

# CIVIL AVIATION ACT

## CHAPTER 49:03

(ACT NO. 11 OF 2001)

Amended by

17 of 2003

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## CHAPTER 49:03

# CIVIL AVIATION ACT

**An Act to make provision for the establishment of the Trinidad and Tobago Civil Aviation Authority, for the regulation of all civil aviation activities, for the implementation of certain international conventions and for the institution of safety requirements.**

[1ST NOVEMBER 2001]

1. This Act may be cited as the Civil Aviation Act.

## PART I

### PRELIMINARY

2. (1) In this Act—

“aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, and also includes an airport which has the meaning given to it under the Airports Authority Act;

“airman” means—

- (a) any individual who engages, as the person in command or as a pilot, mechanic or member of the crew, or who navigates an aircraft while the aircraft is underway;
- (b) any individual in charge of the inspection, maintenance, overhauling or repair of aircraft, and any individual in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers or appliances; or
- (c) any individual who serves in the capacity of flight operations officer;

“aircraft engine” means any engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances and accessories, other than propellers;

- “air navigation” means the practice of controlling, guiding and operating aircraft from airport of departure to pre-determined airport of destination, including alternate airports. To ensure safety, regularity and efficiency of civil aviation operations, standardisation and common understanding among all parties involved are essential in all matters affecting the operation of aircraft and the numerous facilities and services required in their support, such as aerodromes, telecommunications, navigation aids, meteorology, air traffic services, search and rescue, aeronautical information services and aeronautical charts, in accordance with the procedures, rules and regulations contained in the appropriate ICAO Annexes;
- “air navigation facility” means any facility used in, available for use in, or designed for use in aid of, air navigation, including airports, landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio directional finding, or for radio or other electromagnetic communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or in the landing and take-off of aircraft;
- “air navigation services” includes information, directions and other facilities furnished, issued or provided in connection with the navigation or movement of aircraft, and the control of movement of vehicles in any part of an aerodrome used for the movement of aircraft;
- “air operator” means any person, organisation or enterprise which undertakes to engage in domestic commercial air transport or international commercial air transport, whether directly or indirectly or by a lease or any other arrangement;
- “Air Operator Certificate” means a certificate authorising an operator to carry out specified commercial air transport operations;
- “air transport service” means a service for the carriage by air of passengers or cargo;
- “appliances” means instruments, equipment, apparatus, parts or accessories, of whatever description, which are used or are capable of being used, in the navigation, operation or control of aircraft, including parachutes, communications equipment and any other mechanisms installed in or attached to aircraft during flight, and which are not part or parts of aircraft, aircraft engines or propellers;
- “Authority” means the Trinidad and Tobago Civil Aviation Authority established under section 4;
- “aviation document” means—
- (a) any licence, certificate or other document issued by the Authority in respect of any person, aircraft, aerodrome or service related to aviation;
  - or
  - (b) such other document as may be approved by the Authority;
- “Board” means the Board of the Trinidad and Tobago Civil Aviation Authority established under section 11;
- “cargo” includes mail;
- “Chairman” means the Chairman of the Board and includes a temporary Chairman of the Board;
- “Chicago Convention” means the Convention on International Civil Aviation concluded

at Chicago on 7th December 1944 and includes any Protocol amending the Convention and any Annex to that Convention relating to international standards and recommended practices, being an Annex adopted in accordance with that Convention;

“commander”, in relation to an aircraft, means the member of the crew designated for the time being as commander of that aircraft by the operator thereof, or, failing such a person, the person who for the time being is the pilot in command of the aircraft;

“commercial air transport” means the carriage by air, of passengers or cargo for remuneration or hire;

“Contracting State” means a country which is a party to the Chicago Convention;

“corporate plan” means a plan prepared in accordance with section 15;

“dangerous goods” means articles or substances which are capable of posing significant risk to health, safety or property when transported by air;

“Director-General” means the Director-General of Civil Aviation appointed under section 13;

“flight” means any period from the moment when all the external doors of an aircraft are closed following embarkation, until the moment when any of such doors are open for disembarkation;

“GAAP” means Generally Accepted Accounting Practice which includes the international accounting standards adopted by the Institute of Chartered Accountants of Trinidad and Tobago;

“loss or damage” includes, in relation to persons, loss of life and personal injury;

“member” means a member of the Board;

“Minister” means the Minister to whom responsibility for civil aviation is assigned;

“navigation of aircraft” means a function which includes the piloting of aircraft;

“operator” means—

(a) a person, organisation or enterprise, engaged in or offering to engage in, aircraft operations, and any person who causes or authorises the operation of aircraft, in the capacity of owner, lessee or otherwise, whether with or without the control of the aircraft; and

(b) who or which is deemed to be engaged in the operation of aircraft within the meaning of this Act;

“pilot in command”, in relation to an aircraft, means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

“propeller” includes all parts, appurtenances and accessories of a propeller;

“public aerodrome or airport” means an aerodrome or airport which is under the management of body corporate established or owned by the State;

“Rules of the Air” means those provisions for securing the safety of aircraft in flight and in movement on the surface and the safety of persons and property on the surface. These provisions include—

(a) lights and signals to be shown by aircraft;

- (b) General, Visual and Instrument Flight Rules;
- (c) Aerodrome Traffic Rules; and
- (d) Aerodrome Signals and Markings;

“Trinidad and Tobago aircraft” means aircraft registered in Trinidad and Tobago.

(2) A reference to any aircraft registered in Trinidad and Tobago, shall include references to any aircraft which is for the time being under the management of a person who, or of persons each of whom, is qualified to be the owner of a legal or beneficial interest in an aircraft registered in Trinidad and Tobago.

(3) Any reference in this Act to the provisions of any Regulations shall include reference to any Rules made under the said Regulations.

## **PART II**

### **ADMINISTRATION**

**3.** (1) The Minister shall be responsible for the general administration of this Act, and for the development of policy on air navigation for Trinidad and Tobago.

(2) In furtherance of subsection (1), the Minister may give to the Board any general or special policy directions in relation to this Act, with which the Board shall comply.

(3) Directions given in furtherance of this section, shall not be inconsistent with the provisions of this Act and shall be in writing signed by the Minister.

## **PART III**

### **ESTABLISHMENT, FUNCTIONS AND POWERS OF THE TRINIDAD**

**4.** There is hereby established a body corporate to be known as “the Trinidad and Tobago Civil Aviation Authority” (hereinafter referred to as “the Authority”).

