

LEGAL NOTICE NO. 286

REPUBLIC OF TRINIDAD AND TOBAGO

THE CIVIL AVIATION ACT, CHAP. 49:03

REGULATIONS

MADE BY THE TRINIDAD AND TOBAGO CIVIL AVIATION AUTHORITY
WITH THE APPROVAL OF THE MINISTER UNDER SECTION 33 OF THE
CIVIL AVIATION ACT AND SUBJECT TO NEGATIVE RESOLUTION OF
PARLIAMENT

THE CIVIL AVIATION [(NO. 3) AIR OPERATOR CERTIFICATION
AND ADMINISTRATION] (AMENDMENT) REGULATIONS, 2019

1. These Regulations may be cited as the Civil Aviation [(No. 3) Citation
Air Operator Certification and Administration] (Amendment)
Regulations, 2019.

2. In these Regulations, “the Regulations” mean the Civil Aviation Interpretation
[(No. 3) Air Operator Certification and Administration] Regulations, Chap. 49:03
2004.

3. Regulation 2 of the Regulations is amended by—

Regulation 2
amended

(a) inserting in the appropriate alphabetical sequence, the
following definitions:

“operating base” means the location from which
operational control is exercised;

“operation” means an activity or group of activities which
are subject to the same or similar hazards and which
require a set of equipment to be specified or the
achievement and maintenance of a set of pilot
competencies to eliminate or mitigate the risk of such
hazards;

“safety” means the state in which risks associated with
aviation activities, related to, or in direct support of
the operation of aircraft, are reduced and controlled to
an acceptable level;

“safety oversight” means a function performed by a State
to ensure that individuals and organisations
performing an aviation activity comply with safety-
related national laws and regulations;

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

“surveillance” means the State activities through which the State proactively verifies, through inspections and audits, that aviation licence, certificate, authorization or approval holders continue to meet the established requirements and function at the level of competency and safety required by the State;”;

(b) deleting the definition for “commercial air transport” and substituting the following definition:

““commercial air transport operation” means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;”;

(c) deleting the definition for “continuing airworthiness” and substituting with the following definition:

““continuing airworthiness” means the set of processes by which an aircraft, engine, propeller or part complies with the applicable airworthiness requirements and remains in a condition for safe operation throughout its operating life;”;

(d) deleting the definition for “Maintenance Control Manual” and substituting the following definition:

““Maintenance Control Manual” means a document which describes the operator’s procedures necessary to ensure that all scheduled and unscheduled maintenance is performed on the operator’s aircraft on time and in a controlled and satisfactory manner;”;
and

(e) deleting the definition for “pilot in command” and substituting the following definition:

““pilot in command” means the pilot designated by the operator or, in the case of general aviation, the owner as being in command and charged with the safe conduct of a flight;”.

4. Regulation 33 of the Regulations is amended, by revoking Regulation 33 subregulation (3) and substituting the following subregulation: Regulation 33 amended

“(3) An operator shall establish a flight safety documents system, for the use and guidance of operational personnel, as part of its safety management system.”.

5. The Regulations are amended by inserting after regulation 36, Regulation 36A amended the following regulation:

“AIRCRAFT TRACKING

Aircraft tracking

36A. (1) From 8th November, 2019, air operators shall establish an aircraft tracking capability to track aeroplanes throughout its area of operations.

(2) An air operator of an aeroplane with—

(a) a maximum certified take-off mass of over 45,500 kg and a seating capacity greater than 19; and

(b) an air traffic services unit that obtains aeroplane position information at greater than 15 minute intervals,

shall track the position of the aeroplane through automated reporting at least every 15 minutes for the portion of the in-flight operation that is planned in an oceanic area.

(3) Notwithstanding subregulation (2), the Authority may, based on the results of an approved risk assessment process implemented by the operator, allow for variations to automated reporting intervals where the process shall demonstrate how risks to the operation resulting from such variations can be managed and shall include, at least, the following:

(a) capability of the operator’s operational control systems and processes, including those for contacting Air Traffic Services units;

(b) overall capability of the aeroplane and its systems;

- (c) available means to determine the position of, and communicate with, the aeroplane;
- (d) frequency and duration of gaps in automated reporting;
- (e) human factors, consequences resulting from changes to flight crew procedures; and
- (f) specific mitigation measures and contingency procedures.

