

PART III

AIRCRAFT OPERATIONS

Applicability

19. This Part prescribes aircraft operations requirements and includes leasing and interchange operations by a national air operator.

Applicability of Part III

Restrictions on Operation of Aircraft in Commercial Air Transport Operation

20. (1) A national air operator shall not operate an aircraft in commercial air transport unless that aircraft—

Restriction on operation of aircraft in commercial air transport

- (a) as an appropriate current Certificate of Airworthiness;
- (b) is in airworthy condition; and
- (c) meets the applicable airworthiness requirements for these operations, including those related to identification, instruments and equipment.

(2) A national air operator shall not operate any specific type of aircraft in commercial air transport until it has completed satisfactory initial certification, which includes the issuance of a Trinidad and Tobago Air Operator Certificate listing that type of aircraft.

(2A) A national air operator shall not operate a helicopter on flights –

- (a) in off-shore operations;
- (b) over water in a hostile environment at a distance from land corresponding to more than ten minutes at normal cruise speed when operating in Performance Class 1 and Performance Class 2; or
- (c) over water beyond auto-rotational or safe forced landing distance from land when operating in Performance Class 3, unless the helicopter is certified for ditching and the sea state is part of ditching information.

(3) A national air operator shall not operate additional or replacement aircraft of a type for which it is currently authorized or unauthorized unless it can show that for each aircraft, an evaluation process was completed for inclusion in the fleet of the air operator.

Leasing Operations

Leasing operations

21. (1) A person wishing to operate a leased aircraft in Trinidad and Tobago, shall apply to the Authority in the form prescribed by the Director General for approval to so operate.

(2) A lease under subregulation (1) may be either a dry lease or wet lease operation.

Dry Leasing Operations

Dry leasing operations

22. The dry lease operation under regulation 21 shall apply to the following persons in respect of the operation of a leased aircraft by the lessee where the aircraft is registered in the name of the lessor:

- (a) a national air operator that leases a Trinidad and Tobago aircraft;
- (b) a foreign air operator that leases a Trinidad and Tobago aircraft; and
- (c) a national air operator that leases an aircraft from a foreign State.

Evidence to be provided by a dry lease operator under regulation 22(a)

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23. An applicant for a dry lease operation under regulation 22(a), shall provide the Authority with evidence establishing that—

- (a) throughout the term of the lease, the aircraft shall—
 - (i) be in the legal custody and control of the lessee; and
 - (ii) not be made the subject of another lease during the term of the lease except with the approval of the Authority;
- (b) the lessee of the aircraft holds a Trinidad and Tobago Air Operator Certificate or an approved Aviation Training Organization certificate issued under the Act; and
- (c) the lessee is responsible for—
 - (i) the maintenance of the aircraft in accordance with the applicable standards of airworthiness;
 - (ii) the maintenance control system and maintenance schedules approved by the Authority; and
 - (iii) any requirements set out in the authorization issued.

Evidence to be provided by a dry lease operator under regulation 22(b)

24. (1) An applicant for a dry lease operation under regulation 22 (b) shall provide the Authority with evidence establishing that—

Evidence to be provided by a dry lease operator under regulation 22(b)

(a) throughout the term of the lease the aircraft shall—

- (i) be registered to the lessor;
- (ii) be in the legal custody and control of the lessee; and
- (iii) not be made the subject of another lease during the term of the lease authorized for that aircraft except with the approval of the Authority;

(b) the lessee—

- (i) is a citizen of a foreign state or an entity incorporated or formed by or under the laws of a foreign Contracting State;
- (ii) holds an Air Operator Certificate or equivalent document, issued by the foreign Contracting State in respect of the aircraft type being leased;
- (iii) shall operate the aircraft on such basis as approved by the Authority; and
- (iv) has demonstrated the ability and qualification to maintain the aircraft in accordance with the maintenance control system and approved maintenance schedule;