**5.** The functions of the Authority are—

- (a) to maintain a standard of safety and efficiency in the civil aviation system that is at least equal to the standard of safety prescribed by the Chicago Convention and any other aviation convention, agreement or understanding to which Trinidad and Tobago is a party;
- (b) to regulate, in accordance with this Act or other written law—
  - (i) civil aviation operations in Trinidad and Tobago;
  - (ii) the operation of Trinidad and Tobago aircraft; and
  - (iii) the operation of maintenance organisations in respect of aircraft on the Trinidad and Tobago register;
- (c) to license aerodromes with or without conditions to regulate the same;
- (d) to provide technical advice, assistance or training for any person in respect of any matter in which the employees of the Authority have the

requisite skill or training;

- (e) to issue, renew, vary, extend and amend licences and other aviation documents in respect of Trinidad and Tobago aircraft in any part of the world, and to collect fees in respect thereof;
- (f) to provide an adequate system of air traffic services in the Piarco Flight Information Region and such other airspace as may be the subject of a treaty or an agreement between Trinidad and Tobago and any other State or organisation;
- (g) to carry out an investigation of any aircraft accident occurring in or over Trinidad and Tobago or in relation to any Trinidad and Tobago aircraft;
- (h) the development of civil aviation and the maintenance of a civil aviation system that is consistent with national security policy;
- (i) to advise the Minister on matters relating to civil aviation;
- (j) to utilise the property of the Authority in such a manner as may appear to the Authority to be requisite, advantageous or convenient with a view to making the best use of any of the property of the Authority in relation to its functions under the Act; and
- (k) such other functions as are for the time being conferred upon it by virtue of this Act or any other written law.

**6.** The Authority has the power to do all things necessary and convenient for, or in connection with, the performance of its functions specified in section 5.

**7.** Without limiting the generality of section 6, the Authority may—

- (a) engage in any activity that promotes and develops civil aviation, either alone or in conjunction with other civil aviation authorities, international agencies or organisations;
- (b) enter into contracts for the supply of goods, services or materials or for the execution of works or any other contracts as may be necessary for the discharge of its functions under this Act;
- (c) charge fees for the use of any facility or service provided by the Authority; and
- (d) make rules and regulations prescribing all matters that are necessary, required or permitted by this Act to be prescribed.

**8.** (1) In performing its functions and exercising its powers, the Authority shall have as its paramount consideration the safety of aviation.

(2) Subject to subsection (1), the Authority shall perform its functions and exercise its powers in a manner that ensures, as far as is practicable, that the environment is protected from any detrimental effects associated with the operation and use of aerodrome and aircraft and for this purpose the Authority shall observe the provisions of the Environmental Management Act, and any other written law.

**9.** (1) The Authority may, from time to time, either generally or particularly, delegate to the Director-General or an employee of the Authority, any of its functions or

powers under this Act or under any Regulations or Rules made pursuant thereto.

(2) Such delegation referred to in subsection (1) shall be in writing and signed by the Chairman.

**10.** Notwithstanding the Designation of Airports Notification 1978 relating to the Piarco International Airport and Crown Point Airport, the Authority has the exclusive right to provide the following air navigation services within Trinidad and Tobago:

- (a) aerodrome control services at international aerodromes;
- (b) approach control services;
- (c) area control services;
- (d) flight information services;
- (e) air navigation facilities; and
- (f) aeronautical information services.

#### PART IV

### THE BOARD

**11.** (1) There shall be a Board to manage the business of the Authority comprising eight persons appointed by the President in accordance with the provisions of the First Schedule and the Director-General, appointed in accordance with section 13, who shall be an *ex officio* member.

(2) The Board shall conduct its proceedings in accordance with the provisions of the Second Schedule.

**12.** The Board shall appoint a suitably qualified person to perform the functions of secretary and such other functions as may be assigned to him by the Board.

**13.** (1) The Authority shall, from time to time appoint, with the approval of the Minister, a suitably qualified and experienced person to be the chief executive officer, who shall be known as the Director-General of Civil Aviation (hereinafter referred to as “the Director-General”).

(2) The Director-General shall have and may exercise such powers or functions as may be conferred or assigned to him by this Act or Regulations made hereunder, and such powers as may be delegated to him by the Authority.

(3) Where the Director-General is temporarily unable to perform his duties by reason of illness or otherwise, the Board may appoint another suitably qualified and experienced person to act as Director-General during such period of absence from duty.

**14.** (1) A member of the Board who was in any way, whether directly or indirectly, interested in a contract or proposed contract with or in any other matter concerning an entity regulated by the Authority, or any body corporate carrying on business with the Authority, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest.

(2) A disclosure under subsection (1), shall be recorded in the minutes of the

Board, and the member—

- (a) shall not take part after the disclosure in any deliberation or decision of the Board with respect to that contract; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Board.

(3) For the purpose of this section, a person who or any nominee or relative of whom is a Director, a shareholder or partner in a company or other body of persons other than a statutory authority or who is an employee thereof shall be treated as having indirectly, a pecuniary interest in a contract or proposed contract or such other body of persons is a party to the contract or proposed contract or has a pecuniary interest in such other matter under consideration.

(4) A member who fails to comply with the provisions of this section is liable on summary conviction to a fine of one hundred thousand dollars, unless he proves that he did not know that the contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

(5) In subsection (3), “relative” means spouse, common-law spouse, father, mother, brother, sister, son or daughter of a person and includes the spouse of a son or daughter of such person.

**14A.** No member or former member, shall accept employment or enter into a contract of service with an entity regulated by the Authority, until the expiry of two years from the termination of his appointment whether by signature, revocation, effluxion of time or otherwise.

## PART V

### PLANNING AND MANAGEMENT

**15.** (1) On the coming into force of this Act, the Board shall prepare for the approval of the Minister, a three-year corporate plan (hereinafter referred to as “the Plan”), in respect of the programmes or goals of the Authority.

- (2) The Plan shall include details of the following:
  - (a) the Authority’s operational environment;
  - (b) the strategies of the Authority;
  - (c) performance measures of the Authority;
  - (d) review of performance against previous Plans;
  - (e) analysis of risk factors likely to affect aviation safety in the aviation industry; and
  - (f) human resource strategies and industrial relations strategies.

(3) The Plan shall also cover any other matters required by the Minister to be covered, which may include further details about the matters referred to in subsection (2).

(4) The first Plan shall take effect no later than six months after the commencement of this section.

(5) The Plan may be revised at least once a year and up to sixty days before the end of the first year of the Plan.

(6) The Board shall keep the Minister informed about—

(a) significant changes to the Plan; and

(b) matters that arise that could significantly affect the objectives of the Plan.

**16.** (1) The Minister shall respond to the Board in respect of a Plan submitted in accordance with section 15, within sixty days of receipt of the Plan, failing which the Board shall be entitled to proceed with the Plan as submitted.

(2) The Minister's response may include a direction to the Board to vary the Plan.

(3) A direction under subsection (2) shall be in writing, setting out reasons therefore.

