79. The person in charge of any aerodrome in Trinidad and Tobago which is open to public use by aircraft registered in Trinidad and Tobago whether or not the aerodrome is a licensed aerodrome, shall cause the aerodrome, and all air navigation facilities provided thereat, to be available for use by aircraft registered in other Contracting States on the same terms and conditions as for use by aircraft registered in Trinidad and Tobago.

Noise and
vibration
caused by
aircraft on
aerodromes

80. The conditions under which noise and vibration may be caused by aircraft including military aircraft, on Government aerodromes, licensed aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft shall be as prescribed, and section 41(2) of the Act as set out in Schedule 2 to the Civil Aviation Act, 1949 (Overseas Territories) Order 1968 shall apply to any such aerodrome.

Aeronautical
lights

81. (1) Except with the permission of the Minister and in accordance with any conditions subject to which the permission may be granted, a person shall not establish, maintain or alter the character of:

- (a) an aeronautical beacon within Trinidad and Tobago, save that, in the case of an aeronautical beacon which is or may be visible from the waters within an area of a lighthouse authority, the Minister shall not give permission for the purpose of this section except with the consent of that authority, or
- (b) any aeronautical ground light, other than an aeronautical beacon, at an aerodrome licensed under this Order, or which forms part of the lighting system for use by aircraft taking off from or landing at such an aerodrome.

(2) A person shall not intentionally or negligently damage or interfere with any aeronautical ground light established by or with the permission of the Minister.

82. (1) A person shall not exhibit in Trinidad and Tobago any light which— Dangerous
lights

- (a) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome; or
- (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.

(2) If any light which appears to the Minister to be such a light as aforesaid is exhibited, the Minister may cause a notice to be served upon the person who is the occupier of the place where the light is exhibited or having charge of the light, directing that person, within a reasonable time to be specified in the notice to take such steps as may be specified in the notice for extinguishing or screening the light and for preventing for the future the exhibition of any other light which may similarly endanger aircraft.

(3) The notice may be served either personally or by post, or by affixing it in some conspicuous place near to the light to which it relates.

(4) In the case of a light which is or may be visible from any waters within the area of a lighthouse authority, the powers of the Minister under this section shall not be exercised except with the consent of that authority.

83. (1) The Minister may, subject to such conditions as he may think fit, by Order, designate any aerodrome to be a place for the landing or departure of aircraft for the purpose of the enactments for the time being in force relating to customs and excise. Customs and
Excise
airports

(2) The Minister may by Order revoke any designation so made.

Aviation Fuel
at
aerodromes

84. (1) A person who has the management of any aviation fuel installation on an aerodrome in Trinidad and Tobago shall not cause or permit any fuel to be delivered to that installation or from it to an aircraft unless—

(a) when the aviation fuel is delivered into the installation he is satisfied that—

- (i) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft;
- (ii) the installation is marked in a manner appropriate to the grade of fuel stored or if different grades are stored in different parts each part is so marked; and
- (iii) in the case of delivery into the installation or part thereof from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation or that part of the installation as the case may be and is fit for use in aircraft;

(b) when any aviation fuel is dispensed from the installation he is satisfied as the result of sampling that the fuel is fit for use in aircraft,

save that this subsection shall not apply in respect of fuel which has been removed from an aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.

(2) A person to whom subsection (1) applies shall keep a written record in respect of each installation of which he has the management, which record shall include—

- (a) particulars of the grade and quantity of aviation fuel delivered and the date of delivery;
- (b) particulars of all samples taken of the aviation fuel and of the results of tests of those samples;
- (c) particulars of the maintenance and cleaning of the installation,

and he shall preserve the written record for a period of twelve months or such longer period as the Minister may in a particular case direct and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

(3) A person shall not cause or permit any aviation fuel to be dispensed for use in an aircraft if he knows or has reason to believe that the aviation fuel is not fit for use in aircraft.

(4) If it appears to the Minister or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this section, the Minister or that authorised person may direct the person having the management of the installation not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by the Minister or by an authorised person.

