

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. 2) OPERATIONS]
REGULATIONS, 2004

1. These Regulations may be cited as the Civil Aviation [(NO.2) Operations] Regulations, 2004. Citation

2. In these Regulations—
“accident” means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all persons have disembarked, in which— Interpretation

(a) a person is fatally or seriously injured as a result of—

(i) being in the aircraft;

(ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or,

(iii) direct exposure to jet blast,
except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

(b) the aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft;

(c) the aircraft would normally require major repair or replacement of the affected component; except for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories; or for damage limited to propellers, wing tips, antennas, tyres, brakes, fairings, small dents or puncture holes in the aircraft skin; or

(d) the aircraft is missing or is completely inaccessible;

“advisory airspace” means airspace of defined dimensions or designated routes, within which air traffic advisory services are available;

- “aerial work” means an aircraft operation in which an aircraft is used for specialized services including agriculture, construction, photography, surveying, observation and patrol, search and rescue aerial advertisement;
- “aerobatic flight” means manoeuvres intentionally performed by an aircraft involving an abrupt change in its altitude, an abnormal attitude or an abnormal variation in speed;
- “aircraft” means any machine that can derive support in the atmospheres from the reaction of the air on surfaces other than the reaction of the air on the surface of the earth;
- “Aircraft Flight Manual” means an approved Aeroplane Flight Manual or an approved Rotorcraft Flight Manual as applicable;
- “air operator” means any person, organization or enterprise who undertakes to engage in domestic commercial air transport in international commercial air transport, whether directly or indirectly or by a lease in any other arrangement;
- “air navigation facility” means any facility used available for use or designed for use in aid of air navigation, including aerodromes, landing areas, lights, any apparatus or equipment for signalling, for radio directional finding or for radio or other electrical communication and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft;
- “airworthiness directives” means a document issued or adopted by the Authority which mandates actions to be performed to restore an acceptable level of safety for an aircraft when evidence shows that the safety level may otherwise be compromised;
- “airworthy” means an aircraft or aeronautical product is in a fit and safe state for flight and is in conformity with its type design;
- “altimetry system error” means the difference between the altitude indicated by the altimeter display, assuming a correct altimeter barometric setting, and the pressure altitude corresponding to the undisturbed ambient pressure;
- “alternate heliport” means a heliport to which a helicopter may proceed when it becomes either impossible or inadvisable to proceed to or to land at the heliport of intended landing and includes –
- (a) “take-off alternate” which is an alternate heliport at which a helicopter can land should this become necessary shortly after take-off and it is not possible to use the heliport of departure;

(b) “*en-route* alternate” which is a heliport at which a helicopter would be able to land after experiencing an abnormal or emergency condition while *en-route* and may include the heliport of departure; and

(c) “destination alternate” which is an alternate heliport to which a helicopter may proceed should it become either impossible or inadvisable to land at the heliport of intended landing and may include the heliport of departure;

“area navigation” means a method of navigation which permits aircraft operation on any desired flight path within the coverage of ground-based or space-based navigation aids or within the limits of the capability of self-contained aids or a combination of these;

“automatic dependent surveillance – contract” means the method by which the terms of an automatic dependent surveillance – contract agreement will be exchanged between ground system and the aircraft, via data link, specifying under what conditions automatic dependent surveillance – contract reports would be initiated and what data would be contained in the report;

“automatic dependent surveillance – contract agreement” means a reporting plan which establishes the conditions of automatic dependent surveillance – contract data such as data required by the air traffic services unit and frequency of automatic dependent surveillance – contract reports which have to be agreed to prior to using automatic dependent surveillance – contract in the provision of air traffic services;

“automatic dependent surveillance – broadcast” means a system by which aircraft, aerodrome vehicles and other objects can automatically transmit or receive data such as identification, position and any additional data as appropriate, in a broadcast mode via a data link;

“cabin crew” means a person employed to facilitate the safety of passengers, whose duties are detailed by the air operator or the pilot in command;

“check airman” means a person who is qualified and permitted, to conduct an evaluation in an aircraft, flight simulator, or a flight training device for a particular type aircraft or flight simulator, for a particular air operator;

“congested hostile environment” means a hostile environment within a congested area;

“day” means the period of elapsed time, using Co-ordinated Universal Time or local time that begins at midnight and ends twenty-four hours later at the next midnight;