(4) In directing a variation of the Plan, the Minister shall be guided by the established objectives and policies of the Government.

(5) Where the Minister's response includes a direction to vary the plan, the Board shall prepare a revised Plan and submit it to the Minister within thirty days of being so directed and the Minister shall likewise respond within thirty days.

#### PART VI

#### FINANCE

**17.** (1) There is hereby established a fund to be known as the "Trinidad and Tobago Civil Aviation Authority Fund" (hereinafter referred to as "the Fund").

(2) The monies in the Fund shall comprise—

(a) appropriations by Parliament from the Consolidated Fund;

(b) such sums as are provided by foreign States, international organisations, multilateral or bilateral lending agencies, corporations or private individuals for the exercise of any of the functions of the Authority; or

(c) sums received by or owed to the Authority in respect of—

(i) the performance of its functions or the exercise of its powers;

(ii) interest on loans made to employees.

**18.** The money in the Fund shall be applied in defraying the following expenditure:

(a) the acquisition of property by the Authority in the course of performing its functions or exercising its powers;

(b) the remuneration and allowances of members of the Board;

(c) the remuneration, allowances, advances, loans, pensions and gratuities payable or made to employees;

(d) contributions to the pension fund plan;

(e) capital and operating expenses, including maintenance and insurance of the property of the Authority; and

(f) any other expenditure authorised by the Authority in the performance of its functions.

**19.** (1) The Authority shall, at least six months before the commencement of each financial year, submit to the Minister, for his approval, estimates of expenditure in such form as the Minister may prescribe in accordance with GAAP.

(2) The Authority shall, at such time as the Minister directs, furnish him with any further information in relation to the estimates as he may require.

(3) Subject to the provisions of the Constitution, and the Exchequer and Audit Act, the estimates of expenditure, as approved by the Minister, shall be the expenditure budget of the Authority for the financial year to which it relates.

**20.** (1) The financial year of the Authority shall be the period of twelve months beginning the first day of October in any year to the thirtieth day of September in every year, but the period from the date of commencement of this Act to the end of September next following shall be deemed to be the first financial year.

(2) The Authority may, with the approval of the Minister with responsibility for Finance, vary its financial year.

**21.** (1) The Authority shall keep proper books of accounts and records in accordance with GAAP, of all moneys received and expended and shall record the matters in respect of which such sums were received and expended.

(2) Within three months after the end of each financial year, the Authority shall cause to be prepared, in respect of that year—

(a) a report setting out the activities of the Authority; and

(b) financial statements prepared in accordance with GAAP and any other statement as required by the Minister with responsibility for Finance.

(3) In instances where the standards included in GAAP are inappropriate or inadequate, the Treasury shall provide the appropriate instructions.

(4) The accounts of the Authority are public accounts of Trinidad and Tobago for the purposes of section 116 of the Constitution.

(5) As soon as the accounts of the Authority have been audited, the Auditor General shall submit his report in accordance with section 116 of the Constitution and shall forward a copy of the said report to the Minister.

(6) Nothing in this section precludes the Auditor General or an auditor engaged by the Board or the Minister of Finance from performing a management or comprehensive audit of the activities of the Authority.

**22.** The Minister with responsibility for Finance may, on behalf of the Government out of money appropriated by Parliament for that purpose, lend money to the Authority on such terms and conditions as he determines in writing.

**23.** (1) The Authority may, with the approval of the Minister with responsibility for

Finance, borrow money from bodies or persons other than the Government.

(2) Money may be borrowed wholly or partly in foreign currency.

(3) The Authority may, with the approval of the Minister with responsibility for Finance, give security over the whole or any part of its property for the due performance of its obligations incurred pursuant to this section.

**24.** (1) The Authority in the performance of its functions is not subject to the provisions of the Central Tenders Board Act, but the Authority shall, until such time make its own Rules, observe the provisions of that Act.

(2) The Board shall, with the approval of the Minister, make Rules subject to negative resolution, relating to the award of tenders and contracts and those Rules shall be published in the *Gazette* and shall govern the conduct of the award of tenders and related matters.

(3) The Rules shall make it mandatory for every tender to be opened in public and for the parties to and contents of each tender to be publicly announced.

## PART VII

### STAFF

**25.** (1) The Board may—

(a) employ such staff as is required by the Authority for the proper administration of its functions.

(b) fix qualifications, terms and conditions of service and salaries for its employees.

(2) The Board shall not fix the terms and conditions of service, salaries and perquisites for its executive management without the prior approval of the Minister.

**26.** A person who, on commencement of this section, is a public officer appointed to an office listed in the Third Schedule either by permanent or temporary appointment, in which he has served for at least two continuous years, shall within three months of the date of commencement of this section exercise one of the following options:

(a) to voluntarily retire from the Public Service on terms and conditions as agreed between him or his appropriate recognised association and the Chief Personnel Officer;

(b) to transfer to the Authority with the approval of the Public Service Commission on terms and conditions no less favourable than those enjoyed by him in the Public Service; or

(c) to remain in the Public Service.

**26A.** Subject to the Industrial Relations Act, the Public Services Association of Trinidad and Tobago shall be deemed to be the certified recognised majority union under Part III of the Industrial Relations Act for the bargaining unit comprising the monthly paid/monthly rated employees of the Authority.

**26B.** An application for certification of recognition under Part III of the Industrial

Relations Act shall not be entertained or proceeded with where the application is made earlier than two years from the date on which this amendment comes into force, but an application may be made with leave of the Court although two years have not expired since the amendment came into force, in which event the procedures set out under section 38(2) and (3) of the Industrial Relations Act shall apply.

**26C.** Employees may form an association which may be registered as a trade union or may join a trade union.

**27.** The Authority may enter into contracts for services with persons for the performance of such tasks that the Authority considers necessary for the due performance of its functions and exercise of its powers under this Act, on such terms and conditions as are agreed between the Authority and the person and approved by the Minister.

**28.** (1) The Authority shall within two years of the pension fund coming into operation of this Act, establish a pension fund plan.

(2) All employees of the Authority shall be members of the pension fund plan.

**29.** The superannuation benefits which have accrued to a person who exercises the option under section 26(1)(b), shall be preserved at the date of his employment by the Authority, and such person shall continue to accrue superannuation benefits under the Pensions Act or the Pensions Extension Act up to the date of commencement of the establishment of the pension fund plan on the basis of salary applicable to the office which he held immediately prior to his employment by the Authority.

**30.** (1) Where an employee of the Authority who had exercised the option referred to in section 26(1)(b), dies, retires, is retrenched or his post in the Authority is abolished prior to the establishment of the pension fund plan, and at the date of death, retirement, abolition or retrenchment, was in receipt of a salary higher than that referred to in section 29, the superannuation benefits payable to the employee or his estate shall be based on the higher salary.

