

PART IV

CREW MEMBER DUTIES AND RESPONSIBILITIES

46. (1) A crew member shall be responsible for proper execution of his duties that are—

Crew  
responsibilities

(a) related to the safety of the aircraft and its occupants; and

(b) specified in the instructions and procedures laid down in the Operations Manual.

(2) A crew member shall—

(a) report to the pilot in command any fault, failure, malfunction or defect which he believes may affect the airworthiness or safe operation of an aircraft including emergency system;

(b) report to the pilot in command any occurrence that endangered, or may endanger the safety of operation; and

(c) make use of the occurrence reporting scheme of the operator in accordance with these Regulations and in all such cases a copy of the report shall be communicated to the pilot in command concerned.

(3) Nothing in subregulation (2), shall require a crew member to report an occurrence which has already been reported by another crew member.

(4) A crew member shall not perform duties on an aircraft—

(a) while under the influence of any drug that may affect his faculties in a manner contrary to safety;

(b) until a reasonable time period has elapsed after deep-water diving;

(c) following blood donation except when a reasonable time period has elapsed;

(d) where he is in any doubt of being able to accomplish his assigned duties; or

(e) where he knows or suspects that he is suffering from fatigue, or feels unfit to the extent that the flight may be endangered.

(5) A crew member shall not—

(a) consume alcohol less than eight hours prior to the specified reporting time for flight duty or the commencement of reserve or standby duty;

- (b) commence a flight duty period with a blood alcohol level in excess of 0.04 per cent by weight in the period;
- (c) consume alcohol during the flight duty period or whilst on reserve or standby duty;
- (6) A pilot in command shall—
  - (a) be responsible for the safe operations of the aircraft and the safety of its occupants during flight time;
  - (b) decide whether or not to accept an aircraft with unserviceable equipment permitted by the Configuration Deviation List or Minimum Equipment List;
  - (c) ensure that the pre-flight inspection has been carried out.
  - (d) have authority to give all commands he deems necessary for the purpose of securing the safety of the aircraft and of persons or property carried therein;
  - (e) have authority to require any person to disembark, or have removed who in his opinion, may represent a potential hazard to the safety of the aircraft or its occupants;
  - (f) have authority to require any part of cargo on an aircraft be removed, which in his opinion, may represent a potential hazard to the safety of the aircraft or its occupants;
  - (g) not permit any person to be carried in the aircraft who appears to be under the influence of alcohol or drugs to the extent that the safety of the aircraft or its occupants is likely to be endangered;
  - (h) have the right to refuse transportation of inadmissible passengers, deportees or persons in custody if their carriage poses any risk to the safety of the aircraft or its occupants;
  - (i) detain any person or cargo for any period he considers reasonably necessary to ensure compliance with the Act or Regulations made thereunder;
  - (j) ensure that all passengers are briefed on the location of emergency exits and the location and use of relevant safety and emergency equipment;
  - (k) ensure that all operational procedures and check lists are complied with in accordance with the Operations Manual;
  - (l) not allow any crew member to perform any activity during take-off, initial climb, final approach and landing except those duties required for the safe operation of the aircraft; and

(m) not allow—

- (i) a flight data recorder to be disabled, switched off or erased during flight;
- (ii) recorded data to be erased after flight in the event of an accident or an incident subject to mandatory reporting;
- (iii) a cockpit voice recorder to be disabled or switched off during flight unless he believes that the recorded data, which otherwise would be erased automatically, should be preserved for incident or accident investigation; and
- (iv) recorded data to be manually erased during or after flight in the event of an accident or incident subject to mandatory reporting.

(7) The pilot in command or the pilot to whom conduct of the flight has been delegated shall, in an emergency situation that requires immediate decision and actions, take any action he considers necessary under the circumstances and in such cases he may deviate from rules, operational procedures and methods in the interest of safety.

#### ***Pilot in Command Authority***

47. An operator shall take all necessary measures to ensure that all persons carried in the aircraft, obey all reasonable commands given by the pilot in command for the purpose of securing the safety of the aircraft and of persons or property carried therein.

