

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, 2001

THE CIVIL AVIATION [(NO. 8) AVIATION SECURITY]  
REGULATIONS, 2004

1. These Regulations may be cited as the Civil Aviation [(No. 8) Aviation Security] Regulations, 2004. Citation

PART I  
INTERPRETATION

2. For the purpose of these Regulations— Interpretation

“act of unlawful interference” means an act which seeks to or jeopardizes the safety of civil aviation and air transport such as—

- (a) unlawful seizure of an aircraft in flight or on the ground;
- (b) hostage taking on board an aircraft or at an aerodrome;
- (c) forcible intrusions on board an aircraft at an aerodrome or at the premises of an aeronautical facility;
- (d) introduction on board an aircraft or at an aerodrome of a weapon or hazardous device or material intended for criminal purposes; or
- (e) communication of false information so as to jeopardize the safety of aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an aerodrome or at the premises of a civil aviation facility;

“aerial work” means an aircraft operation in which the aircraft is used for specialized services such as agriculture, construction, photography, surveying observation and patrol, search and rescue and aerial advertisement;

“aircraft security check” means an inspection of the interior of an aircraft to which passengers may have had access and an inspection of the hold for the purposes of discovering suspicious objects, weapons, explosives or other dangerous devices, articles and substances;

“aircraft security search” means a thorough inspection of the interior and exterior of the aircraft for the purpose of discovering suspicious objects, weapons, explosives or other dangerous devices, articles and substances;

“aircraft operator” means a national aircraft operator and a foreign aircraft operator;

“air operations area” means a portion of an aerodrome designed and used for landing, take-off or surface manoeuvring of aircraft;

“airside” means the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is controlled;

“aerodrome operator” means a person who operates an aerodrome in Trinidad and Tobago, holding an aerodrome licence issued under the Civil Aviation [(No. 12) Aerodrome Licensing] Regulations, 2004 in respect of such aerodrome and regularly serving scheduled, non-scheduled passenger operations and cargo operations in accordance with the Act or Regulations made thereunder;

“aerodrome tenant” means any enterprise that is resident at an aerodrome;

“Authority” means the Trinidad and Tobago Civil Aviation Authority established under the Civil Aviation Act, 2001;

“authorized search” means a search carried out of persons or goods destined to or within a restricted area of an aerodrome, or on board an aircraft, by a designated aviation security officer, police officer or any other person designated by the Civil Aviation Authority.

“aviation security officer” means—

(a) a person who is trained in accordance with the security training requirements of the approved Aerodrome Operator Security Programme and who has been appointed as an aviation security officer by an aerodrome operator, aircraft operator or aerodrome tenant; and

(b) any member of the Trinidad and Tobago Police Service or Trinidad and Tobago Defence Force when assigned aerodrome security duties;

“aviation screening officer” means a person who by virtue of his training has been employed by the aerodrome operator to carry out aviation security screening duties;

- “background check” means a check of a person’s identity and previous experience, including where legally permissible, any criminal history, as part of the assessment of an individual’s suitability to implement security control or for unescorted access to security restricted areas;
- “cargo” means any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage;
- “certification” means a formal evaluation and confirmation by or on behalf of the appropriate authority for aviation security that a person possesses the necessary competencies to perform assigned functions to an acceptable level as defined by the appropriate authority;
- “carry-on baggage” means luggage and personal belongings to which a person will have access while on board an aircraft;
- “catering stores” means all items, other than catering supplies, associated with passenger in-flight services, that includes newspapers, magazines, headphones, audio and video tapes, pillows and blankets, amenity kits;
- “catering supplies” means food, beverages, other dry stores and associated equipment used on board an aircraft;
- “checked baggage” means luggage and personal belongings accepted for transportation by an aircraft operator and to which a person will not have access while on board an aircraft;
- “commercial air transport operation” means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;
- “corporate aviation” means the non-commercial operation or use of aircraft by a company for the carriage of passengers or goods as an aid to the conduct of company business, flown by a professional pilot employed to fly the aircraft;
- “dangerous goods” means articles or substances which are capable of posing significant risk to health, safety or property when transported by air and which are classified according to the International Civil Aviation Organization Technical Instructions for the Safe Transport of Goods by Air;
- “disruptive passenger” means a passenger who fails to respect the rules of conduct at an airport or on board an aircraft or to follow the instructions of the airport staff or crew members and thereby disturbs the good order and discipline at an airport or on board an aircraft;