(5) For the purpose of this section—

“aviation fuel” means fuel intended for use in aircraft;

“aviation fuel installation” means any apparatus or container, including a vehicle, designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft.

85. (1) The operator or commander of an aircraft registered in Trinidad and Tobago, or, if the operator's principal place of business or permanent residence is in Trinidad and Tobago, any other aircraft, which is being flown over any foreign country shall not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country. Flights over
any foreign
country

(2) A person does not contravene subsection (1) if he neither knew nor suspected that the aircraft was being or was to be used for a purpose referred to in subsection (1).

(3) The operator or commander of an aircraft registered in Trinidad and Tobago or, if the operator's principal place of business or permanent residence is in Trinidad and Tobago, any other aircraft, which is being flown over any foreign country shall comply with any directions given by the appropriate aeronautical authorities of that country whenever—

(a) the flight has not been duly authorised; or

(b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country, unless the lives of persons on board or the safety of the aircraft would thereby be endangered.

(4) A person does not contravene subsection (3) if he neither knew nor suspected that directions were being given by the appropriate aeronautical authorities.

(5) The requirement in subsection (3) is without prejudice to any other requirement to comply with directions of an aeronautical authority.

(6) In this section “appropriate aeronautical authorities” includes any person, whether a member of a country’s military or civil authorities, authorised under the law of the foreign country to issue directions to aircraft flying over that country.

**Mandatory
reporting**

86. (1) Subject to the provisions of this section, every person who—

- (a) is the operator or the commander of a public transport aircraft which is registered in Trinidad and Tobago and has a maximum total weight authorised of more than 2,300 kg;
- (b) carries on the business of manufacturing, repairing or overhauling such an aircraft, or any equipment or part thereof;
- (c) signs a certificate of maintenance review or release to service in respect of such an aircraft, part or equipment;
- (d) performs a function for which he requires an air traffic controller’s licence; or
- (e) is the licensee or manager of a licensed aerodrome, shall—
 - (i) make a report to the Minister of any reportable occurrence of which he knows and which is of such a description as is prescribed, the report shall be made within such time, by such means, and shall contain such information as is so specified and it shall be presented in such form as the Minister may in any particular case approve, and
 - (ii) make a report to the Minister, within such time, by such means, and containing such information as the Minister may specify in a notice in writing served upon him, being information which is in his possession or control and which relates to a reportable occurrence which has been reported by him or by another person to the Minister in accordance with this section.

(2) In this section “reportable occurrence” means—

- (a) any incident relating to such an aircraft or any defect in or malfunctioning of such an aircraft or any part or equipment of such an aircraft, being an incident, malfunctioning or defect endangering, or which if not corrected would endanger, the aircraft, its occupants, or any other person;

- (b) any defect in or malfunctioning of any facility on the ground used or intended to be used for purposes of or in connection with the operation of such an aircraft, being a defect or malfunctioning endangering, or which if not corrected would endanger such an aircraft or its occupants,

save that any accident notified to the Minister in pursuance of the Air Navigation (Investigation of Accidents) Regulations, 1954, shall not constitute a reportable occurrence for purposes of this section.

(3) Subject to subsection (1)(e)(ii), nothing in this section shall require a person to report any occurrence which he has reason to believe has been or will be reported by another person to the Minister in accordance with this section.

(4) A person shall not make any report under this section if he knows or has reason to believe that the report is false in any particular.

(5) Without prejudice to section 42(2) and subject to the provisions of section 64, the operator of an aircraft shall, if he has reason to believe that a report has been or will be made in pursuance of this section, preserve any data from a flight data recorder relevant to the reportable occurrence for fourteen days from the date on which a report of that occurrence is made to the Minister or for such longer period as the Minister may in a particular case direct, save that the record may be erased if the aircraft is outside Trinidad and Tobago and it is not reasonably practicable to preserve the record until the aircraft reaches Trinidad and Tobago

87. (1) If it appears to the Minister or an authorised person that any aircraft is intended or likely to be flown—

Power to
prevent
aircraft flying

- (a) in such circumstances that any provision of sections 3, 5, 6, 7, 19, 20, 29, 42, 48 or 49 would be contravened in relation to the flight;
- (b) in such circumstances that the flight would be in contravention of any other provision of this Order or any Regulations made thereunder and be a cause of danger to any person or property whether or not in the aircraft; or
- (c) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of this Order or of any Regulation made thereunder,

the Minister or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Minister or by an authorised person, and the Minister or that authorised person may take such steps as are necessary to detain the aircraft.