- “controlled flight” means any flight which is subject to an air traffic control clearance;
- “crew” means any member of the flight crew or cabin crew;
- “critical engine” means the engine of an aircraft, the failure of which would most adversely affect the performance or handling qualities of an aircraft;
- “critical phases of flight” means those portions of operations involving taxiing, take-off and landing and all flight operations below 10,000 feet, except cruise flight;
- “cruise relief pilot” means a flight crew member who is assigned to perform pilot tasks during cruise flight, to allow the pilot in command or co-pilot to obtain planned rest;
- “dangerous goods” means articles or substances which are capable of posing significant risks to health, safety or property when transported by air;
- “dangerous goods accident” means an occurrence associated with and related to the transport of dangerous goods which results in fatal or serious injury to a person or major property damage;
- “dangerous goods incident” means an occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained or any occurrence relating to the transport of dangerous goods, which seriously jeopardises the aircraft or its occupants;
- “dangerous goods transport document” means a document specified by the Technical Instructions that bears a signed declaration indicating that the dangerous goods are fully and accurately described by their proper shipping names and the four-digit number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or a particular group of substances, where assigned, and that they are correctly classified, packed, marked, labelled and in a proper condition for transport;
- “defined point after take-off” means the point, within the take-off and initial climb phase, before which the ability of the helicopter operating in performance Class 2, to continue the flight safely, with one engine inoperative, is not assured and a forced landing may be required;
- “defined point before landing” means the point, within the approach and landing phase, after which the ability of a helicopter operating in performance Class 2, to continue the flight safely, with one engine inoperative, is not assured and a forced landing may be required;

“duty” means any continuous period during which a crew member is required to carry out any task associated with the business of an air operator;

“effective length of the runway” means the distance for landing from the point at which the obstruction clearance plane associated with the approach end of the runway intersects the centerline of the runway to the far end;

“expected approach time” means the time at which Air Traffic Control expects that an arriving aircraft, following a delay, will leave the holding fix to complete its approach for a landing;

“extended over-water operation” means—

(a) in the case of a single engine land plane a distance of more than one hundred nautical miles from land suitable for making an emergency landing; or

(b) in the case of a multi-engine land plane, a distance of more than two hundred nautical miles from land suitable for making an emergency landing with the capability of continuing flight with one engine inoperative;

“final approach and take-off area” means a defined area over which the final phase of the approach manoeuvre to hover or landing is completed and from which the take-off manoeuvre is commenced and includes the rejected take-off area available for helicopters operating in performance Class 1;

“freight container” means an article of transport equipment for radioactive materials, designed to facilitate the transport of such materials, either packaged or unpackaged, by one or more modes of transport;

“flight crew” means those members of the crew of an aircraft who act as a pilot in command, co-pilot or flight engineer;

“flight dispatcher” means a person who holds a flight dispatcher licence or certificate from another Contracting State;

“flight duty period” means any time during which a person operates in an aircraft as a member of its crew and begins when the crew member is required by the air operator to report for a flight duty and finishes at the end of flight time on the final sector;

“Flight Test Examiner” means a person designated by the Authority, to conduct an evaluation in an aircraft, in a flight simulator or in a flight training device for a particular type aircraft, for a particular air operator or approved Training Organization;

“flight” means one or more sectors and defined by a flight number;

“flight operations officer” means a person designated by the operator to engage in the control and supervision of flight operations who is qualified in accordance with the Civil Aviation [(No. 1) General Application and Personnel Licensing] Regulations, 2004 and who supports, briefs and assists the pilot in command in the safe conduct of the flight;

“flight plan” means specified information provided to Air Traffic Services Units, relative to an intended flight or portion of a flight of an aircraft, and may mean variously, full information on all items comprised in the flight plan description, covering the whole route of a flight or limited information required when the purpose is to obtain a clearance for a minor portion of a flight such as to cross an airway, to take-off from or to land at a controlled aerodrome;

“flight time” means the total time from the moment an aeroplane first moves under its own power for the purpose of taking off until the moment it finally comes to rest at the end of the flight;

“flight time (helicopter)” means the total time from the moment a helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped;

“general aviation operation” means an aircraft operation other than a commercial air transport operation or an aerial work operation;

“ground visibility” means the visibility at an aerodrome as reported by an accredited observer or by automatic systems;

“handling agent” means an agency which performs on behalf of the operator some or all of the latter’s functions including receiving, loading, unloading, transferring or other processing of passengers or cargo;

“helideck” means a heliport located on a floating or fixed offshore structure;

“heliport” means an aerodrome or defined area on a structure intended to be used wholly or in part for the arrival, departure, and surface movement of helicopters;

“hostile environment” means an environment in which -

- (a) a safe forced landing cannot be accomplished because the surface, and its surrounding environment, is inadequate;
- (b) the helicopter occupants cannot be adequately protected from the atmospheric and weather elements;
- (c) search and rescue response or capability is not provided consistent with anticipated exposure; or

(d) there is an unacceptable risk of endangering persons or property on the ground;

“incident” means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.