(2) The difference between the superannuation benefits payable on the basis of the higher salary and those payable under the Pensions Act or the Pension Extension Act on the basis of the salary referred to in section 30, shall be paid by the Authority.

**31.** (1) When an employee of the Authority who had exercised the option referred to in section 26(1)(b) dies, retires, is retrenched or his post in the Authority is abolished and he was a member of the pension fund plan, he or his estate shall be paid superannuation benefits by the pension fund plan at an amount which when combined with the superannuation benefits payable under section 29 is equivalent to the benefits based on his pensionable service in the Public Service combined with his service in the Authority and calculated at his salary applicable to him on the date of his death, retirement, abolition of his office or retrenchment.

(2) For the purposes of subsection (1) “salary” has the meaning given to it by the pension fund plan.

**PART VIII**  
**TRANSITIONAL**

**32.** (1) Members of the Board of the former Authority shall continue in office in accordance with their respective instruments of appointment subject to the provisions of termination and removal as provided for in the First Schedule.

(2) Any arrangement or contract, aviation documents or resolution prepared, made, executed or approved by or on behalf of the Civil Aviation Authority established under the former Civil Aviation Authority Act, (the former Authority), shall continue and be deemed to have been prepared, made, executed or approved by the Authority pursuant to this Act.

(3) All obligations and liabilities of the Civil Aviation Division and the former Authority immediately before the commencement of this Act shall from that date be the obligations and liabilities of the Authority and the Authority shall have all the necessary powers to discharge them.

(4) Where anything has been commenced by or on behalf of the Civil Aviation Division and the former Authority before the commencement of the Act, such thing may be carried on and completed under the authority of the Authority.

(5) In any written law in any agreement or any other document, unless the context otherwise requires, any reference to the Civil Aviation Division and the former Authority shall be construed as a reference to the Authority.

(6) All duties and functions carried out by the Civil Aviation Division immediately before the commencement of the former Act, and which were carried out by the former Authority, shall from the date of commencement of this Act, be undertaken by the Authority.

(7) All real and personal property listed in the Fourth Schedule, now held by or vested in any person for the use and benefit of the Civil Aviation Division and the former Authority are hereby transferred to and vested in the Authority.

**PART IX**  
**REGULATION OF AIR NAVIGATION**

**33.** (1) For the purpose of carrying out and giving effect to the Chicago Convention, and any other related Protocols, the Authority shall, with the approval of the Minister make Regulations for—

- (a) the licensing, inspection and regulation of navigation aerodromes;
- (b) a system for the national registration of aircraft;
- (c) the issuing of certificates of airworthiness and for prohibiting aircraft from flying unless such certificates, whether issued or validated are in force;
- (d) the certification of air operators;
- (e) the certification of airmen;
- (f) the certification of aviation schools, approved maintenance organisations

and repair stations;

- (g) the conditions under which passengers may be carried by air and under which aircraft may be used for other commercial, industrial or gainful purposes;
  - (h) the conditions under which goods may be carried by air;
  - (i) securing the efficiency and regularity of the operations of air navigation and the safety of aircraft and of persons and property carried thereon, and of persons and property on the ground;
  - (j) prohibiting the carriage by air, such goods as may be specified by the Regulations;
  - (k) conferring on such persons as may be specified, powers relating to the enforcement of any such condition or prohibition including powers to examine, take samples of, seize and detain any goods, powers to open any baggage or packages containing goods after obtaining from a Magistrate a warrant to do so or to require them to be opened and powers to require the production of any documents;
  - (l) prescribing the fees to be paid in respect of the issue, validation, renewal, extension or variation of any aviation document or the undergoing of any examination or test required by, or in pursuance of the Regulations, or in respect of any other matter for which it appears to the Minister to be expedient to charge fees;
  - (m) ensuring that foreign air carriers operating in Trinidad and Tobago comply with the safety and security requirements of the Chicago Convention;
  - (n) registration of mortgages and any other liens on aircraft;
  - (o) giving effect to the Rules of the Air; and
  - (p) for any other matters required by or necessary to implement this Act.
- (2) Regulations made under this section, may provide—
- (a) the examinations and tests to be undergone, and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such document; and
  - (b) for imposition of penalties not exceeding a fine of two hundred and fifty thousand dollars and imprisonment of two years.

(3) Regulations made under subsections (1) and (2)(b) shall be subject to negative resolution of Parliament.

(4) In this section a reference to “goods” shall include a reference to mail or animals.

(5) *(Repealed by Act No. 17 of 2003).*

**33A.** The Director-General may prescribe standards in respect of Regulations made under this Act.

**33B.** (1) The Director-General may make emergency regulations and emergency rules

in circumstances where it is expedient to do so and shall disseminate same immediately by electronic means or any other expedient means, according to the circumstances.

(2) In furtherance of subsection (1), the emergency regulations and emergency rules shall be published in two daily newspapers within forty-eight hours of the making thereof.

**33C.** (1) The Minister may within seventy-two hours of the making of an instrument under section 33B(1)—

- (a) by Order published in the *Gazette*, approve such instrument; or
- (b) by regulations or Rules as the case may be, published in the *Gazette*, amend or revoke the instrument made under section 33B(1).

(2) An Order, Regulation or Rule made by the Minister under subsection (1), shall be published in two daily newspapers within forty-eight hours of the making thereof.

**34.** (1) The Authority shall licence annually, all private and public aerodromes, and issue certificates without or with such conditions and subject to the payment of such fees as may be prescribed under section 33.

(2) The Authority in considering the grant of a licence in relation to an aerodrome shall take into account, in addition to other things, the need to minimise so far as is reasonably practicable—

- (a) any adverse effects on the environment; and
- (b) any disturbance to the public, from noise, vibration, atmospheric pollution or any other cause attributable to the use of aircraft for the purpose of civil aviation.

**35.** (1) The Authority shall issue Air Operator Certificates to persons qualified in the manner prescribed.

(2) A certificate issued under subsection (1) shall specify the minimum safety standards for the operation of the air operator.

**36.** (1) The Authority shall issue Airman Certificates to persons qualified in the manner prescribed under section 33.

(2) A certificate issued under subsection (1), shall specify the category in which the holder is authorised to serve as an airman in connection with an aircraft.

**37.** For the purpose of the issue of any licence or certificate under section 33 (1)(a), (b), (c), (d) and (e), the Director-General shall have access by an applicant or the holder of a licence or certificate at any place and time to conduct any tests or inspections in order to determine that their operations are conducted in accordance with prescribed safety or other standards.

**38.** (1) The Director-General shall establish and maintain a system for the national registration of aircraft in Trinidad and Tobago in accordance with Regulations made

under section 33 (1)(b).