(4) An air operator shall establish procedures approved by the Authority for the retention of aircraft tracking data to assist in search and rescue in determining the last known position of the aircraft.”.

Regulation
37A amended

6. Regulations 37A of the Regulations is amended—

(a) in subregulation (1), by deleting paragraph (a) and substituting the following paragraph:

“(a) identifies safety hazards from collected safety data and ensures the assessment of safety risks associated with identified hazards;”; and

(b) in subregulation (5), by deleting the words “be non-punitive and”.

Regulation 45
amended

7. Regulation 45 of the Regulations is amended by inserting after subregulation (4), the following subregulation:

“(5) Notwithstanding subregulations (1) through (4), the checklists referred to in subregulations (1) through (4) shall be used by flight crews prior to, during and after all phases of operations and, in emergency, to ensure compliance with the operating procedures contained in the aircraft operating manual, the helicopter flight manual or other documents associated with the certificate of airworthiness and otherwise in the operations manual.”.

Regulation 53
amended

8. Regulation 53 of the Regulations is amended in subregulation (1) by deleting the words “the State in which operations are conducted” and substituting the words “those States in which their operations are conducted”.

9. The Regulations are amended by revoking Schedule 3A and substituting with the following schedule: Schedule 3A
amended

“SCHEDULE 3A

[Regulation 37A(6)]

FRAMEWORK FOR A SAFETY MANAGEMENT SYSTEM

The following are the minimum standards for a Safety Management System (SMS). An SMS is a management system for the management of safety by a service provider organisation.

In this schedule “service provider” means an “air operator”.

GENERAL

This schedule specifies the framework for the implementation and maintenance of an SMS. The framework comprises four components and twelve elements as the minimum requirements for SMS implementation—

1. Safety policy and objectives—
 - 1.1 Management commitment
 - 1.2 Safety accountability and responsibilities
 - 1.3 Appointment of key safety personnel
 - 1.4 Coordination of emergency response planning
 - 1.5 SMS documentation
2. Safety risk management—
 - 2.1 Hazard identification
 - 2.2 Safety risk assessment and mitigation
3. Safety assurance—
 - 3.1 Safety performance monitoring and measurement
 - 3.2 The management of change
 - 3.3 Continuous improvement of the SMS
4. Safety promotion—
 - 4.1 Training and education
 - 4.2 Safety communication

CONTENTS

1. SAFETY POLICY AND OBJECTIVES

1.1 Management commitment

1.1.1 The service provider shall define its safety policy in accordance with international and national requirements. The safety policy shall—

- (a) reflect organisational commitment regarding safety, including the promotion of a positive safety culture;
- (b) include a clear statement about the provision of the necessary resources for the implementation of the safety policy;
- (c) include safety reporting procedures;
- (d) clearly indicate which types of behaviours are unacceptable in relation to the service provider's aviation activities and include the circumstances under which disciplinary action would not apply;
- (e) be signed by the accountable executive of the organisation;
- (f) be communicated, with visible endorsement, throughout the organisation; and
- (g) be periodically reviewed to ensure that it remains relevant and appropriate to the service provider.

1.1.2 Taking due account of its safety policy, the service provider shall define safety objectives. The safety objectives shall—

- (a) form the basis for safety performance monitoring and measurement as required by 3.1.2;
- (b) reflect the service provider's commitment to maintaining or continuously improve the overall effectiveness of the SMS;
- (c) be communicated throughout the organisation; and
- (d) be periodically reviewed to ensure that they remain relevant and appropriate to the service provider.

Note—Guidance on setting safety objectives is provided in the ICAO Safety Management Manual (SMM) (ICAO Doc 9859).

1.2 Safety accountability and responsibilities

The service provider shall—

- (a) identify the accountable executive who, irrespective of other functions, is accountable on behalf of the organisation for the implementation and maintenance of an effective SMS;
- (b) clearly define lines of safety accountability throughout the organisation, including a direct accountability for safety on the part of senior management;

- (c) identify the responsibilities of all members of management, irrespective of other functions, as well as of employees, with respect to the safety performance of the organisation;
- (d) document and communicate safety accountability, responsibilities and authorities throughout the organisation; and
- (e) define the levels of management with authority to make decisions regarding safety risk tolerability.