“escort” means to accompany or supervise an individual who does not have unescorted access authority to areas restricted for security purposes, as identified in the Aerodrome Operator Security Programme, in a manner sufficient to take action should the individual engage in activities other than those for which the escorted access is granted;

“exclusive area” means that part of an air operations area for which an aircraft operator has agreed in writing with the aerodrome operator to exercise exclusive security responsibility under an approved security programme or a security programme used in accordance with Part VI of these Regulations;

Chap. 16:01

“firearm” has the meaning given to it in the Firearms Act;

“foreign air operator” means an aircraft operator who conducts international air transport operations under the authority of an air operator certificate issued by a State other than Trinidad and Tobago;

“general aviation” means all aviation activity at an aerodrome associated with the arrival and departure of aircraft other than air operators;

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

“goods” means personal belongings, baggage, cargo, mail, article, thing or conveyance that may be taken or placed on board an aircraft or taken into a restricted area;

Chap. 11:22

“hijacking” has the meaning given to it under the Hijacking Act;

“Human Factors principles” means principles which apply to design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human performance;

“human performance” means human capabilities and limitations which have an impact on the safety, security and efficiency of aeronautical operations;

“incendiary device” means an object, other than a match or pocket lighter, that is fabricated with combustible materials and when ignited may cause fire damage to property or inflict burn injuries on individuals;

“in-flight security officer” means a member of the protective services specially trained in aviation security;

“national aircraft operator” means an aircraft operator operating under the authority of the Civil Aviation Authority of Trinidad and Tobago;

“person in custody” means a person who is for the time being under the control of an escort officer;

“personal search” means a search of the clothing of a person and personal belongings for prohibited items by a designated aviation security officer or a member of the Trinidad and Tobago Police Service;

“piracy” has the meaning given to it in the Civil Aviation (Tokyo Convention) Act;

Chap. 11:21

“protective services” means officers of the Trinidad and Tobago Police Service and Trinidad and Tobago Defence Force;

“private charter” means an agreement to hire an entire aircraft for the carriage of passengers and goods;

“public charter” means an agreement to hire a specified cargo space or number of passenger seats on an aircraft for the carriage of passengers and goods;

“record” includes any writing, drawing, map, tape, film, photograph, or other means by which information is preserved;

“regulated agent” means an agent, freight forwarder or any other entity who conducts business with an air operator and provides security controls that are accepted or required by the appropriate authority in respect to cargo and mail;

“restricted area” means any area of an aerodrome that is identified as an area to which access is restricted to authorized persons and includes any aircraft or vehicle on that aerodrome;

“restricted area pass” means a document issued by the designated pass issuing authority, that entitles the holder to have access to a specific restricted area of an aerodrome during a specified period;

“security” means safeguarding civil aviation against acts of unlawful interference, achieved by a combination of measures and human and material resources;

“security audit” means an in-depth compliance examination of all aspects of the implementation of the national civil aviation security programme;

“security control” means the means by which the introduction of weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference can be prevented;

“security inspection” means an examination of the implementation of relevant national civil aviation security programme requirements by an aircraft operator, airport or other entity involved in security;

“security restricted area” means those areas of the airside of an airport which are identified as priority risk areas where in addition to access control, other security controls are applied and will include areas such as all commercial aviation passenger departure areas between the screening checkpoint and the aircraft, the ramp, baggage make-up, including those areas where aircraft are being brought into service and where screened baggage and cargo are present, cargo sheds, mail centres, airside catering and aircraft cleaning premises;

“security survey” means an evaluation or security needs including the identification of vulnerabilities which could be exploited to carry out an act of unlawful interference, and the recommendation of corrective actions;

“security test” means a covert or overt trial of an aviation security measure which simulates an attempt to commit an unlawful act;

“scheduled passenger operations” means the provision of an air transportation service for passengers from identified air terminals at a set time announced by timetable or schedule published in a newspaper, magazine or other advertising medium;

“screening” means the application of technical or other means which are intended to identify or detect weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference;