(1A) The Authority shall be responsible for the national registration of aircraft and shall cause a register to be kept in the form and manner prescribed.

(2) It shall be unlawful to operate a civil aircraft in Trinidad and Tobago unless it is registered in Trinidad and Tobago or is registered under the laws of another Contracting State.

**39.** (1) The Director-General from time to time may, for any reason, re-inspect or re-examine, any civil aircraft, aircraft engine, propeller, appliance, air operator, school or repair station, or to re-examine any airman holding a certificate under this Part.

(2) Where, as a result of any re-examination, re-inspection or any other investigation made by the Director-General, it is determined that safety in civil aviation or in commercial air transport and the public interest requires, he may issue a recommendation to the Authority to 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 this Act.

(3) The Director-General shall give written reasons for the determination made under subsection (2).

(4) Subject to section 42(2), the Authority shall act in accordance with the recommendation of the Director-General under subsection (2).

**40.** (1) In addition to the right of access granted under section 37, the Director-General shall have access to civil aircraft without restriction wherever they are operated in Trinidad and Tobago and to civil aircraft registered in Trinidad and Tobago wherever they are operated in the world for the purposes of ensuring that those aircraft are airworthy and being operated in accordance with this Act.

(2) In furtherance of subsection (1), the Director-General may—

(a) make such inspections of aircraft, aircraft engines, propellers and appliances used by any operator of civil aircraft, as may be necessary to determine whether the operators are maintaining them in conditions which are safe for the operation in which they are used; and

(b) advise each operator of the inspection and maintenance of these items.

(3) Where the Director-General finds that any aircraft, aircraft engine, propeller, or appliance, used or intended to be used by any operator in civil aviation is not in a condition which is safe for use, the Director-General shall notify the operator and such aircraft, aircraft engine, propeller or appliance shall then not be used in civil aviation operations until and unless found by the Director-General to be in a condition which is safe for use.

**41.** (1) The Authority shall direct the operator or airman of a civil aircraft that the aircraft is not to be operated in situations where—

(a) the aircraft is not airworthy;

(b) the airman may not be qualified or physically or mentally capable for the

flight; or

(c) the operation would cause imminent danger to persons on the ground.

(2) In the circumstances of subclause (1), the Director-General may take steps to prevent the aircraft from being operated or the airman from operating an aircraft.

**42.** (1) Subject to subsection (2), where—

(a) a person is aggrieved by any recommendation of the Director-General under section 39 or action taken by the Authority under section 41;

(b) it is decided that it would be inexpedient in the public interest for an aircraft to be registered in Trinidad and Tobago; or

(c) an applicant for the grant, validation or variation of an aviation document has been refused or granted in terms other than those requested by the applicant,

the aggrieved person may, within 14 days after the date of service of the Director-General's decision, request that the case be reviewed by the Board.

(2) On the filing of an appeal with the Board, the effectiveness of the Director-General's recommendation shall be stayed, unless the Director-General informs the Board that an emergency exists and safety in civil aviation requires the immediate effectiveness of the recommendation, in which event the Board shall order that the Director-General's decision shall remain in effect.

(3) An appeal from a decision of the Board shall lie to an independent tribunal, appointed by the Minister from time to time and constituted in accordance with subsection 4.

(4) The Appeal Tribunal shall be constituted as follows:

(a) a pilot with at least ten years experience as an aircraft commander of an aircraft with a certified maximum gross take-off weight in excess of 20,000 kilograms;

(b) an aviation engineer with at least ten years airline maintenance experience;

(c) an Attorney-at-law with at least five years practising experience in the Courts of Trinidad and Tobago;

(d) any other specialist person for the particular instance.

(5) Members of the tribunal shall be considered for their proven record of knowledge of the local and international aviation regulatory environment and their record of integrity.

(6) Section 14, subsections (2), (3), and (4) apply "*mutatis mutandis*" to the members of the Appeal Tribunal.

(7) The terms and conditions of the Appeal Tribunal will be set by the Board from time to time.

(8) Nothing in this section shall be construed as limiting the right of any person to apply to the High Court for judicial review, or for any remedy that may be available to

that person.

## PART X

### SAFETY MEASURES

**43.** (1) For the purposes of this section, the Air Navigation installations described in the Fifth Schedule shall be deemed to be protected installations.

(2) No person may enter or remain in a protected installation except with general or written specific permission of the Authority and subject to such conditions as may be attached to the grant of such permission.

(3) No person shall tamper with, or interfere with any equipment, appliances, or machinery in a protected area.

(4) No person may without permission of the Authority remove or disturb in any way whatever any building, sign, fence, pipe, hose, coupling, post, gate, marker, or other structure within a protected installation.

(5) A person who contravenes subsections (2), (3) and (4) commits an offence.

**44.** (1) Subject to subsection (2), whenever any object which is located on the surface constitutes obstruction or potential hazard to aircraft in navigable airspace in the vicinity of an airport or elsewhere, the Minister may cause a notice to be served on the owner of the property in which the object is located, directing the owner within such reasonable time as is specified in the notice—

(a) to remove the object or such portion of it specified in the notice as is practicable and necessary; or

(b) to install lights or other apparatus of approved types and mark it in accordance with the requirements of the Chicago Convention.

(2) Any person suffering damage or loss in consequence of or under a direction under subsection (1), shall be paid such compensation as is agreed between the Authority and the person, and in default of agreement, the amount of the compensation shall be fixed by the High Court.

(3) A person who, without reasonable excuse, fails to comply with a direction contained in a notice under subsection (1), commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and imprisonment for two years.

(4) Notwithstanding the other provisions of this section, no compensation shall be payable for any loss or damage suffered as a consequence of a direction under this section where the object has been erected or planted in contravention of any Regulations made under section 45.

(5) In this section—

“navigable airspace” means the airspace above the minimum altitudes of flight prescribed by Regulations made under section 33 and includes airspace required to ensure safety in take-off and landing of aircraft;

“owner” includes occupier;

“object” includes any building, structure, erection, any tree or vegetation, any vehicle or

vessel (whether stationary or otherwise) or anything.

**45.** (1) For the purpose of ensuring the safety of aircraft in accordance with normal aviation practice the Minister may make Regulations restricting the use of land in the vicinity of airports including Regulations for the prohibition and restriction—

- (a) structures or other things in any area specified;
- (b) the planting of, or the limitation of the height of, any trees in any area specified;
- (c) the sowing or growing of any plant or crop in any area specified;
- (d) the bringing of vessels or vehicles into any area specified, or the anchoring, mooring or standing of any vessel or vehicle therein.

(2) Regulations made under subsection (1) shall be subject to negative resolution of Parliament.