(2) For the purposes of subsection (1), the Minister or any authorised person may enter upon and inspect any aircraft.

(3) If it appears to the Minister or an authorised person that any aircraft is intended or likely to be flown in such circumstances that any provision of section 85 of this Order or any provision relating to the licensing of air transport in Trinidad and Tobago would be contravened in relation to the flight, the Minister or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction until the direction has been revoked by the Minister or by an authorised person, and the Minister or any authorised person may take such steps as are necessary to detain the aircraft.

(4) For the purposes of subsection (3), the Minister or any authorised person may enter upon any aerodrome and may enter upon and inspect any aircraft.

Right of
access to
aerodromes
and other
places

88. The Minister and any authorised person shall have the right of access at all reasonable times —

- (a) to any aerodrome, for the purpose of inspecting the aerodrome; or
- (b) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which he has power to demand under this Order, or for the purpose of detaining any aircraft under the provisions of this Order; and
- (c) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which he has power to demand under this Order and for the purpose of detaining the aircraft under the provisions of this Order.

Obstruction
of persons

89. A person shall not intentionally obstruct or impede any person acting in the exercise of his powers or the performance of his duties under this Order.

Enforcement
of directions

90. Any person who, without reasonable excuse, fails to comply with any direction given to him under any provision of this order or any Regulations made thereunder shall be deemed for the purposes of this Order to have contravened that provision.

Penalties

91. (1) If any provision of this Order or of any Regulations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the commander thereof shall, without prejudice to the liability of any other person under this Order for that contravention, be deemed for the purposes of the following provisions of this section to

have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order or of any Regulations made thereunder was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of this Order or of any Regulations made thereunder by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of public transport or aerial work the flight shall be treated, without prejudice to the liability of any other person under this Order, as not having been for that purpose if he proves that he neither knew nor suspected that the flight was for that purpose.

(4) If any person contravenes any provision of this Order, or of any regulations made thereunder, not being a provision referred to in subsections (5) or (6), he shall be liable on summary conviction to a fine of five thousand dollars.

(5) If any person contravenes any provision specified in Part A of Schedule 4 he shall be liable on summary conviction to a fine of ten thousand dollars. Schedule 4

(6) If any person contravenes any provision specified in Part B of Schedule 4, he shall be liable on summary conviction to a fine of ten thousand dollars and on conviction on indictment to a fine of twenty thousand dollars or imprisonment for a term of two years or to both such fine and imprisonment.

92. (1) Except where the context otherwise requires, the provisions of this Order—

Extra-
territorial
effect of the
Order

- (a) in so far as they apply, whether by express reference or otherwise, to aircraft registered in Trinidad and Tobago shall apply to such aircraft wherever they may be;
- (b) in so far as they apply as aforesaid to other aircraft shall apply to such other aircraft when they are within Trinidad and Tobago or on or in the neighbourhood of an offshore installation;
- (c) in so far as they prohibit, require or regulate, whether by express reference or otherwise, the doing of anything by persons in, or by any of the crew of, any aircraft registered in Trinidad and Tobago, shall apply to such persons and crew, wherever they may be;

- (d) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any aircraft registered in Trinidad and Tobago by other persons shall, where such persons are Commonwealth citizens, British protected persons or citizens of the Republic of Ireland, apply to them wherever they may be; and
- (e) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any aircraft on or in the neighbourhood of an offshore installation, shall apply to every person irrespective of his nationality or, in the case of a body corporate, of the law under which it was incorporated and wherever that person or body may be.