“journey log” means a form signed by the pilot in command of each flight that records the registration of the aircraft, crew member names and duty assignments, the type of flight, and the date, place, and time of arrival and departure;

“landing decision point” means the point used in determining the landing performance of a helicopter operating in performance Class 1, where, should a power-unit failure occur at this point, the landing may be safely continued or a balked landing initiated;”;

“line operating flight time” means flight time recorded by the pilot in command or co-pilot while conducting commercial operations for an air operator;

“master minimum equipment list” means a list of equipment established by a manufacturer of an aircraft for a particular aircraft type with the approval of the State of manufacture containing items, one or more of which is permitted to be unserviceable at the commencement of a flight, it may be associated with special operating conditions, limitations or procedures and provides the basis for development, review, and approval by the Authority of the Minimum Equipment List of an individual operator;

“national air operator” means a person, organization or enterprise who has been issued a Trinidad and Tobago air operator certificate in accordance with the Civil Aviation [(No. 3) Air Operators Certification and Administration] Regulations, 2004;

“navigation specification” means a set of aircraft and flight crew requirements needed to support performance-based navigation operations within a defined airspace as follows:

- (a) required navigation performance specification which is a navigation specification based on area navigation that includes the requirement for performance monitoring and alerting, designated by the prefix RNP, such as RNP4, RNP, APCH; and
- (b) area navigation specification which is a navigation specification based on area navigation that does not include the requirement for performance monitoring and alerting, designated by the prefix RNAV, for example, RNAV 5, RNAV 1;

“non-congested hostile environment” means a hostile environment outside a congested area;

“non-hostile environment” means an environment in which -

- (a) a safe forced landing can be accomplished because the surface, and its surrounding environment, is adequate; or
- (b) the helicopter occupants can be adequately protected from the elements;
- (c) search and rescue response/capability is provided consistent with anticipated exposure; and
- (d) the assessed risk of endangering persons or property on the ground is acceptable;

“occurrence” includes an incident, serious incident or accident;

“operator” means—

- (a) a person, organization or enterprise engaged in or offering to engage in, aircraft operations and any person who causes or authorizes the operation of an aircraft, in the capacity of owner, lessee, or otherwise whether with or without the control of the aircraft;
- (b) who or which is deemed to be engaged in the operation of aircraft within the meaning of the Civil Aviation Act, 2001;

“operational flight plan” means the plan of an operator for the safe conduct of flight based on considerations of aircraft performance, other operating limitations, and relevant expected conditions on the route to be followed and at the aerodromes or heliports concerned;

“operations specifications” means the authorizations, conditions and limitations associated with the air operator certificate and subject to the conditions in the operations manual;

“offshore operations” means operations which routinely have a substantial proportion of the flight conducted over water areas to or from offshore locations and include but are not limited to support of offshore oil, gas and mineral exploitation and sea-pilot transfer;

“okta(s)” is the international unit for reporting cloud amount which is the estimated total apparent area of the sky covered with cloud such that 0 okta means sky clear, 1 okta means one-eighth of the sky covered with cloud, 1-2 oktas means up to one quarter of sky covered with cloud, 3-4 oktas means up to one half of the sky covered with cloud, 5-7 oktas means up to three quarters of the sky covered with cloud, and 8 oktas means sky overcast with cloud;

“operations in performance Class 1” means operations of a helicopter with performance such that, in the event of a critical power unit failure, performance is available to enable the helicopter to safely continue the flight to an appropriate landing area, unless the failure occurs prior to reaching the take-off decision point or after passing the landing decision point, in which cases the helicopter must be able to land within the rejected take-off or landing area;

“operations in performance Class 2” means operations of helicopter with performance such that, in the event of critical power unit failure, performance is available to enable the helicopter to safely continue the flight to an appropriate landing area, except when the failure occurs early during the take-off manoeuvre or late in the landing manoeuvre, in which case a forced landing may be required;

“operations in performance Class 3” means operations with performance such that, in the event of a power unit failure at any time during the flight, a forced landing will be required;

“package” means the complete product of the packing operation consisting of the packaging and its contents prepared for transport;

“packaging” means receptacles and any other components or materials necessary for the receptacle to perform its containment function and to ensure compliance with the packing requirements;

“passenger exit seats” means those seats from which a passenger can proceed directly to the exit without entering an aisle or passing around an obstruction and those seats in a row of seats through which passengers would have to pass to gain access to an exit, from the first seat inboard of the exit to the first aisle inboard of the exit;

“performance-based navigation” means area navigation based on performance requirements for aircraft operating along an air traffic service route, on an instrument approach procedure in a designated airspace;

“proper shipping name” means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packaging;

“positioning” means the practice of transferring crews from place to place as passengers in surface or air transport on behalf of the air operator;

“required communication performance” means a statement of the performance requirements for operational communication in support of specific Air Traffic Management functions;

“RCP type” means a label that represents the values assigned to required communication performance parameters for communication transaction time, continuity, availability and integrity such as RCP 240;

“reporting time” means the time at which a crew member is required by the air operator to report for duty;

“reserve duty” means a period during which the air operator requires a crew member who would otherwise be off-duty to be available for flight duty;

“rest period” means a period of time before starting a flying duty period that is designed to give crew members adequate opportunity to rest before a flight;

“RNP” means a statement of the navigation performance necessary for operation within a defined airspace, the performance and requirements of which are defined for a particular RNP type application;

“RNP type” means a containment value of navigation accuracy, expressed as a distance in nautical miles from the intended aircraft position within which flights would be for at least ninety-five percent of the total flying time, for example, RNP4 represents a navigation accuracy of plus or minus four nautical miles on a ninety-five per cent containment basis.

