



TTCAA Advisory Circular

SUBJECT: IMPLEMENTATION OF TTCAR 16 - PECUNIARY PENALTIES
TTCAA Advisory Circular TAC-045A
Date: 07/07/01

PURPOSE

1. (1) The purpose of this TTCAA Advisory Circular (TAC) is to provide guidance on the application of TTCAR No.16 in respect of Pecuniary Penalties for violation of the TTCARs.
- (2) TAC-045A replaces and supercedes TAC-045 which is now cancelled and should be destroyed.

LEVELS OF ENFORCEMENT ACTION

2. (1) Aviation enforcement promotes the goal of improved aviation safety by encouraging voluntary compliance with Trinidad and Tobago aviation legislation. Whenever there is an alleged or actual violation of the legislation, it will be investigated and appropriate enforcement action taken.

(2) Levels of enforcement actions range from amendment, suspension or revocation of a certificate issued by the Authority to various levels of fines imposed by the Summary Court if a person is found guilty of contravening the Act as follows:

- (a) Under Section 39 of the Act, the Authority may amend, suspend or revoke in whole or in part, any airworthiness certificate, airman certificate, air operator certificate or certificate for any airport, school or repair station issued under the Act, where the Director General determines that safety in civil aviation or in commercial air transport and the public interest requires such action.
- (b) Under Part XII of the Act, maximum penalties that can be administered by the Summary Court for any offence committed under the Act are prescribed. These penalties may also include simple imprisonment.

THE PURPOSE OF TTCAR NO.16

3. (1) In comparing the enforcement actions available, amendment, suspension or revocation of a certificate may be resolved more speedily than summary court conviction and therefore, may be more effective in certain circumstances. The imposition of fines as a deterrent has proven also to be effective. However, this option is also constrained by the time taken for the resolution through the summary court process.

(2) Section 57 of the Act offers an alternative in which the Director General may compound any offence under the Act, by accepting from a person reasonably suspected of having committed that offence, a fine not exceeding forty thousand dollars. This process does not initially involve summary court action, but allows for the payment of a fixed penalty by the alleged offender to the Authority. Such fixed penalty cannot exceed forty thousand dollars.

PROCEDURES FOR IMPLEMENTATION OF TTCAR NO.16

Notice of Opportunity to Pay Fixed Pecuniary Penalty

4. Whenever the TTCAA has reason to believe that an airman or operator has contravened any provision of the Act or Regulations, the alleged offender will be issued with a copy of TTCAA Form TF-084 – “Notice of Alleged Offence” (see Appendix A), completed and signed by a TTCAA inspector giving a summary of the alleged offence and date, place and time of its occurrence. The alleged offender will be required to sign the form, acknowledging receipt.

5. (1) The TTCAA inspector will, within the following 3 days, review the findings and where it is determined that enforcement action should be administered under TTCAR No.16 with the payment of pecuniary penalties, he will complete Form TF-085 – “Notice of Opportunity to Pay Fixed Pecuniary Penalty” (Appendix B) which will include the following details:

- (a) The date, time and place the notice was issued;
- (b) The provision of the Act or Regulation which the airman or operator is believed to have breached and for which he may be summarily convicted under the Act or Regulations made thereunder;
- (c) Particulars of the offence including such other particulars necessary for giving reasonable information of the offence; and
- (d) The fixed pecuniary penalty interpolated from TTCAR No.16: Schedule 1.

(2) The completed Notice of Opportunity to Pay Fixed Pecuniary Penalty will be presented to the airman or operator for payment.

Time by which Fixed Penalty is Payable

6. The time by which the fixed penalty is payable is twenty-one days from the date of the Notice of Opportunity to Pay Fixed Pecuniary Penalty. When the fixed penalty has been paid in accordance with the Regulations and the Notice, the airman or operator will be given a signed receipt of payment. The airman or operator thereafter shall not be liable to be convicted for that same offence.

Late Payment

7. Payment made after the required time specified in the notice will be considered failure to pay the fixed penalty and will not be accepted by the TTCAA. The Notice and payment will be returned to the airman or operator.

Failure to pay Fixed Penalty

8. If the airman or operator fails to pay the fixed penalty, the TTCAA will file the necessary proceedings against the airman or operator for judgment by the Summary Court in which, if convicted, he shall be liable to a fine or term of imprisonment or both in accordance with the applicable provision of the Civil Aviation Act.

IMPLEMENTATION DATE

9. Implementation of the provisions of TTCAR No.16 shall be effective from 1st August 2007.

Ramesh Lutchmedial
Director General, Civil Aviation

This page intentionally left blank

Appendix A

FORM TF-084 NOTICE OF ALLEGED OFFENCE



NOTICE OF ALLEGED OFFENCE

Tracking No.

The TTCAA has reason to believe that there has been a contravention of the Trinidad and Tobago Civil Aviation Regulations (TTCARs) which may be eligible for the imposition of Enforcement Action under the Act or Regulations made thereunder. A summary of the alleged offence is included herein. You will be notified shortly of the enforcement action determined by the TTCAA for this alleged offence.

Date, Time and Place of Alleged Offence

Date	Time	Place	Alleged Offender
			<input type="checkbox"/> Airman:
			<input type="checkbox"/> Operator:

Summary of the Alleged Offence

Name of Inspector	Signature	Date	
Acknowledgement of Receipt of Notice	Name	Signature	Date

This page intentionally left blank

Appendix B

TRINIDAD AND TOBAGO CIVIL AVIATION AUTHORITY

TF-085 NOTICE OF OPPORTUNITY TO PAY FIXED PECUNIARY PENALTY

Date: _____

Receipt No.: _____

Tracking No.

NOTICE OF OPPORTUNITY TO PAY FIXED PECUNIARY PENALTY

Take Notice that the Director General of the Trinidad and Tobago Civil Aviation Authority has reason to believe that you

.....
(Name of airman or operator)

of.....
(Address of airman or operator)

have committed an offence under the Civil Aviation Regulations made under section 33 of the Civil Aviation Act the particulars of which are provided hereunder

PARTICULARS OF OFFENCE

On.....
.....
.....

contrary to Regulation.....
(Provision contravened)

The fixed Pecuniary Penalty is.....
(Penalty in words and figures)

If the aforementioned amount is paid to the Authority within twenty-one (21) days from the date of this notice, no proceedings will be taken and any liability to conviction for the offence will be discharged.

In paying the fixed pecuniary penalty the following conditions shall be observed:

- (a) The fixed pecuniary penalty shall be accompanied by this Notice;
- (b) Where payment of the fixed pecuniary penalty is not made in conformity with Civil Aviation Regulation [(No. 16) Compounding of Offences](Pecuniary Penalties), Regulations, 2007 the payment shall be refunded to the alleged offender and, thereafter, summary court proceedings shall be instituted against the offender;
- (c) Where an alleged offender is convicted he shall be liable to a fine or term of imprisonment or both in accordance with the applicable provision of the Civil Aviation Act.

.....
Director General-Civil Aviation

(TTCAA Stamp)