(2) Nothing in this section shall be construed as extending to make any person guilty of an offence in any case in which it is provided by section 3(1) of the British Nationality Act, 1948 (which limits the criminal liability of certain persons) that that person shall not be guilty of an offence.

Order concerning transit over the territorial sea

93. The Minister may, by Order, establish air routes over the territorial sea of Trinidad and Tobago and conditions of their usage by aircraft not registered in Trinidad and Tobago which have cause to fly over the territorial sea for the purpose of continuous and expeditious transit.

Application to foreign registered aircraft controlled by qualified persons

94. The Minister may direct that such of the provisions of this Order and of any Regulations made thereunder as may be specified in the direction shall have effect as if reference in provisions to aircraft registered in Trinidad and Tobago included references to the aircraft specified in the direction, being an aircraft not so registered but for the time being under the management of a person who, or of persons each of whom, is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in Trinidad and Tobago.

Application of Order

95. (1) This Order shall apply to or in relation to aircraft belonging to or exclusively employed in the service of the State as they apply to or in relation to other aircraft.

(2) For the purposes of such application the Minister shall be deemed to be the operator of an aircraft exclusively employed in the service of the State and in the case of an aircraft belonging to the State to be the owner of the interest of the State in the aircraft.

(3) Nothing in this section shall render liable to any penalty any Ministry responsible on behalf of the State for the management of the aircraft.

(4) Save as otherwise provided in section 69(1)(a) and section 80 nothing in this Order shall apply to military aircraft belonging to—

- (a) the Trinidad and Tobago Defence Force; or
- (b) any visiting force.

96. The Minister may exempt from any of the provisions of this Order, other than section 85 thereof, or any Regulations made thereunder, any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as he thinks fit.

Exemption
from Order

97. (1) The President may, by Order, prescribe anything which, under the provisions of this Order, is to be prescribed.

Power of
President to
make Order

(2) Without prejudice to the generality of subsection (1), such Order may prescribe the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document including the issue of a copy thereof, or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of, this Order or any regulations made thereunder.

(3) Upon an application being made in connection with which any fee is chargeable in accordance with an Order made under this section, the applicant may be required before the application is entertained to pay the whole or to deposit a portion of the fee or fees so chargeable.

(4) If, after a payment or deposit has been made in accordance with subsection (3), the application is withdrawn by the applicant or otherwise ceases to have effect or is refused the applicant may, subject as hereinafter provided, be refunded the amount of such payment or deposit.

(5) Where the amount paid or deposited is wholly or to any extent attributable to a fee chargeable in respect of an investigation which would have been carried out in connection with the application if it had not been so withdrawn or ceased to have effect or been refused but which has not been carried out by reason only of such withdrawal, cesser or refusal, the applicant may be refunded the amount so attributable or, in a case where an investigation has been partially completed, so much of that amount as is reasonable having regard to the stage to which the investigation has progressed at the time of such withdrawal, cesser or refusal, save that, if in any case the amount deposited by the applicant is not sufficient to cover the fee, as ultimately assessed, chargeable in respect of any investigation in so far as the same has been carried out at the time when the application is withdrawn by him or otherwise ceases to have effect or is refused, the amount representing the balance of such fee shall be payable by the applicant.

(6) In this section the expression "investigation" includes an inspection, examination, calculation or test.

Saving

98. (1) Subject to the provisions of sections 75 and 79 of this Order, nothing in this Order or the Regulations made thereunder shall confer any right to land in any place as against the owner of the land or other persons interested therein.

(2) Nothing in this Order shall oblige the Minister to accept an application from the holder of any current certificate, licence, approval, permission, exemption or other document, being an application for the renewal of that document, or for the granting of another document in continuation of or in substitution for the current document, if the application is made more than sixty days before the current document is due to expire.

Small aircraft

99. The provisions of this Order, other than sections 24, 28, 53, and 72, shall not apply to or in relation to—

- (a) any balloon which at any stage of its flight is not more than two metres in any linear dimension including any basket or other equipment attached to the balloon;
- (b) any kite weighing not more than 2 kilograms;
- (c) any other aircraft weighing not more than 5 kilograms without its fuel;
- (d) any parachute including a parascending parachute.