“screening staff” includes an aviation security officer and an aviation screening officer;

“security programme” means an Aerodrome Operator Security Programme, National Aircraft Operator Security Programme, Foreign Aircraft Operator Security Programme, Catering Operator Security Programme and a Regulated Agent Security Programme, where applicable;

“sterile area” means—

(a) an area within a restricted area to which access is controlled by the inspection of persons and property in accordance with Parts I and II of these Regulations;

(b) a facility within a restricted area of an aerodrome accessible to screened persons and set apart to facilitate security control of persons embarking and disembarking aircraft;

“Technical Instructions” means the International Civil Aviation Organization Instructions for the transport of Dangerous Goods by air;

“transit passenger” means a passenger departing from an aerodrome on the same flight on which he arrived;

“transfer passenger” means a passenger making direct connection between two different flights; and

“weapon” means anything designed, used or capable of inflicting harm and includes a firearm.

“unidentified baggage” means baggage at an airport, with or without a baggage tag, which is not picked up by or identified with a passenger;

### ***Applicability***

3. (1) These Regulations apply to—

Applicability

- (a) aerodrome operators;
- (b) national aircraft operators;
- (c) foreign aircraft operators;
- (d) aerodrome tenants;
- (e) a person in or within the vicinity of an aerodrome;
- (f) a person who offers goods for transport by air;
- (g) a person who provide a service to an aircraft operator; and
- (h) a person on board an aircraft.

(2) The provisions of Part I of the Civil Aviation [(No. 1) General Application and Personnel Licencing] Regulations, 2004 with respect to the surrender, suspension or revocation of aviation documents apply to certificates, authorizations and ratings issued under these Regulations.

### ***Prohibition Orders***

4. The Director General may issue an order prohibiting the carriage by aircraft of any item, either as personal belongings, freight, catering, cargo or mail.

Power of the Director General to issue prohibition orders

*National Security Programmes*

National  
Security  
Programmes

4A. The Director General shall ensure that –

- (a) a written national civil aviation security programme is established, implemented and maintained to safeguard civil aviation operations against acts of unlawful interference, through regulations, practices and procedures which take into account the safety, regularity and efficiency of flights;
- (b) the level of threat to civil aviation within Trinidad and Tobago is kept under constant review and policies and procedures are established to adjust the relevant elements of the national civil aviation security programme accordingly, based upon a security risk assessment acceptable to the Authority;
- (c) tasks are defined and allocated and activities are co-ordinated between departments, agencies and other organizations, aerodrome and aircraft operators and other entities concerned with or responsible for the implementation of various aspects of the national civil aviation security programme;
- (d) a written national civil aviation security training programme is developed, implemented and maintained for personnel of all entities involved with or responsible for the implementation of various aspects of the national civil aviation security programme and designed to ensure effectiveness of the national civil aviation security programme;
- (e) training standards for the national civil aviation security training programme referred to in paragraph (d) are defined, and trainers and training programme meet those standards;
- (f) a written national civil aviation security quality control programme is developed, implemented and maintained to determine compliance with and validate the effectiveness of the national civil aviation security programme and any civil aviation regulations, policies and procedures;
- (g) a written national civil aviation security screener certification programme is developed, implemented and maintained to ensure that persons assigned to conduct aviation security screening functions are properly trained and tested and meet the basic qualifications to perform such screening functions;
- (h) a written version of the appropriate parts of the national civil aviation security programme and relevant information or guidelines are made available to all airport operators, aircraft operators and other appropriate security entities operating in Trinidad and Tobago, enabling them to meet the requirements of the national civil aviation security programme;

- (i) the national civil aviation security programme includes procedures for -
  - (i) sharing, as appropriate, the results of audits carried out by International Civil Aviation Organization and the corrective actions taken by Trinidad and Tobago, if requested, by a Contracting State;
  - (ii) procedures for the inclusion in each bilateral agreement on air transport, a clause related to aviation security in accordance with the model developed by International Civil Aviation Organization
  - (iii) making available to other Contracting States on request a written version of the appropriate parts of the national civil aviation security programme;
  - (iv) notifying International Civil Aviation Organization where information was shared under paragraph (a); and
  - (v) providing International Civil Aviation Organization with the information regarding the current office in Trinidad and Tobago responsible for the development, implementation and maintenance of the national civil aviation security programme.