Powers of the pilot in command

#### ***Compliance with Regulations of a Territory***

48. (1) Subject to subregulation (2), a pilot in command shall comply with the relevant laws, regulations and procedures of the States in which the aircraft is operated.

Compliance with local regulations

(2) Where an emergency situation exists, which endangers the safety of an aircraft or persons on board an aircraft and necessitates the taking of action which involves a violation of the requirements under subregulation (1), the pilot in command shall—

- (a) notify the appropriate Civil Aviation Authority without delay; and
- (b) submit a report of the circumstances, where required by the State in which the incident occurred.

(3) A copy of the report under subregulation (2)(b), shall be submitted by the pilot in command to the Authority within ten days of the violation in the form prescribed.

***Negligent or Reckless Operations of Aircraft***

Prohibition on the negligent or reckless operations of aircraft

49. A person shall not operate an aircraft in a negligent or reckless manner so as to endanger life or property.

***Fitness of flight crew***

Fitness of flight crew

50. (1) A person shall not act as pilot in command or in any other capacity as a required flight crew when he is aware of any decrease in his medical fitness for any cause which might render him unable to safely exercise the privileges of his licence.

(2) The pilot in command shall be responsible for ensuring that a flight is not—

(a) commenced where any flight crew member is incapacitated from performing duties for any cause such as injury, sickness, fatigue, the effects of alcohol or drugs; or

(b) continued beyond the nearest suitable aerodrome where the capacity of the flight crew to perform functions is significantly reduced by impairment of faculties due to fatigue, sickness or lack of oxygen.

***Crew Member Seat Belt and Shoulder Harness***

Crew member use of seat belt and shoulder harness

51. (1) A crew member shall have his seat belt fastened during take-off and landing and all other times when seated at his station.

(2) A member of the flight crew occupying a pilot seat shall keep the safety harness fastened during take-off and landing phases.

(3) Crew members other than those specified in subregulation (1), occupying a station equipped with a shoulder harness shall fasten that harness during take-off and landing, except that the shoulder harness may be unfastened where those crew members cannot perform the required duties with the shoulder harness fastened.

(4) An occupant of a seat equipped with a combined safety belt and shoulder harness shall have the combined safety belt and shoulder harness properly secured about himself, during take-off and landing and be able to properly perform assigned duties.

(5) At an unoccupied seat, the safety belt and shoulder harness, where installed, shall be secured so as not to interfere with a crew member in the performance of his duties or with the rapid egress of persons in an emergency.

***Duty Station Requirements for Flight crew***

Requirements of flight crew at duty stations

52. (1) A required flight crew member shall remain at his assigned duty station during take-off and landing and critical phases of flight.

(2) A flight crew member shall remain at his station during all phases of flight unless—

- (a) absence is necessary for the performance of his duties in connection with the operation;
- (b) absence is necessary for physiological needs, provided one qualified pilot remains at the controls at all times; or
- (c) the crew member is taking a rest period and a qualified relief crew member replaces him at the duty station.

(3) On all decks of an aircraft that are occupied by passengers, required cabin crew members shall be seated at their assigned stations during the take-off and landing and whenever deemed necessary by the pilot in command in the interest of safety.

#### ***Emergency Duties of Flight crew***

53. An operator shall assign for each type of aircraft the necessary functions that flight crew are to perform in an emergency or in a situation requiring emergency evacuation.

Flight crew  
emergency  
duties

#### ***Required Equipment for Crew***

54. (1) A crew member involved in night operations shall have a flashlight at his station.

Required  
crew  
equipment

(2) A flight crew member shall have at his station an aircraft checklist containing at least the pre-take-off, after take-off, before landing and emergency procedures.

(3) A flight crew member shall have at his station, current and suitable charts to cover the route of the proposed flight and any route along which it is reasonable to expect that the flight may be diverted.

(4) A flight crew member assessed as fit to exercise the privileges of a licence subject to the use of suitable corrective lenses shall have a spare set of the corrective lenses readily available when performing as a required crew member in commercial air transport operations.

