

REPUBLIC OF TRINIDAD AND TOBAGO

THE CIVIL AVIATION ACT, 2001

REGULATIONS

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

THE CIVIL AVIATION [(NO. 16) COMPOUNDING OF OFFENCES]
(PECUNIARY PENALTIES) REGULATIONS, 2007

PART I

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

Citation

2. (1) In these Regulations—

Interpretation

“Act” means the Civil Aviation Act, 2001;

Act No. 11 of
2001

“airman” means an individual—

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

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

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

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

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

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

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

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

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

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

“proceedings” means proceedings by complaint before a magistrate.

Compounding of offences committed by airmen and operators

Compounding of offences committed by airmen and operators

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

Issuing of notices by the Director General

Issuing of notices by the Director General

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

Schedule 2

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

(a) specify the regulation which the airman or operator is believed to have breached and in respect of which he may be summarily convicted under the Act or any regulations made thereunder; and

(b) notify the airman or operator that a complaint shall be filed against him in the event that he fails to pay the fixed fine within the time specified in the notice referred to in subregulation (1).

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

(a) add any offence to those provided for in Schedule 1 and prescribe in respect of that offence a fine not exceeding forty thousand dollars;

(b) remove any offence from those provided for in Schedule 1; And

(c) alter the fixed penalty for any offence except that the penalty as altered does not exceed forty thousand dollars.

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

Requirements of a notice

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

Requirements
of a notice

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

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

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

Signed receipt is sufficient evidence of payment of fine

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

Signed
receipt is
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payment of
fine

Failure to pay fixed penalty fine

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

Failure to pay
fixed penalty
fine

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