Approval of persons to furnish reports

100. In relation to any of its functions pursuant to any of the provisions of this Order the Minister may, either absolutely or subject to such conditions as he thinks fit, approve a person as qualified to furnish reports to it and may accept such reports.

Revocation and transitional provisions

101. (1) The Colonial Air Navigation (Amendment) Act, 1966 is hereby repealed.

(2) The Colonial Air Navigation Order, 1961 is hereby revoked save that section 34 and Schedule 12 shall continue in force until later revoked.

(3) Notwithstanding the repeal and revocation referred to in subsections (1) and (2), any instrument made under them, if in force at the commencement of this Order, shall continue in force until repealed or revoked.

SCHEDULE 1

[Sections 2(5), 4(5) and 24(2)]

TABLE OF GENERAL CLASSIFICATION OF AIRCRAFT

Column 1	Column 2	Column 3	Column 4
Aircraft	Lighter than aircraft	Non-power driven	Free Balloon Captive Balloon
	Heavier than air aircraft	Power driven Non-power driven	Airship Glider Kite Aeroplane (Landplane) Aeroplane (Seaplane) Aeroplane (Amphibian) Aeroplane (Self-launching Motor Glider)
		Power driven (flying machines)	Rotocraft (Helicopter) Gyroplane

SCHEDULE 2

(Section 8)

CATEGORIES OF AIRCRAFT

Transport Category (Passengers)
 Transport Category (Cargo)
 Aerial Work Category
 Private Category
 Special Category

The purposes for which the aircraft may fly are as follows:

Transport Category (Passengers): Any purpose.

Transport Category (Cargo): Any purpose, other than the public transport of passengers.

Aerial Work Category: Any purpose other than public transport.

Private Category: Any purpose other than public transport or aerial work.

Special Category: Any purpose, other than public transport, specified in the certificate of airworthiness but not including the carriage of passengers unless expressly permitted.

SCHEDULE 3

(Sections 62 and 64)

Documents to be carried by aircraft registered in Trinidad and Tobago

On a flight for the purpose of public transport:

Documents A, B, C, D, E, F, H and, if the flight is international air navigation, Documents G and I.

On a flight for the purpose of aerial work:

Documents A, B, C, E, F and, if the flight is international air navigation, Documents G and I.

On a private flight, being international air navigation:

Documents A, B, C, G and I.

On a flight made in accordance with the terms of a permission granted to the operator pursuant to section 15 of this Order:

Document J.

For the purpose of this Schedule:

"A" means the licence in force in respect of the aircraft radio station installed in the aircraft, and the current telecommunication log book required by this Order;

"B" means the certificate of airworthiness in force in respect of the aircraft, save that, with the permission in writing of the Minister, which may be granted subject to such conditions as it thinks fit, an aircraft to which section 26 applies need not carry the flight manual as part of this document;

"C" means the licences of the members of the flight crew of the aircraft;

"D" means one copy of the load sheet, if any, required by section 29 of this Order in respect of the flight;

"E" means one copy of each certificate of maintenance review, if any, in force in respect of the aircraft;

"F" means the technical log, if any, in which entries are required to be made under section 10 of this Order;

"G" means the certificate of registration in force in respect of the aircraft;

"H" means the operations manual, if any, required by section 26(2)(c) to be carried on the flight;

"I" means a copy of the notified procedures to be followed by the pilot in command of an intercepted aircraft, and the notified visual signals for use by intercepting an intercepted aircraft;

"J" means the permission, if any, granted in respect of the aircraft pursuant to section 15, save that, with the permission in writing of the Minister, which may be granted subject to such conditions as it thinks fit, an aircraft to which section 26 applies need not carry such a permission if it carries an operations manual which includes information equivalent to that in the permission;

"International air navigation" means any flight which includes passage over the territory of any country other than Trinidad and Tobago.