#### ***Checklist Procedures Compliance***

55. A pilot in command shall ensure that the flight crew follows the approved checklist procedures under the Civil Aviation [(No. 3) Air Operator Certification and Administration] Regulations, 2004, when operating the aircraft.

Requirement  
to comply  
with  
approved  
checklist  
procedures

***Search and Rescue Information***

Requirement to have search and rescue information on board aircraft

56. For all international flights, a pilot in command shall have on board the aircraft essential information concerning the search and rescue services in the areas over which they intend to operate the aircraft.

***Aircraft and Flight Documentation***

Production of aircraft and flight documentation

57. A pilot in command shall produce to an Inspector of the Authority or of any other civil aviation authority of a contracting state the documentation required to be carried on board an aircraft when such Inspector so requests.

***Cockpit Compartment Security for Commercial Air Transport Operations***

Requirements for cockpit compartment security for commercial air transport operations

58. A pilot in command shall ensure that approved procedures under Civil Aviation [(No. 3) Air Operator Certification and Administration] Regulations, 2004, to prevent unauthorized persons from entering the flight crew compartment during flight are complied with at all times during passenger carrying commercial air transport operations.

***General Admission to Cockpit***

Admission to the cockpit in commercial air transport operations

59. (1) A pilot in command shall not admit any person to the cockpit of a Trinidad and Tobago aircraft engaged in commercial air transport operations unless the person being admitted is—

- (a) an operating crew member;
- (b) a representative of the Authority responsible for certification, licencing or inspection, where this is required for the performance of his official duties;
- (c) permitted by the operator and carried out in accordance with instructions contained in the Operations Manual;
- (d) a flight operations officer of a national air operator on line observation training; or
- (e) an Air Traffic Controller who is authorized by the Authority to observe Air Traffic Control procedures.

(2) The pilot in command shall ensure that—

- (a) in the interest of safety, admission to the cockpit does not cause distraction and interference with the operations of the flight; and
- (b) a person who is carried on the cockpit is made familiar with the relevant safety procedures.

***Admission to Cockpit by Inspector***

60. (1) Where, in performing the duties of conducting an inspection, an Inspector from the Authority presents his authorization to the pilot in command, the pilot in command shall give the Inspector free and uninterrupted access to the cockpit of the aircraft.

Admission of Inspector to the cockpit

(2) A national air operator shall make available for the use of the Inspector, the observer seat most suitable to perform his duties as determined by the Inspector.

***In-flight Fuel Management Requirements***

61. (1) An air operator shall establish a procedure to ensure that in-flight fuel checks and fuel management are carried out.

(2) A pilot in command shall ensure that the amount of usable fuel remaining in flight is not less than the fuel required to proceed to an aerodrome where a safe landing can be made, with final reserve fuel remaining.

Requirement for in-flight fuel management

(3) A pilot in command shall declare an emergency when the actual usable fuel on board is less than the final reserve fuel.

***Flight crew Duties During Critical Phases of Flight***

62. (1) A flight crew member shall not perform any duties during a critical phase of flight except those required for the safe operation of the aircraft.

(2) A pilot in command shall not permit a flight crew member to engage in any activity during a critical phase of flight which could distract or interfere with the performance of his assigned duties.

Duties of Flight crew during critical phases of flight

(3) A flight crew member required to be on cockpit duty shall communicate through boom microphones below Flight Level 150.

***Manipulation of the Controls in Commercial Air Transport Operations***

63. (1) A pilot in command shall not allow an unqualified person to manipulate the controls of an aircraft during commercial air transport operations.

(2) A pilot in command shall not allow any person to manipulate the controls of an aircraft during commercial air transport operations nor shall any person manipulate the controls during flight unless that person is—

Restriction on manipulation of the controls in commercial air transport operations

(a) a qualified pilot, flight instructor or check airman of the national air operator operating that aircraft; or

- (b) an authorized pilot safety representative of the Authority or who has the permission of the pilot in command, is qualified in the aircraft, and is checking flight operations.