(3) Subject to subsection (4) any owner or occupier of land who suffers loss or damage in respect of a public airport, in consequence of any Regulations made under subsection (1), shall be eligible for compensation and he shall submit a claim to the Minister within a period of six months after the publication of those Regulations in the *Gazette*.

(4) In determining any compensation under subsection 3—

- (a) the loss or damage shall be assessed, having regard only to circumstances in existence at the time of the publication of the Regulations; and
- (b) the maximum amount of compensation payable shall not exceed the amount by which the market value of the land is reduced as a result of the making of the Regulations.

(5) In the event of disagreement as to the amount of compensation to be paid in respect of a claim under subsection (3) the amount shall be fixed by the High Court.

(6) Regulations made under this section may make provision for the imposition of fines not exceeding ten thousand dollars.

**46.** The person in charge of any airport in Trinidad and Tobago which is open to public use by aircraft registered in Trinidad and Tobago shall cause the airport and all air navigation facilities provided thereat to be available for use by aircraft registered in other Contracting States on the same terms and conditions as for use by aircraft registered in Trinidad and Tobago.

**47.** It shall be the duty of the Authority to provide air navigation services—

- (a) in Trinidad and Tobago; and
- (b) for any area outside of Trinidad and Tobago for which the Contracting State has in pursuance of international arrangements, undertaken to provide air navigation services,

to the extent which it appears to the Authority that such services are necessary for the safety of air navigation and are not being provided by him or by some other person.

**48.** (1) The Authority with the approval of the Minister may make Regulations for requiring the payment to the Authority of charges, of such amounts in such currencies as may be prescribed in respect of air navigation services which, either in pursuance of international arrangements or otherwise, are provided for aircraft by the Authority or any other person or by any persons jointly.

(2) The liability for any charges payable by virtue of the Regulations under subsection (1), may be imposed upon the operators or owners of aircraft for which the air navigation services in question are made available, whether or not they are actually used or could be used with the equipment installed in the aircraft or upon those operators or owners or upon the managers of airports used by such aircraft, or partly upon those operators and owners and partly upon those managers.

(3) Regulations made under subsection (1), may provide for the charges payable under the Regulations to be so recoverable in Trinidad and Tobago wherever they are payable without prejudice to the right of recovery elsewhere and liability for any charges under the Regulations may be imposed upon the operator of any aircraft whether or not it is registered in Trinidad and Tobago, whether or not it is in or over Trinidad and Tobago, at the time when the services to which the charges relate are provided and whether or not such services are provided from a place in Trinidad and Tobago.

(4) For the purposes of facilitating the assessment of charges payable by virtue of Regulations under this section, the Regulations may make provision for requiring operators of aircraft or managers of airports to make such records of the movements of aircraft, and such other particulars relating to aircraft, as may be prescribed and these requirements may be imposed upon the operator of any aircraft, whether or not it is in or over Trinidad and Tobago at the time when the services to which charges relate are provided and whether or not these services are provided from a place in Trinidad and Tobago.

(5) Any person who without reasonable cause, fails to comply with any requirement of any Regulations made under subsection (4), shall be liable on summary conviction to a fine of ten thousand dollars and to imprisonment for six months.

(6) Without prejudice to any other power conferred by this Act to detain aircraft, Regulations made under this section may make provision, in the case of default in the payment of any charges by an operator under the Regulations, for authorising the detention, pending payment, of the aircraft in respect of which the charge was incurred or of any other aircraft of which the person in default is the operator at the time the detention begins and such Regulations may make such further provision as appears to the Authority to be expedient for securing such detention.

(7) The High Court shall have jurisdiction to hear and determine a claim for charges or interest payable to the Authority by virtue of Regulations made under this section, notwithstanding that the person against whom the claim is made is not resident within the jurisdiction of the Court.

**49.** (1) Where the Director-General has reason to believe that an installation is or may be either actively or passively causing interference with navigational aids or with radio communications to or from aircraft, in circumstances that are likely to endanger the

safety of aircraft in air navigation, he may cause a notice to be served on the owner directing him to permit the installation to be inspected and tested by an authorised person.

(2) Upon the service of the notice, an authorised person may enter the premises or place where the installation is installed, kept or operated and inspect or test the installation.

(3) An authorised person exercising powers under subsection (2), shall produce identification in writing if requested to do so.

(4) If as a result of such an inspection or otherwise, the Director-General considers it necessary to do so for the safety of the aircraft referred to in subsection (1), the Director-General may cause a notice to be served on the proprietor directing the proprietor to make such modifications to the installation, or to take such other action, as is necessary to eliminate the cause of the interference, within a reasonable time specified in the notice.

(5) If the installation has been installed and is used and operated in accordance with all applicable laws, the proprietor may recover from the Authority the amount of all reasonable expenses incurred and of loss actually suffered, in complying with a direction under subsection (4).

(6) A person who, without reasonable excuse, fails to comply with a direction contained in a notice under this section commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and imprisonment for one year.

(7) In this section—

“installation” includes any electrical or other equipment or any metallic structure; and

“owner”, in relation to an installation, means the owner or user of the installation or the owner and occupier of the premises or place where the installation is installed, kept or operated.

## PART XI

### AIRCRAFT

**50.** (1) No action shall lie against any person in respect of trespass or nuisance, by reason of the flight of an aircraft over any property at a height above the ground which, having regard to wind, weather and all the circumstances of the case is reasonable, or the ordinary incidents of such flight, so long as the person is not guilty of dangerous flying within the meaning of section 58 and there has been no breach of Regulations made under section 45.

(2) Subject to subsection (3), where material loss or damage is caused to any person or property on land or water by, a person in, or an article, animal or person falling from an aircraft while in flight, taking off or landing, then unless the loss or damage was caused or contributed to by the negligence of the person by whom it was suffered, damages in respect of the loss or damage shall be recoverable without proof of negligence, intention or other cause of action, as if the loss or damage had been caused by the willful act, neglect, or default of the owner of the aircraft.

(3) Where the material loss or damage is caused aforesaid in circumstances in which—

- (a) damages are recoverable in respect of the loss or damage by virtue only of subsection (2); and
- (b) a legal liability is created in some person other than the owner to pay damages in respect of the said loss or damage,

the owner shall be entitled to be indemnified by that other person against any claim in respect of the said loss or damage.

(4) Where the aircraft concerned has been *bona fide* demised, let or hired out for any period exceeding fourteen days, to any other person by the owner thereof and no pilot, commander, navigator or operative member of the crew of the aircraft, is in the employment of the owner, this section shall have effect as if for references to the owner, there were substituted reference to the person to whom the aircraft has been so demised, let or hired out.

**51.** The Authority may, with the approval of the Minister, make Regulations for the establishment of a registry of all legal rights in an aircraft registered in Trinidad and Tobago or capable of being so registered.