(c) the main operations base facility of the lessee, during the term of the lease, will be located in the state of the lessee;

(d) the aircraft—

- (i) has a valid certificate of airworthiness;
- (ii) shall not undergo modification unless it is authorized by the Authority; and
- (iii) shall continue to meet the maintenance control system and the maintenance schedule approved by the Authority;
- (iv) shall be maintained in accordance with an inspection programme approved by the Authority and any additional requirements set out in the authorization issued;

(e) every crew member assigned to the aircraft by the lessee—

- (i) where the aircraft will be operated by a lessee of a Contracting State, holds the licence appropriate to the duties of the crew member issued by the Authority or issued by the State of the lessee and validated by the Authority;
- (ii) where the aircraft will be operated outside the State of the lessee and that foreign state is not a contracting State, holds the licence appropriate to the duties of the crew member issued by the Authority;
- (iii) in the case of a large aircraft, has received training equivalent to that described in Annex 6 to the Chicago Convention.

(2) Where an aircraft is dry leased under this Part and is to be re-registered in the State of the lessee it shall be first de-registered by the Authority before such re-registration.

Evidence to be provided by a dry lease operator under regulation 22(c)

Evidence to be provided by a dry lease operator under regulation 22(c)

25. (1) An applicant for a dry lease operation under regulation 22(c) shall provide the Authority with evidence establishing that—

(a) the aircraft—

- (i) is of a type and model designation to be eligible for a Trinidad and Tobago Certificate of Airworthiness and complies with all environmental and operational requirements;
- (ii) has a valid Certificate of Airworthiness issued in respect of the aircraft by the State of Registry where the State of Registry is a contracting State; and
- (iii) will not be made the subject of another lease during the term of the lease except as approved by the Authority;

(b) the lessee holds a Trinidad and Tobago Air Operator Certificate or an approved Aviation Training Organization Certificate;

(c) the lessee provides the Authority with evidence establishing that—

- (i) the aircraft complies with the type approval issued in respect of the aircraft or other equivalent document and meets the applicable standards of airworthiness and maintenance control system and the maintenance schedules approved by the Authority;

- (ii) the lease will not affect the registration of the aircraft or the certificate of airworthiness issued in respect of the aircraft by the State of Registry;
- (d) the aircraft crew members are in the employ of the lessee; and
- (e) during the term of the lease authorized by the Authority, the aircraft shall be—
 - (i) in the legal custody and control of the lessee;
 - (ii) maintained in accordance with the applicable standards of airworthiness and maintenance control system and the maintenance schedules approved by the Authority; and
 - (iii) maintained in accordance with an inspection programme approved by the Authority and any requirements set out in the authorization issued.

(2) Notwithstanding subregulation (1)(c)(ii) a lessee may apply for registration of an aircraft in Trinidad and Tobago which is the subject of a dry lease operation under regulation 22(c).

Restrictions on Dry Lease Operations

26. (1) A person shall not operate an aircraft as part of a dry lease operation unless—

Restriction on
dry lease
operation

- (a) the maintenance control system and the maintenance schedule approved by the Authority are, during the term of the lease, equivalent for the lessor and the lessee;
- (b) the crew members of the aircraft are employed by the lessee; and
- (c) the national air operator provides the Authority in writing with the following information:
 - (i) the registration mark, manufacturer model designation and serial number of the aircraft;
 - (ii) the names, addresses and telephone numbers, and any other contact means as applicable, of the registered owner;
 - (iii) the Trinidad and Tobago Air Operator Certificate number of a Trinidad and Tobago lessee and details of the maintenance arrangements pertinent to the aircraft as agreed between the lessor and lessee, including the name of the person who is responsible for the maintenance of the aircraft during the term of the lease, and the address of the main maintenance base for the aircraft;

- (iv) the certificate of airworthiness and statement from the registered owner that the aircraft fully complies with the continuing airworthiness requirements of the State of Registry;
- (v) the name address and signature of the lessee or person responsible for operational control of the aircraft under the lease agreement, including a statement that such individual and the parties to the lease agreement fully understand their respective responsibilities under the applicable regulations; and
- (vi) the commencement and termination dates of the lease.