***Management and Response to Acts of Unlawful Interference***

4B. The Director General shall, in establishing the national civil aviation security programme under regulation 4A, ensure that the programme provides elements for the management of response to acts of unlawful interference as follows:

Management and  
Response to  
Acts of Unlawful  
Interference

- (a) Preventive measures –
  - (i) when reliable information exists that an aircraft may be subjected to an act of unlawful interference, -
    - (A) to safeguard the aircraft where it is still on the ground; and
    - (B) to provide as much prior notification as possible of the arrival of the aircraft to relevant airport authorities and air traffic services of the States concerned where the aircraft has already departed;
  - (ii) for the aircraft to be searched for concealed weapons, explosives or other dangerous devices, articles or substances having provided prior notification of the search to the operator concerned;
  - (iii) for arrangements to be made to investigate, render safe or dispose of, where necessary, suspected dangerous devices or other potential hazards at aerodromes;

(iv) for contingency plans to be developed and tested on a regular basis and for adequate resources to be made available to safeguard civil aviation against acts of unlawful interference; and

(v) to ensure authorized and suitably trained personnel are readily available for deployment at its aerodromes serving civil aviation to assist in dealing with suspected or actual cases of unlawful interference in civil aviation;

(b) Response –

(i) take appropriate measures for the safety of passengers and crew of an aircraft, which is subjected to an act of unlawful interference, while on the ground in Trinidad and Tobago, until their journey can be continued;

(ii) when responsible for providing air traffic services for an aircraft, which is the subject of an act of unlawful interference, for the collection of all pertinent information on the flight of that aircraft and to transmit that information to all other States responsible for the air traffic services units concerned, including those at the airport of known or presumed destination, so that timely and appropriate safeguarding action may be taken *en route* and at the known, likely or possible destination of the aircraft;

(iii) provide assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigation aids, air traffic services and permission to land as may be necessitated by the circumstances;

(iv) take measures, as it may find practicable, to ensure that an aircraft subjected to an act of unlawful seizure which has landed in Trinidad and Tobago is detained on the ground unless its departure is necessitated by the overriding duty to protect human life;

(v) recognize the importance of consultations, wherever practicable, between the State where that aircraft has landed and the State of the Operator of the aircraft, and notification by the Director General where the aircraft has landed in Trinidad and Tobago to the States of assumed or stated destination;

(vi) notify by the most expeditious means the State of Registry of the aircraft subjected to an act of unlawful interference which has landed in Trinidad and Tobago and the State of the Operator of the landing and shall similarly transmit by the most expeditious means all other relevant information to -

(A) the State of Registry and the State of the Operator;

- (B) each State whose citizens suffered fatalities or injuries;
  - (C) each State whose citizens were detained as hostages;
  - (D) each State whose citizens are known to be on board the aircraft;  
and
  - (E) the International Civil Aviation Organization; and
- (c) in the exchange of information and reporting, provide the International Civil Aviation Organization with all pertinent information concerning the security aspects of the act of unlawful interference which concerns Trinidad and Tobago, as soon as practicable after the act is resolved.

***International Cooperation***

4C.(1) In promoting international co-operation in aviation security, the Director General may, where he considers it appropriate –

International  
Cooperation

- (a) ensure that request from other Contracting States for additional security measures in respect to a specific flight by operators of the other State are met, as far as practicable;
- (b) co-operate with other Contracting States in the development and exchange of information concerning –
  - (i) national civil aviation security programmes;
  - (ii) training programmes; and
  - (iii) quality control programmes;
- (c) ensure that where procedures are established and implemented, to share with other Contracting States threat information that applies to aviation security interest of those States;
- (d) establish and implement suitable handling procedures for the protection of security information shared with other Contracting States, in order to ensure that inappropriate use or disclosure of the security information is avoided; and
- (e) promote research and development of new security equipment, processes and procedures with other Contracting States which will better achieve civil aviation security objectives while observing Human Factors principles.

(2) The Director General may request another Contracting State to provide additional security measures in respect of a specific flight by a national operator.

(3) Where a request is made by the Director General under subregulation (2), the Director General shall give consideration to alternative security measures offered by that State that are equivalent to the request.