### ***Simulated Abnormal Situations***

Simulated abnormal situations in flight for commercial air transport operations

64. A person shall not cause or engage in simulated abnormal or emergency situations or the simulation of instrument meteorological conditions by artificial means during commercial air transport operations.

### ***Technical Logbook***

Completion of technical logbook for commercial air transport operations

65. (1) The pilot in command shall ensure that all portions of the technical logbook are completed in indelible ink or indelible pencil at the appropriate points before, during and after flight operations.

(2) The pilot in command shall be responsible for the journey log and the general declaration.

### ***Reporting Mechanical Irregularities***

Reporting mechanical irregularities

66. An operator shall ensure that all known or suspected defects and mechanical irregularities occurring during flight time are entered in the technical log of the aircraft at the end of such flight time.

### ***General Reporting Procedures for Occurrences***

General reporting procedures for occurrences

67. (1) An operator shall establish procedures for reporting occurrences taking into account the following responsibilities:

- (a) a pilot in command or the operator of an aircraft shall submit a report to the Authority of any occurrence that endangers or could endanger the safety of operation;
- (b) a report under paragraph (a), by the pilot in command shall be despatched within seventy-two hours of the time when the incident was identified unless exceptional circumstances prevent this;
- (c) a pilot in command shall ensure that all known or suspected technical defects and all occurrences whose technical limitations occurring while he was responsible for the flight are recorded in the aircraft technical log and where the deficiency or exigency of technical limitations endangers or could endanger the safety of operation, the pilot in command shall in addition initiate the submission of a report to the Authority in accordance with paragraph (a).

- (2) In the case of incidents reported in accordance with subregulation (1)—
- (a) arising from or relating to, any failure, malfunction defect in the aircraft, its equipment or any item of ground support equipment; or
  - (b) which causes or may cause adverse effects on continuing airworthiness of the aircraft, the operator shall also inform the organisation responsible for the design or the supplier or, where applicable, the organisation responsible for continued airworthiness, at the same time as a report is submitted to the Authority.

***Reporting Procedures for Accidents and Serious Incidents***

68. An operator shall establish procedures for reporting accidents and serious incidents taking into account the following responsibilities and the circumstances:

- (a) a pilot in command shall notify the operator of any accident or serious incident occurring while he was responsible for the flight, and when he is incapable of providing such notification, this task shall be undertaken by the next senior crew member as specified by the national air operator where such other member is able to do so;
- (b) an operator shall ensure that the civil aviation authority in the State of the operator, the nearest appropriate civil aviation authority where not the civil aviation authority in the State of the operator, and any other organization required by the State of the operator to be informed, are notified by the quickest means available of any accident or serious incident and in the case of accidents only, at least before the aircraft is moved unless exceptional circumstances prevent this; and
- (c) a pilot in command or the operator of an aircraft shall submit a report to the civil aviation authority in the State of the operator within seventy-two hours of the time when the accident or serious incident occurred.

Reporting procedures for accidents and serious incidents

***Air Traffic Incidents Reporting Procedures***

69. Where an air traffic incident occurs, a pilot in command shall without delay notify—

- (a) the Air Traffic Control Facility concerned of the incident and of his intention to submit an air traffic incident report after the flight has ended whenever an aircraft in flight has been endangered by—
  - (i) near collision with any other flying device;
  - (ii) faulty air traffic procedures or lack of compliance with applicable procedures by air traffic control or by the flight crew; and
  - (iii) failure of air traffic control facilities; and

Reporting procedures for Air-traffic incidents

(b) the Authority of the incident.

### ***Airborne Collision Avoidance System***

Procedures  
for reporting  
Airborne  
Collision  
Avoidance  
System  
Advisory

70. A pilot in command shall—

(a) immediately notify the Air Traffic Control Facility concerned whenever an aircraft in flight has manoeuvred in response to an Airborne Collision Avoidance System Resolution Advisory;

(b) submit a report to the Authority on any occurrence of an Airborne Collision Avoidance System Resolution Advisory.

### ***Bird Hazards and Bird Strikes***

Procedures  
for reporting  
bird hazards  
and strikes

71. (1) A pilot in command shall immediately inform the local Traffic Control Facility whenever a potential bird hazard is observed.