**52.** (1) The Minister may make Regulations for giving effect to the Convention on the International Recognition of Rights in Aircraft as amended, the Convention on International Interest in Mobile Equipment and related Protocols.

(2) Regulations made under this section may, in particular, make provision—

- (a) for the recognition in Trinidad and Tobago of rights of the kind specified in the Convention in or over aircraft registered in other States party to the Convention, being rights registered or recorded in those States in accordance with the Convention and recognised as valid by law of the State contracting party to the Convention in which the aircraft in question was registered when the rights were constituted;
- (b) in respect of the operation, in relation to such aircraft of any of the enactments in force in Trinidad and Tobago relating to bills of sale or the registration of charges on the property or undertaking of companies;
- (c) for prohibiting the sale in execution of any such aircraft without an order of a Court, and otherwise for safeguarding in the case of such a sale, any such rights as are mentioned in paragraph (a) above;
- (d) for the recognition in Trinidad and Tobago of priority to other rights in or over any other aircraft or any aircraft registered in Trinidad and Tobago, of any charge consequent on salvage or similar operations in respect of the aircraft, being a charge arising in accordance with the law of any other such party to the Convention in which the operations terminated;
- (e) for the application, in accordance with the Convention, of provisions corresponding to those made by virtue of paragraphs (a) to (d) to cases where a right such as is mentioned in paragraph (a) (being a right

created as security for the payment of indebtedness) extends to any store of spare parts for the aircraft in question.

**53.** (1) Any services rendered in assisting, or in saving life from, or in saving the cargo or equipment of an aircraft in, on or over the sea, or any tidal water, for on or over the shores of the sea or any tidal water shall be deemed to be salvage services in all cases in which they would have been salvage services if they had been rendered in relation to a vessel.

(2) Where salvage services are rendered by an aircraft to any property or person, the owner of the aircraft shall be entitled to the same reward for the services as he would have been entitled to if the aircraft had been a vessel.

(3) Subsections (1) and (2) shall have effect notwithstanding that the aircraft concerned is a foreign aircraft and notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial waters adjacent to Trinidad and Tobago.

(4) The Authority with the approval of the Minister may make Regulations prescribing any provisions of the Shipping Act and of any other enactments which relate to wreck, to salvage of human life or property or to the duty of rendering assistance to vessels in distress shall, with such modifications if any, as may be prescribed, apply in relation to aircraft as those provisions apply in relation to vessels.

## PART XII

### OFFENCES AND PENALTIES

**54.** (1) The jurisdiction of the Court shall extend to any offence under this Act, if the act constituting such offence took place on board—

- (a) any civil aircraft registered in Trinidad and Tobago;
- (b) any civil aircraft leased with or without crew to an operator whose principal place of business is in Trinidad and Tobago, or, if the operator does not have a principal place of business, whose permanent residence is in Trinidad and Tobago;
- (c) any civil aircraft on or over the territory of Trinidad and Tobago;
- (d) any other civil aircraft in flight outside Trinidad and Tobago if—
  - (i) the next landing of the aircraft is Trinidad and Tobago; and
  - (ii) the commander of the aircraft has delivered the suspected offender to the competent authorities of Trinidad and Tobago, requested its authorities to prosecute the suspected offender and affirmed that no similar request has been or will be made by the commander or the operator to any other State.

(2) In this section—

- (a) “Court” means a Summary Court under the Summary Courts Act; and
- (b) “territory of Trinidad and Tobago” means the islands of Trinidad and Tobago and includes the territorial sea as defined in the Territorial Sea

Act and archipelagic waters of Trinidad and Tobago as defined in the Archipelagic Waters and Exclusive Economic Zone Act.

**55.** (1) No person shall—

- (a) operate any civil aircraft, for which there is not in effect an airworthiness certificate or in violation of the terms of such certificate;
- (b) serve in any capacity as an airman in connection with any civil aircraft or component or appliance used or intended for use in civil aviation, without the appropriate Airman Certificate, in violation of any Airman Certificate, or in violation of this Act;
- (c) employ for service in connection with any aircraft used in civil aviation, an airman who does not carry the appropriate airman certificate governing his employment;
- (d) operate as an air operator without an air operator's certificate or in violation of the terms of such certificate;
- (e) while holding a certificate issued to a school or repair station, violate any term, condition or limitation thereof, or violate any Rule, Order or Regulation made under this Act, relating to the holder of such certificate; and
- (f) operate an aerodrome without a valid licence issued by the Authority.

(2) Any person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of one hundred thousand dollars.

**56.** (1) Except as otherwise expressly provided in this Act, proceedings in respect of offences under this Act shall be prosecuted under the Summary Courts Act.

(2) A person who commits an offence under this Act for which no specific penalty is provided, is liable to a fine of four thousand dollars and to imprisonment for six months.

(3) Where an offence under this Act is a continuing one, and no penalty is provided in respect of this continuance thereof elsewhere than in this section, every person who commits that offence, in addition to any other liability, is liable to a fine of five hundred dollars for every day or part thereof during which the offence continues.

**57.** (1) Notwithstanding any other provisions of this Act, or any Regulation, Rules or Orders made hereunder, the Director-General may compound any offence under this Act, by accepting from the person reasonably suspected of having committed such offences, a fine not exceeding forty thousand dollars.

(2) On payment of any sum of money, under subsection (1)—

- (a) the operator reasonably suspected of having committed the offence in respect of which the payment has been made shall, if in custody, be discharged;
- (b) any aircraft detained in respect of such offence shall be released; and
- (c) no further proceedings shall be taken against such person or aircraft in respect of such offence.

**58.** (1) Where an aircraft is flown in such a manner as to be the cause of unnecessary danger to any person or property on land or water, the commander of the aircraft, and also the owner or operator thereof, unless he proved to the satisfaction of the Court that the aircraft was so flown without his actual fault or knowledge, shall be liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for one year.

(2) In this section the expression “owner” in relation to an aircraft includes any person by whom the aircraft is hired at the time of the offence.

(3) The provisions of this section shall be in addition to and not in derogation of the powers conferred on the Authority by section 7.

**59.** (1) Except in such circumstances as may be prescribed, no aircraft in the air over Trinidad and Tobago shall be used, whether wholly or partly, for emitting or displaying any advertisement or other communication in such a way that the advertisement or communication is audible or visible from the ground.

(2) Any person who uses an aircraft, or knowingly causes or permits an aircraft to be used, in contravention of subsection (1), commits an offence and shall be liable on summary conviction—

(a) in the case of a first conviction of an offence under this section, to a fine of five thousand dollars;

(b) on subsequent convictions, to a fine of ten thousand dollars and to imprisonment for six months.

