

LEGAL NOTICE NO. 284

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. 1) GENERAL APPLICATION AND
PERSONNEL LICENSING] (AMENDMENT) REGULATIONS, 2019

1. These Regulations may be cited as the Civil Aviation [(No. 1) Citation
General Application and Personnel Licensing] (Amendment)
Regulations, 2019.

2. In these Regulations, “the Regulations” means the Civil Interpretation
Aviation [(No. 1) General Application and Personnel Licensing] Chap. 49:03
(Amendment) Regulations, 2004.

3. Regulation 2 of the Regulations is amended—

Regulation 2
amended

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

“Pilot (to)” means to manipulate the flight controls of an
aircraft during flight time;

“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) in the definition of “Approved Maintenance Organisation”,
by deleting the words “by the Authority or by a civil
aviation authority of another Contracting state”;

(c) in the definition of “Authority”, by inserting the words
“Trinidad and Tobago” immediately before the words “Civil
Aviation Authority”;

(d) by deleting the definition of “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;”;

(e) in the definition of “performance criteria”, by deleting the words “a simple evaluative statement” and substituting the words “simple, evaluative statements” ;

(f) by deleting the definition of “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;”;

(g) in the definition of “psychoactive substances”, by inserting the words “ , whereas coffee and tobacco are excluded” after the word “solvents”.

(h) by deleting the definition of “repair” and substituting the following definition:

““repair” means the restoration of an aeronautical product to an airworthy condition to ensure that the aircraft continues to comply with the design aspects of the appropriate airworthiness requirements used for the issuance of the type of certificate for the respective aircraft type, after it has been damaged or subjected to wear;”;

(i) by deleting the definition of “small aeroplane” and substituting the following definition:

““small aeroplane” means an aeroplane of a maximum certificate take-off mass of 5700 kg or less;” and

(j) in the definition of “threat”, by deleting the words “an event or error” and substituting the words “events or errors”.

Regulation 2A
amended

4. Regulation 2A(5)(a)(i) of the Regulations is amended by deleting the word “applicaiton” and substituting the word “application”.

5. The Regulations are amended by inserting after Regulation 20, ^{Regulation 20A inserted}
the following Regulation:

“AUTOMATIC VALIDATION OF FOREIGN LICENCE OR
CERTIFICATE PURSUANT TO FORMAL AGREEMENT
BETWEEN STATES UNDER COMMON LICENSING
REGULATIONS

Validation of
foreign
licence or
certificate

20A. (1) Notwithstanding regulation 20, the Director-General may recommend that the Authority automatically validate a licence or certificate issued by another Contracting State where he is satisfied that both the Contracting State and the Authority have—

- (a) adopted common licensing regulations compliant with the Annex 1 standards of the Chicago Convention;
- (b) entered into a formal agreement recognising the automatic validation process;
- (c) established a surveillance system to ensure the continued implementation of the common licensing regulations; and
- (d) registered the agreement with ICAO pursuant to Article 83 of the Chicago Convention on International Civil Aviation.

(2) A licence or certificate rendered valid under subregulation (1) shall have an endorsement on the licence or certificate to—

- (a) indicate that the licence or certificate is automatically validated under the agreement in subregulation (1)(b);
- (b) reference the ICAO registration number of the agreement; and
- (c) include a list of all Contracting States that are party to the agreement.

(3) Contracting States that meet the requirements of subregulation (1) and have issued licences or certificates prior to 09 November 2017, may use other effective means carried on board the aircraft or accessible to indicate that the licences or certificates issued by the State are rendered valid in accordance with the agreement in subregulation (1), until 31 December 2022.”.

Regulation 28
amended

6. Regulation 28 (1) of the Regulations is amended—

- (a) in paragraph (g), by deleting the word “or”;
- (b) in paragraph (h), by deleting the full stop and substituting the words “ ; or ” ; and
- (c) by inserting after paragraph (h), the following paragraph:
 - “(i) in a manner that would constitute a hazard to air navigation.”.

Regulation 123
amended

7. Regulation 123 of the Regulations is amended by inserting after the words “Part B of Schedule 10”, the words “without constituting a hazard to air navigation.”.

Regulation 129
amended

8. Regulation 129 (1)(d) of the Regulations is amended by inserting after the words “threats and errors”, the words “without constituting a hazard to air navigation”.