(2) Where a pilot in command of an aircraft is aware that a bird strike has occurred and such bird strike has resulted in significant damage or the loss or malfunction of any essential service of the aircraft he shall submit a written bird strike report to the Authority, upon landing.

(3) Where evidence of a bird strike is discovered on an aircraft when the pilot in command is not available, the operator shall be responsible for submitting the report.

### ***In-flight Emergency Reporting***

Procedures  
for reporting  
in-flight  
emergency

72. (1) Where an in-flight emergency occurs the pilot in command shall inform the appropriate Air Traffic Facility—

(a) of such an occurrence; and

(b) where the situation permits, any dangerous goods on board the aircraft.

(2) Where an aircraft under subregulation (1), has landed, the pilot in command shall, where the occurrence has been associated with and was related to the transport of dangerous goods, comply also with the reporting requirements specified in regulation 25.

### ***Unlawful Interference Reporting Procedures***

Procedures  
for reporting  
unlawful  
interference

73. Where there has been an act of unlawful interference on board an aircraft, the pilot in command or, in his absence, the operator shall submit a report as soon as practicable to the civil authority of the State where the incident occurred and to the Authority.

***Potentially Hazardous Conditions Reporting Procedures***

74. A pilot in command shall notify the appropriate Air Traffic Control Facility as soon as practicable whenever a potentially hazardous condition such as an irregularity in a ground or navigational facility, a meteorological phenomenon or a volcanic ash cloud is encountered during flight.

Procedures for reporting potentially hazardous conditions

***Cockpit Voice Recorder and Flight Data Recorder***

75. (1) A pilot in command shall ensure that whenever an aircraft has flight recorders installed, such recorders are operated continuously from the instant—

Operation of cockpit voice and flight data recorder

- (a) for a flight data recorder, the aircraft begins its take-off roll until it has completed the landing roll; and
- (b) for a cockpit voice recorder, the initiation of the pre-start checklist until the end of the aircraft shutdown checklist.

(2) A pilot in command, in order to preserve the data for an accident or incident investigation by the Authority, shall not, unless necessary, permit a flight data recorder or cockpit voice recorder to be disabled, switched off or erased during flight.

(3) In the event of an accident or incident, a pilot in command shall act to preserve the recorded data for subsequent submission to the Authority as may be requested to conduct an investigation.

***Minimum Supply and Use of Oxygen***

76. (1) A pilot in command shall ensure that breathing oxygen is provided on flights at such altitudes where a lack of oxygen may result in impairment of the faculties of crew members.

Requirements for minimum supply and use of oxygen

(2) The minimum supply of oxygen on board the aircraft shall not be less than that prescribed by Civil Aviation [(No.7) Instruments and Equipment] Regulations, 2004.

(3) A pilot in command shall ensure that all flight crew members, when performing duties essential to the safe operation of an aircraft in flight, use breathing oxygen continuously where the cabin altitudes exceeds 10,000 feet for a period in excess of thirty minutes and whenever the cabin altitude exceeds 13,000 feet .

(4) One pilot at the controls of a pressurised aircraft in flight shall have available at his pilot station, a quick-donning oxygen mask with oxygen readily available on demand—

- (a) for general aviation operations, at flight levels above 350, where there is no other pilot at his duty station; and
- (b) for commercial air transport operations, at flight levels above 250, if there is no other pilot at his duty station.

*Portable Electronic Devices*

Restrictions  
on use of  
portable  
electronic  
devices

77. A pilot in command or senior cabin crew shall not permit any person to use, nor shall any person use a portable electronic device on board an aircraft that may adversely affect the performance of the aircraft systems and equipment unless—

- (a) for Instrument Flight Rules operations other than commercial air transport, he allows such a device prior to its use; or
- (b) for commercial air transport operations, the national air operator makes a determination of acceptable devices and publishes that information in the Operations Manual for the crew members use; and
- (c) he informs passengers of those portable electronic devices that may be used on the aircraft.