**60.** (1) A person shall not, while in an aircraft—

(a) interfere with a crew member or passenger;

(b) do any act that threatens the safety of the aircraft or of persons on board the aircraft;

(c) use abusive language or insulting words towards a crew member or passenger;

(d) intentionally interfere with the performance of duty by a crew member.

(2) A person shall not tamper with an aircraft or an aircraft engine, on board the aircraft.

(3) A person on board an aircraft in flight who is intoxicated to such extent as to give rise to a reasonable apprehension that he or she is likely to endanger the safety of himself or herself or the safety of others on board the aircraft shall be guilty of an offence.

(4) A person on board an aircraft in flight who, without justification, engages in behaviour that is likely to cause serious offence or annoyance to any person on board the aircraft at any time after having been requested by a member of the crew of the aircraft to cease such behaviour, shall be guilty of an offence.

(5) Any person who commits an offence under this section shall be liable on summary conviction to a fine of twenty-five thousand dollars and imprisonment for one

year.

(6) The term “in flight” for the purposes of this section shall mean the period from the moment when power is applied for the purpose of take-off until the moment when the landing run ends.

**61.** (1) The pilot in command of an aircraft, with such assistance as he requires, may—

- (a) take such action, including the removal of a person from the aircraft, or the placing of a person under restraint or in custody, by force, as he considers necessary to ensure compliance with the provisions of this Part or the Regulations made under section 33 in relation to the aircraft; and
- (b) detain the passengers, crew and cargo for such period as he considers reasonably necessary to ensure compliance with the provisions of this Part and the aforesaid Regulations, in or in relation to the aircraft.

(2) A person who, on an aircraft in flight, whether within or outside Trinidad and Tobago, is found committing, or is reasonably suspected of having committed, or having attempted to commit, or being about to commit, an offence against the provisions of this Part or the foresaid Regulations may be arrested without warrant by a member of the crew of the aircraft in the same manner as a person who is found committing a felony may, at common law, be arrested by a constable and shall be dealt with in the same manner as a person so arrested by a constable.

(3) The provisions of this section shall be in addition to and not in derogation of the provisions of the Civil Aviation (Tokyo Convention) Act.

**62.** (1) The Authority shall with the approval of the Minister make Regulations—

- (a) for the investigation of any accident arising out of or in the course of air navigation and either occurring in or over Trinidad and Tobago or occurring elsewhere to aircraft registered in Trinidad and Tobago; and
- (b) for carrying out the provisions of any Annex to the Chicago Convention (being an Annex adopted in accordance with the Convention and relating to the investigation of accidents involving aircraft) as it has effect from time to time with any amendment made in accordance with the Convention (hereinafter in this section referred to as “the Annex”).

(2) A person who contravenes any Regulations made under this section, commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months.

(3) The provision of Part XIX of the Shipping Act shall apply *mutatis mutandis* to the provisions of this section.

**63.** The Authority shall monitor and enforce compliance with the provisions of Annex 18 of the Chicago Convention and the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air, and is authorised to submit variations to the Technical Air Instructions on behalf of Trinidad and Tobago where necessary.

**64.** Any person who offers or accepts dangerous goods for commercial air transport in violation of Annex 18 to the Chicago Convention or the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air, or violates any duty imposed thereunder, commits an offence and shall be liable to a penalty of five hundred thousand dollars for each part of the Technical Instructions that are violated.

**65.** (1) Any person may file with the Director-General, a complaint in writing with respect to anything done or omitted to be done by any person in contravention of this Act or any requirement established pursuant hereto.

(2) Where the Director-General is of the opinion that there appears to be reasonable ground for investigating the complaint, the Director-General shall so investigate.

(3) Where the Director-General is of the opinion that a complaint does not state facts that warrant an investigation or action, he may dismiss the complaint without hearing, but shall give reasons for the dismissal.

(4) Notwithstanding subsection (1) the Director-General may institute an investigation at any time, in any case and as to any matter or thing within his jurisdiction under this Act, concerning—

(a) a complaint authorised to be made under this Act;

(b) any question arising under any of the provisions of this Act; and

(c) the enforcement of any of the provisions of this Act,

and the Director-General shall proceed with such investigation in the same manner as if it were made by complaint.

(5) Where the Director-General finds, after notice and hearing, in any investigation, that any person has failed to comply with any provision of this Act or any requirement established pursuant hereto, the Director-General shall issue an appropriate order to compel such person to comply therewith.

**66.** The Director-General may conduct hearings, and require the attendance of witnesses, and the production of all books, and documents in relation to any matter under investigation.

**67.** (1) Any air operator in Trinidad and Tobago and any foreign air operator in Trinidad and Tobago shall designate in writing, an agent in Trinidad and Tobago upon which service of notices and process and all orders, decisions and requirements from the Director-General may be made, by that agent and the designation shall be filed with the Director-General.

(2) Service of all notices and process and of orders, decisions and requirements from the Director-General may be made upon any air operator or foreign air operator by service upon its designated agent at their office or place of residence in Trinidad and Tobago with the same effect as personal service upon such air operator or foreign air operator.

(3) For the purposes of this section, service of notices, processes, orders, Rules and Regulations on any person may be made by personal service, or on a designated agent, or by registered mail addressed to such person or agent.

**68.** (1) Neither a conviction for an offence nor an order for payment of money shall be made under this Act in any summary proceedings instituted in any Magistrate's Court—

(a) unless such proceedings are commenced within one year after the commission of the offence or after cause of the complaint arises, as the case may be; or

(b) where both or either of the parties to the proceedings happen or happens during the time to be out of Trinidad and Tobago, unless the proceedings are commenced in the case of —

(i) a conviction, within two months; and

(ii) an order, within two months after they both first happen to arrive or to be at one time, in Trinidad and Tobago.

(2) No other written law for the time being in force which limits the time within which proceedings may be instituted in any Magistrate's Court shall affect any proceedings under this Act.

**69.** (1) Subject to subsections (2) and (3), this Act does not apply to military aircraft.

(2) Regulations made under section 33(1) which relate to the Rules of the Air may be applied to military aircraft.

(3) The Authority may apply the provisions of this Act with or without modifications, to aircraft of the Defence Force of Trinidad and Tobago on the civil aircraft register established under section 38.

(4) In this section "military aircraft" includes any other Aircraft in respect of which there is in force a certificate issued in accordance with Regulations under section 33 that the aircraft is to be treated as a military aircraft, and a certificate that any aircraft is or is not a military aircraft for the purpose of this Act shall be conclusive evidence of the fact certified.

### **PART XIII**

#### **MISCELLANEOUS AND GENERAL**

**70.** The Authority is a Statutory Authority for the purposes of the Guarantee of Loans (Statutory Authorities) Act.

**71.** The Authority is hereby exempt from all taxes including value added tax and corporation tax, levies including the Green Fund Levy and Customs and Excise duties.