SCHEDULE 4

(Section 91)

PENALTIES

PART A—PROVISIONS REFERRED TO IN SECTION 91(5)

<i>Section of Order</i>	<i>Subject matter</i>
3	Aircraft flying unregistered
5	Aircraft flying with false or incorrect markings
9(1)(a)	Flight without appropriate maintenance
9(1)(b)	Flight without a certificate of maintenance review
10	Failure to keep technical log
11	Flight without a certificate of release to service
13	Flight without required equipment
14	Flight without required radio equipment
15	Failure to keep log books
16	Requirement to weigh aircraft and keep weight schedule
18	Crew requirement
19	Requirement for appropriate licence

SCHEDULE 4—(Cont'd)

<i>Section of Order</i>	<i>Subject matter</i>
20(4) and (5)	Requirement for appropriate certificates
20(6)	Prohibition of flight after failure of test
20(7)(a)	Flight without valid medical certificate
20(8)	Flight in unfit condition
23	Instruction in flying without appropriate licence and rating
25	Operations manual requirement
26	Training manual requirement
27	Operator's responsibilities in connection with crew
28	Requirements for loading aircraft
29	Operational restrictions on aircraft
30	Aerodrome operating minima—aircraft registered in the Territory
31	Aerodrome operating minima—foreign registered aircraft
32	Pre-flight action by commander of aircraft
33	Requirement for pilot to remain at controls
34	Duties of commander on flight for public transport of passengers
35	Requirements for radio station in aircraft to be licensed and for operation of same
36	Requirement for minimum navigation performance system
37	Use of flight recorders and preservation of records
38	Towing of gliders
39	Towing, picking-up and raising of persons and articles by aircraft
40 and 41	Dropping of persons, animals and articles from aircraft
42	Requirement for aerial application certificate
45	Carriage of persons in or on any part of an aircraft not designed for that purpose
46	Requirement for exits and break-in markings
50	Prohibition of smoking in aircraft
51	Requirement to obey lawful commands of aircraft commander
52	Prohibition of stowaways
54(3)	Operator's obligation to obtain flight time records of flight crew
55(2)	Flight crew member's obligation to inform operator of flight times
56	Flight time limitations
64(2)	Breach of the Rules of the Air and Air Traffic Control
66 [except (4)]	Requirement for licensing of air traffic controllers and aerodrome flight information service officers
67	Requirement for aerodrome information service manual
69	Flight in contravention of restriction of flying regulations
70	Flight by balloons, kites and airships
71	Requirement for licensed aerodrome
73(5)	Contravention of conditions of aerodrome licence
74	Use of radio equipment at aerodromes
75	Requirement to keep records at aerodrome
79	Use of aeronautical lights
80(1)	Prohibition of dangerous lights
80(2)	Failure to extinguish or screen dangerous lights
82(1) and (2)	Management of aviation fuel at aerodromes
86 [except (4)]	Requirement to report occurrences
89	Obstruction of persons performing duties under Order

SCHEDULE 4—(Cont'd)

PART B—PROVISIONS REFERRED TO IN SECTION 91(6)

<i>Section of Order</i>	<i>Subject matter</i>
6	Flight for the purpose of public transport without an air operator's certificate
7	Flight without a certificate of airworthiness
43	Prohibition of carriage of weapons and munitions of war
44	Prohibition of carriage of dangerous goods
47	Endangering safety of aircraft
48	Endangering safety of persons or property
49	Prohibition of drunkenness in aircraft
54(1)	Operator's obligation to regulate flight times of flight crew
54(2)	Operator's obligation not to allow flight by crew in dangerous state of fatigue
55(1)	Crew's obligation not to fly in dangerous state of fatigue
63 [except subsection (3)]	Use of false or unauthorised documents and records
82(3)	Use of aviation fuel which is unfit for use in aircraft
83	Restriction with respect to carriage for hire or reward in aircraft registered outside the Territory
84	Restriction of flights for aerial photography and survey by aircraft registered outside the Territory
85	Operator's or commanders' obligations in respect of flights over any foreign country
86 (4)	Making false reports
87	Flight in contravention of direction not to fly

Made this 11th day of July, 1995.

C. SOOKRAM
Secretary to Cabinet