(2) A national air operator may dry lease an aircraft for commercial air transport to any air operator of a Contracting State.

(3) A national air operator shall provide the Authority with a copy of the dry lease agreement to be executed.

(4) A national air operator shall not operate a foreign registered aircraft unless there is in existence an agreement between the Authority and the State of Registry that—

- (a) while the aircraft is operated by the national air operator, the operations regulations of Trinidad and Tobago are applicable;
- (b) while the aircraft is operated by the national air operator, the airworthiness regulations of the State of Registry are applicable; or
- (c) where the State of Registry agrees to transfer some or all of the responsibility for airworthiness to the Authority under Article 83 *bis* of the Chicago Convention, the airworthiness regulations of Trinidad and Tobago shall apply to the extent agreed upon by the Authority and State of Registry.

(5) The agreement under subregulation (4), shall provide that the Director General has free and uninterrupted access to the aircraft at any place and any time.

(6) Where an authorization has been issued in respect of a Trinidad and Tobago aircraft, the registered owner of the aircraft shall, immediately on receipt of the authorization, forward to the lessee all airworthiness directives that apply to the aircraft.

(7) Where an authorization has been issued in respect of an aircraft registered in a foreign state, the Trinidad and Tobago lessee shall ensure that the aircraft conforms with all applicable airworthiness directives.

(8) A copy of the lease authorization pursuant to this regulation shall be carried on board the aircraft at all times during the period of the lease.

Aircraft Interchange

27. (1) A national air operator shall not interchange his aircraft with another air operator without the approval of the Authority.

Aircraft
interchange

(2) Before operating under an interchange agreement under subregulation (1), an air operator shall satisfy the Authority that—

- (a) the procedures of the interchange operation conform to safe operating practices;
- (b) the required crew members and flight operations officers meet approved training requirements for the aircraft and equipment used and are familiar with the communications and dispatch procedures to be used;
- (c) maintenance personnel meet training requirements for the aircraft and equipment and are familiar with the maintenance procedures to be used;
- (d) flight crew members and flight operations officers meet appropriate route and airport qualifications;
- (e) the aircraft to be operated is essentially similar to the aircraft of the national air operator with whom the interchange is effected; and
- (f) the arrangement of flight instruments and controls that are critical to safety are essentially similar unless the authority determines that the national air operator has adequate training to ensure that any potentially hazardous dissimilarities are safely overcome by flight crew familiarization.

(3) Where a national air operator conducts an interchange agreement he shall—

- (a) ensure that the pertinent provisions and procedures of the agreement are included in his Operations Manual; and
- (b) apply to the Authority for the amendment of his operations specifications to reflect an interchange agreement.

(4) A national air operator shall comply with the applicable regulations of the State of Registry of an aircraft involved in an interchange agreement while he has operational control of that aircraft.

Wet Leasing Operations

Wet leasing operations

28. (1) A national air operator shall not conduct wet lease operations on behalf of another air operator except in accordance with the applicable laws and regulations of the country in which the operation occurs and the conditions imposed by the Authority.

(2) A national air operator shall not allow another air operator to conduct wet lease operations on his behalf unless such a lease is approved by the Authority.

(3) The national air operator shall in allowing another air operator to conduct wet lease operations on his behalf under subregulation (2), ensure that—

- (a) the safety standards of the lessor with respect to maintenance and operations are equivalent to Regulations made under the Act;
- (b) the air operator holds a Trinidad and Tobago Air Operator Certificate or its equivalent from a Contracting State that authorizes those operations; and
- (c) the aircraft has a Certificate of Airworthiness issued in accordance with Annex 8 of the Chicago Convention.