“rostered duty” means a planned duty period, or series of duty periods, with stipulated start and finish times, notified by the air operator to crews in advance;

“rostering period” means a period of consecutive days which the air operator shall roster duty and rest periods notified by the air operator in advance;

“runway-holding position” means a designated position intended to protect a runway, an obstacle limitation surface, or an ILS/MLS critical/sensitive area at which taxiing aircraft and vehicles shall stop and hold, unless otherwise authorized by the aerodrome control tower;

“safe forced-landing” means an unavoidable landing or ditching of an aircraft with a reasonable expectancy of no injuries to persons in the aircraft or on the surface;

“safety programme” means an integrated set of regulations and activities aimed at improving safety;

“safety management system” means a systematic approach to managing safety, including the necessary organizational structures, accountabilities, policies and procedures;

“scheduled duty” means the allocation of specific flights or other duties to a crew member within the pre-notified rostered series of duty periods;

“sector” means the time between an aircraft moving under its own power until it next comes to rest after landing, at the designated parking position;

“series of flights” means consecutive flights of a helicopter that -

(a) begin and end within a period of 24 hours; and

(b) are all conducted by the same pilot-in-command;

“serious incident” means an incident involving circumstances indicating that an accident nearly occurred;

“serious injury” means an injury which is sustained by a person in an accident and which—

(a) requires hospitalisation for more than 48 hours, commencing within seven days from the date the injury was received;

(b) results in a fracture of any bone (except simple fractures of fingers, toes or nose);

(c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;

(d) involves injury to any internal organ;

(e) involves second or third degree burns, or any burns affecting more than 5% of the body surface; or

(f) involves verified exposure to infectious substances or injurious radiation.

“short haul operation” means flights where the origins and destinations are less than three hours time change apart;

“Special Flight Permit” means a permit issued by the Authority in accordance with the Civil Aviation [(No. 5) Airworthiness] Regulations, 2004 in respect of an aircraft that is capable of safe flight, but unable to meet applicable airworthiness requirements;

“split duty” means a flying duty period which consists of two or more sectors separated by less than a minimum rest period;

“State of Origin” means the State in which dangerous goods were first loaded on an aircraft;

“suitable accommodation” means a furnished bedroom which is subject to minimum noise, is well ventilated and has the facility to control the levels of light and temperature;

“take-off decision point” means the point used in determining take-off performance of a helicopter operating in performance Class 1 from which, a power-unit failure occurring at this point, either a rejected take-off may be made or a take-off safely continued;”.

“target level of safety” means a generic term representing the level of risk which is considered acceptable in particular circumstances;

“Technical Instructions” means the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air;

“travelling” means all time spent by the crew member transiting between the place of rest and the place of reporting for duty and does not count as duty time;

“Trinidad and Tobago aircraft” means all civil aircraft registered in Trinidad and Tobago;

“total vertical error” means the geometric difference between the actual pressure altitude flown by an aircraft and its assigned pressure altitude (flight level);

“unit load device” means any type of aircraft container for baggage or freight, aircraft pallet with a net, or aircraft pallet with a net over an igloo; and

“VHF Omni Range” means a ground based radio navigation equipment capable of giving visual indications in the cockpit bearings by means of signals received from very high frequency omni-directional radio ranges.

“visibility” means, for aeronautical purposes the greater of—

- (i) the greatest distance at which a black object of suitable dimensions, situated near the ground, can be seen and recognized when observed against a bright background; and
- (ii) the greatest distance at which lights in the vicinity of one thousand candelas can be seen and identified in an unlit background;

Applicability of Regulations

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Regulations

3. (1) These Regulations prescribe the requirements for—

(a) operations conducted on a Trinidad and Tobago aircraft by airmen and

operator certified by the Authority;

(b) the use of foreign registered aircraft by national air operators;

(c) operations of aircraft within Trinidad and Tobago by airmen or air operators of a foreign state.

(2) Operators of Trinidad and Tobago aircraft and flight crew licenced in Trinidad and Tobago, operating outside of Trinidad and Tobago, shall comply with the requirements under these Regulations unless such compliance would violate any law of the foreign state in which the operation is conducted.

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