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**First Session Eighth Parliament Republic of Trinidad
and Tobago**



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 17 of 2003

[L.S.]

AN ACT to amend the Civil Aviation Act, No. 11 of 2001

[Assented to 12th June, 2003]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the Short title Civil Aviation
(Amendment) Act, 2003.

Section 2 amended

2. Section 2 of the Act is amended—

- (a) in the definition of “air operator”, by deleting the word “organization” and substituting the words “person, organization or enterprise”;
- (b) by deleting the definition of “aviation document” and substituting the following definition:
 - “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;”;
- (c) by inserting in alphabetical sequence, the following definition:
 - “commercial air transport” means the carriage by air, of passengers or cargo for remuneration or hire;”.

Section 5 amended

3. Section 5 of the Act is amended in—

- (a) paragraph (b)(ii), by deleting the words “within and above Trinidad and Tobago”; and
- (b) paragraph (e), by inserting after the words “documents,”, the words “in respect of Trinidad and Tobago aircraft in any part of the world,”.

Section 7 amended

4. Section 7 of the Act is amended—

- (a) in paragraph (b), by deleting the word “and”;

(b) in paragraph (c), by deleting the full stop and substituting the words “; and”; and

(c) by inserting after paragraph (c), the following paragraph:

“(d) make rules and regulations prescribing all matters that are necessary, required or permitted by this Act to be prescribed.”.

5. The Act is amended by inserting after section 26, the following sections: Sections 26A, B and C inserted

“Association deemed to be certified recognized majority union
Chap. 88:01

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

Application for certification of recognition

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.

Right of employees to form or join associations or trade unions

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

Section 32 amended

6. Section 32 of the Act is amended—

- (a) in subsection (5), by deleting the words “and in any document,” and substituting the words “, in any agreement or any other document,”; and
- (b) in subsection (7), by—
 - (i) inserting after the words “personal property”, the words “listed in the Fourth Schedule,”; and
 - (ii) deleting the word “is” and substituting the word “are”.

Section 33 amended

7. Section 33 of the Act is amended—

- (a) in subsection (1), by deleting paragraph (b) and substituting the following paragraph:
 - “(b) a system for the national registration of aircraft;”;
- (b) in subsection (3), by deleting the word “affirmative” and substituting the word “negative”; and
- (c) by repealing subsection (5).

Sections 33A, B and C inserted

8. The Act is amended by inserting after section 33, the following sections:

“Standards 33A. The Director General may prescribe standards in respect of regulations made under this Act.

Emergency regulations and rules 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.

Minister
may
approve, or
revoke

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.”.

9. Section 34 of the Act is amended by—

Section 34 amended

- (a) renumbering section 34 as section 34(1);
- (b) deleting the words “subject to section 40,”; and
- (c) inserting after section 34(1) as renumbered, the following subsection:

“ (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 minimize 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.”.

10. Section 37 of the Act is amended by deleting the word “paragraph” and substituting the words “section 33”.

Section 37 amended

Section 38 amended **10A.** Section 38 of the Act is amended by inserting the following subsection:

“ (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.”.

Section 43 amended **11.** Section 43(1) of the Act is amended by deleting the word “Fourth” and substituting the word “Fifth”.

Section 54 amended **12.** Section 54(1) of the Act is amended by deleting the words “under this section” and substituting the words “under this Act”.

Section 69 amended **13.** Section 69(3) of the Act is repealed and the following subsection substituted:

“ (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.”.

Section 71 amended **14.** Section 71 of the Act is repealed and the following section substituted:

“Exemptions 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.”.

Section 72 amended **15.** Section 72(1) of the Act is amended by inserting after the word “The”, the words “Trinidad and Tobago”.

First Schedule amended **16.** The First Schedule of the Act is amended in clause 1(1) by—

- (a) inserting after the word “Board”, the words “, other than the Director General,”; and
- (b) deleting paragraph (d).

17. The Act is amended by—

Schedule inserted

- (a) inserting after the Third Schedule, the following Schedule:

“FOURTH SCHEDULE

[Section 32(7)]

ALL REAL AND PERSONAL PROPERTY TO BE VESTED

1. All land, buildings and structures owned or leased by the Civil Aviation Division situated and located as follows:

- (a) Head Office, 2nd Floor, PSA Building, Abercromby Street, Port-of-Spain;
- (b) Radar Centre, Caroni North Bank Road, Piarco;
- (c) Flight Operations and Licensing Office, Golden Grove Road, Piarco;
- (d) Aeronautical Information Services Centre, 3rd Floor, Piarco International Airport;
- (e) Telecommunication Section, 2nd Floor, Piarco International Airport;
- (f) Civil Aviation Training Centre, Mausica Road, Mausica;
- (g) Civil Aviation Stores Warehouse, Caroni North Bank Road;
- (h) Inspectorate Office, 1st Floor, Piarco International Airport;
- (i) Piarco Air Traffic Control Tower;
- (j) Radar Station, Morne Catherine, Chaguaramas;
- (k) VOR/DME Transmitter and Transponder, Carlsen Field;
- (l) ILS Outer Marker and POS Non-Directional Beacon, Caroni;
- (m) ILS Glide Path Transmitter, Piarco International Airport;
- (n) ILS Middle Path, Piarco International Airport;
- (o) ILS Localiser Transmitter, Piarco International Airport;
- (p) Tower Complex, Crown Point, Tobago;
- (q) Directional Beacon Transmitter, Crown Point, Tobago;
- (r) DME Transponder, Crown Point, Tobago; and
- (s) Air Traffic Services Office, 1st Floor Terminal Building, Crown Point, Tobago.

2. All the books and records of the Civil Aviation Division that are maintained at the Division's head office in Trinidad and Tobago and elsewhere.

3. All computer and communications equipment located on any premises occupied by the Civil Aviation Division in Trinidad and Tobago or elsewhere.

4. All office furniture, fittings and equipment located on any premises occupied by the Civil Aviation Division in Trinidad and Tobago or elsewhere.

5. All maintenance and operating supplies situated at Piarco, Trinidad and Crown Point, Tobago.”; and

(b) renumbering the Fourth Schedule as the Fifth Schedule.

Passed in the House of Representatives this 9th day of May, 2003.

J. SAMPSON-JACENT

Clerk of the House

Passed in the Senate this 27th day of May, 2003.

D. DOLLY

Clerk of the Senate