(4) A national air operator engaged in a wet leasing operation shall apply to the Authority for an amendment to his operations specifications to contain the following information:

- (a) the names of the parties to the agreement and the duration of the agreement;
- (b) the make, model and series of each aircraft involved in the agreement;
- (c) the kind of operation;
- (d) the expiration date of the wet lease agreement;
- (e) a statement specifying the party deemed to have operational control; and
- (f) any other item, condition or limitation that the Authority deems necessary.

Emergency Evacuation Demonstrations

Requirement for national air operator to carry out full capacity emergency evacuation demonstration

29. (1) A person shall not use an aircraft of a particular type and model in commercial air transport passenger-carrying operations unless he has first applied to and conducted for the Authority, an actual full capacity emergency evacuation demonstration for the configuration, in ninety seconds or less.

(2) The actual full capacity emergency evacuation demonstration under subregulation (1), may not be required, where the applicant provides a written petition for deviation with evidence that—

- (a) a satisfactory full capacity emergency evacuation for the aircraft to be operated was demonstrated during the aircraft type certification or during the certification by another air operator; and
- (b) there is an engineering analysis which shows that an evacuation is still possible within the ninety second standard, where the aircraft configuration of the applicant differs with regard to number of exits or exit types or number of cabin crew or location of the attendants.

(3) Where an actual full capacity emergency evacuation demonstration is not required, under this regulation an applicant may not use an aircraft of a particular type and model in commercial air transport passenger-carrying operations unless he has first demonstrated to the Authority that his available personnel, procedures and equipment are able to provide sufficient open exits for evacuation in fifteen seconds or less

(4) An applicant shall not use a land plane in extended over-water operations unless he has first demonstrated to the Authority in respect of that aircraft type, that he has the ability and equipment to efficiently carry out his ditching procedures.

(5) Cabin crew who participate in emergency evacuation demonstrations shall—

- (a) be selected randomly by the Authority;
- (b) have completed the approved training of the Authority for the type and model of aircraft; and
- (c) have passed the drills and competence check on the emergency equipment and procedures.

Demonstration Flights

30. (1) A person shall not operate an aircraft type in commercial air transport unless he first conducts satisfactory demonstration flights for the Authority in that aircraft type.

Demonstration
flights

(2) A person shall not operate an aircraft in a designated special area, or using a specialized navigation system, unless he conducts a satisfactory demonstration flight for the Authority.

(3) Demonstration flights required under subregulations (1) and (2), shall be conducted in accordance with the regulations applicable to the type of operation and aircraft type used.

(4) Demonstration flights under this regulation shall comprise at least—

- (a) one hundred total hours of flight time unless the Authority determines that a satisfactory level of proficiency has been demonstrated in fewer hours;
- (b) five hours of night time, where night flights are authorized;
- (c) five instrument approach procedures under simulated or actual instrument weather condition, where Instrument Flight Rules flights are to be authorized; and
- (d) entry into a representative number of en route airports, as determined by the Authority.

(5) No person other than those needed to make a demonstration flight or those designated by the Authority may be carried as passengers on an aircraft during demonstration flights.

(6) Where an aeroplane is less than five thousand, seven hundred kilogrammes maximum certified take-off mass and a helicopter is less than three thousand, one hundred and seventy five kilogrammes the necessity and extent of demonstration under this regulation shall be determined by the Authority.

(7) An applicant shall arrange appropriate ground handling facilities to ensure the safe servicing and loading of its demonstration flights.

(8) The Authority may authorize deviations from this regulation where it finds that special circumstances make full compliance with this regulation unnecessary.

Time for Proper Servicing of Aircraft

31. In establishing flight operations schedules, a national air operator conducting scheduled operations shall ensure the safe servicing and loading of its aircraft allow enough time for the proper servicing of aircraft at intermediate stops, and shall consider the prevailing winds en route and cruising speed for the type of aircraft.

National air operator to allow time for proper servicing of aircraft