Regulation 132
amended

9. Regulation 132 of the Regulations is amended—

- (a) in subregulation (1)—
 - (i) in paragraph (d), by deleting the word “and”;
 - (ii) in paragraph (e), by deleting the full stop and substituting the words “ ; and ” ; and
 - (iii) by inserting after paragraph (e), the following paragraph:
 - “(f) an Approach Precision Radar Control Rating shall provide approach precision radar control service with the use of radar or other surveillance systems for the aerodrome or aerodromes for which the rating is certified.” and

(b) in subregulation 6—

- (i) in paragraph (a), by deleting the word “and”;
- (ii) in paragraph (b), by deleting the full stop and substituting the words “; and ”; and
- (iii) by inserting after paragraph (b), the following paragraph:

“(c) that person has maintained competency.”.

10. Regulation 133 of the Regulations is amended by inserting after subregulation (4), the following subregulation: Regulation 133
amended

“ (5) An air navigation services provider in the provision of air traffic control services, when prescribing scheduling limits for air traffic controllers, shall comply with the requirements set out in Schedule 10A.”

Schedule 10A

11. Regulation 151 of the Regulations is amended—

Regulation 151
amended

(a) by revoking subregulation (5) and substituting the following subregulation:

“ (5) The Authority retains the right to have any recommendation or finding of a Civil Aviation Medical Examiner re-evaluated in order to identify areas of increased medical risks.”;

(b) in subregulation (6), by deleting the word “may” and substituting the word “shall”; and

(c) by revoking subregulation (6A) and substituting the following subregulations:

“ (6A) The medical assessor shall conduct continuous assessment audits of the medical reports submitted by medical examiners in order to identify any areas of increased medical risks.

(6B) The Director-General shall recommend that the Authority implement appropriate aviation-related health promotion for licence holders subject to a medical assessment to reduce the possibility of any future medical risks to flight safety.”.

Regulation 158A inserted 12. The Regulations are amended by inserting after Regulation 158, the following regulation:

“MEDICAL RISKS

Schedule 10A inserted 158A. The Director General shall recommend that the Authority apply, as part of the state safety programme, basic safety management principles to the medical assessment process of licence holders, which shall include—

- (a) routine analysis of in-flight incapacitation events and medical findings during medical assessments to identify areas of increased medical risks; and
- (b) continuous re-evaluation of the medical assessment process to concentrate on identified areas of increased medical risk.”.

Regulation 167 amended 13. Regulation 167 of the Regulations is amended by deleting paragraph (c) and substituting the following paragraph:

“(c) provide evidence of having maintained competence and satisfied the standards for renewal of his licence set out in Part G of Schedule 13, applicable to the category or rating held.”.

Schedule 10A inserted 14. The Regulations are amended by inserting after Schedule 10, the following Schedule:

“SCHEDULE 10A

[Regulation 133(5)]

FATIGUE MANAGEMENT

1. An air navigation services provider, when prescribing scheduling limits, shall take into account acute and cumulative fatigue, circadian factors and the type of work being undertaken.

2. These scheduling limits shall identify—

- (a) the maximum—
 - (i) number of hours in any duty period;
 - (ii) number of consecutive work days;
 - (iii) number of hours worked in a defined period; and
 - (iv) time-in-positions; and

- (b) the minimum—
 - (i) duration of non-duty periods;
 - (ii) number of non-duty days required in a defined period; and
 - (iii) duration of breaks between periods of time-in-position in a duty period.
- 3. An air navigation services provider shall—
 - (a) identify a process for assigning unscheduled duties that allow air traffic controllers to avoid extended periods of being awake; and
 - (b) provide evidence to the Authority that the limitations specified in paragraph 2 above are not exceeded and that non-duty period requirements are met.
- 4. An air navigation services provider shall familiarise its personnel with the principles of fatigue management and its policies with regard to fatigue management.
- 5. An air navigation services provider shall establish a process to enable variations from the prescriptive limitations to address any additional risks associated with sudden, unforeseen operational circumstances and ensure that such variations shall be first approved by the Authority.
- 6. The process established in paragraph 5 above shall include the provision of—
 - (a) the reason for the need to deviate;
 - (b) the extent of the deviation;
 - (c) the date and time of enactment of the deviation; and
 - (d) a safety case, outlining mitigations, to support the deviation.
- 7. The Authority may approve variations to the prescriptive limitations in order to address strategic operational needs in exceptional circumstances based on the air navigation services provider demonstrating that any associated risk is being managed to a level of safety equivalent to, or better than, that achieved through the prescriptive fatigue management process.”.

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