1.3 Appointment of key safety personnel

The service provider shall appoint a safety manager who is responsible for the implementation and maintenance of the SMS.

Note—Depending on the size of the service provider and the complexity of its aviation products or services, the responsibilities for the implementation and maintenance of the SMS may be assigned to one or more persons, fulfilling the role of safety manager, as their sole function or combined with other duties, provided these do not result in any conflicts of interest.

1.4 Coordination of emergency response planning

The service provider required to establish and maintain an emergency response plan for accidents and incidents in aircraft operations and other aviation emergencies shall ensure that the emergency response plan is properly coordinated with the emergency response plans of those organisations it must interface with during the provision of its products and services.

1.5 SMS documentation

1.5.1 The service provider shall develop and maintain an SMS manual that describes its—

- (a) safety policy and objectives;
- (b) SMS requirements;
- (c) SMS processes and procedures; and
- (d) accountability, responsibilities and authorities for SMS processes and procedures.

1.5.2 The service provider shall develop and maintain SMS operational records as part of its SMS documentation.

Note—Depending on the size of the service provider and the complexity of its aviation products or services, the SMS manual and SMS operational records may be in the form of stand-alone documents or may be integrated with other organisational documents (or documentation) maintained by the service provider.

2. SAFETY RISK MANAGEMENT

2.1 Hazard identification

2.1.1 The service provider shall develop and maintain a process to identify hazards associated with its aviation products or services.

2.1.2 Hazard identification shall be based on a combination of reactive and proactive methods.

2.2 Safety risk assessment and mitigation

The service provider shall develop and maintain a process that ensures analysis, assessment and control of the safety risks associated with identified hazards.

Note—The process may include predictive methods of safety data analysis.

3. SAFETY ASSURANCE

3.1 Safety performance monitoring and measurement

3.1.1 The service provider shall develop and maintain the means to verify the safety performance of the organisation and to validate the effectiveness of safety risk controls.

Note—An internal audit process is one means to monitor compliance with safety regulations, the foundation upon which SMS is built, and assess the effectiveness of these safety risk controls and the SMS. Guidance on the scope of the internal audit process is contained in the Safety Management Manual (SMM) (ICAO Doc 9859).

3.1.2 The service provider's safety performance shall be verified in the reference to the safety performance indicators and safety performance targets of the SMS in support of the organisation's safety objectives.

3.2 The management of change

The service provider shall develop and maintain a process to identify changes which may affect the level of safety risk associated with its aviation products or services and to identify and manage the safety risks that may arise from those changes.

3.3 Continuous improvement of the SMS

The service provider shall monitor and assess its SMS processes to maintain or continuously improve the overall effectiveness of the SMS.

4. SAFETY PROMOTION

4.1 Training and education

4.1.1 The service provider shall develop and maintain a safety training programme that ensures that personnel are trained and competent to perform their SMS duties.

4.1.2 The scope of the safety training programme shall be appropriate to each individual's involvement in the SMS.

4.2 Safety communication

The service provider shall develop and maintain a formal means for safety communication which—

- (a) ensures that personnel are aware of the SMS to a degree commensurate with their positions;
- (b) conveys safety-critical information;
- (c) explains why particular actions are taken to improve safety; and
- (d) explains why safety procedures are introduced or changed.

Note 1.—Guidance on the implementation of the framework for an SMS is contained in the ICAO Safety Management Manual (SMM) (Doc 9859).

Note 2.—The service provider's interfaces with other organisations can have a significant contribution to the safety of its products or services. Guidance on interface management as it relates to SMS is provided in the ICAO Safety Management Manual (SMM) (Doc 9859).

Note 3.—In the context of this appendix, as it relates to service providers, an “accountability” refers to an “obligation” that may not be delegated, and “responsibilities” refers to functions and activities that may be delegated.”

10. The Regulations is amended in Schedule 4, Section 1.2, ^{Schedule 4} subparagraph (k), by inserting after the words “shall include” the words ^{amended} “training in,”.

Made by the Trinidad and Tobago Civil Aviation Authority this 14th day of August, 2019.

F. REGIS
*Trinidad and Tobago
Civil Aviation Authority*

Approved by the Minister of Works and Transport this 16th day of August, 2019.

R. SINANAN
Minister of Works and Transport