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**No. 6 of 2003**

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

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HOUSE OF REPRESENTATIVES

**BILL**

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

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THE CIVIL AVIATION (AMENDMENT) BILL, 2003

**Explanatory Note**

(These notes form no part of the Bill but are intended only to indicate its general purport)

Clause 1 of the Bill would provide for the short title.

Clause 2 of the Bill would amend section 2 of the Act to include a new definition and amend others.

Clause 3 of the Bill would amend section 5 of the Act to allow the Authority to regulate the operation of a Trinidad and Tobago aircraft in any part of the world. The Authority would also be able to deal with licences and other aviation documents in respect of Trinidad and Tobago aircraft in any part of the world.

Clause 4 of the Bill would amend section 7 of the Act to empower the Authority to make prescribed rules and regulations.

Clause 5 of the Bill would amend the Act by inserting four new sections. A new section 26A would allow for the continuation of representation by the representative association that formerly represented the employees who have transferred from the public service. A new section 26B would allow for existing agreements to be valid and binding on the relevant representative association and the Authority. A new section 26C would allow for the continuation of collective and other agreements. A new section 26D would enable employees to form or join associations or trade unions.

Clause 6 of the Bill would amend section 32 of the Act, in subsection (5) by making specific reference to agreements. It would also amend subsection (7), which would insert a new Fourth Schedule, which would contain a list of all the properties and assets held by or vested in the former Civil Aviation Division.

Clause 7 of the Bill would amend section 33 of the Act, which would make regulations made under section 33 subject to negative resolution of Parliament. It would also repeal subsection 5, which was inadvertently placed in section 33 and should instead be placed in section 34.

Clause 8 of the Bill would amend the Act by inserting two new sections.

A new section 33A would allow the Director General to prescribe standards in respect of regulations made under the Act. A new section 33B would allow the Director General to make emergency regulations and emergency rules in circumstances where it is expedient to do so and such rules and regulations would be required to be published in two daily newspapers. A new section 33C would provide that the Minister may, within seventy-two hours thereafter, either approve, amend or revoke any such regulation or rule made by the Director General. The Minister would also be required to publish in two daily newspapers any Order, rules or regulations made by him under this section.

Clause 9 of the Bill would amend section 34 of the Act by inserting a subsection (2), which was the original section 33(5) and would require the Authority, when considering the granting of a licence in respect of an aerodrome, to take into account, in addition to other things, the effect on the environment and any disturbance to the public.

Clause 10 of the Bill would amend section 37 of the Act, which would clarify the provision.

Clause 11 of the Bill would make a consequential amendment.

Clause 12 of the Bill would amend section 54(1) of the Act to widen the jurisdiction of the Court to cover any offence committed under the Act.

Clause 13 of the Bill would amend section 69 of the Act, by repealing subsection (3) and substituting a new subsection (3), which would allow the Authority to apply the provisions of the Act with or without modifications, to aircraft of the defence force registered on the civil register.

Clause 14 of the Bill would repeal section 71 of the Act and substitute a new section 71 which would exempt the Authority from paying all taxes including value added tax and corporation tax, levies including the Green Fund Levy and customs and excise duties.

Clause 15 of the Bill would amend section 27 of the Act to correct a typographical error.

Clause 16 of the Bill would amend the First Schedule of the Act to ensure that the Director General, an *ex-officio* member of the Board, would not be required to be appointed by the President.

Clause 17 of the Bill would amend the Act by inserting a new Fourth Schedule and would also make a consequential amendment.

## **BILL**

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

*[ , 2003]*

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

**1.** This Act may be cited as the Civil Aviation Short title  
(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; and
- (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, Sections 26A, B, C and D inserted the following sections:

“Continuation of association representation 26A. Subject to any written law, employees of the Authority who have transferred from the public service shall, for the purpose of collective bargaining, continue to be represented by the relevant representative association that formerly represented them.

Existing agreements 26B. Any agreement applicable to former officers in the public service or a statutory authority who have transferred to the service of the Authority shall be valid and binding on the relevant representative association and the Authority and shall be deemed to be registered under the Industrial Relations Act.

Continuation of collective and other agreements 26C. Upon the commencement of this Act and subject to any written law, a collective agreement or other agreement that immediately prior to the commencement of this Act affected employees who were employed in the public service or a statutory authority shall continue to have effect in relation to such employees.

Right of employees to form or join associations or trade unions 26D. 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 (3), by deleting the word “affirmative” and substituting the word “negative”; and
- (b) 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,  
amend 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.”.



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

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:

<sup>“Exemptions</sup> 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 former 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)* 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 former 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 former Civil Aviation Division in Trinidad and Tobago or elsewhere.

4. All office furniture, fittings and equipment located on any premises occupied by the former 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        day  
of                    2003.

*Clerk of the House*

I confirm the above.

*Speaker*

Passed in the Senate this        day of                    ,  
2003.

*Clerk of the Senate*

I confirm the above.

*President of the Senate.*

No. 6 of 2003

FIRST SESSION  
**EIGHTH PARLIAMENT**  
REPUBLIC OF  
TRINIDAD AND TOBAGO

**BILL**

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

Received and read the

First time .....

Second time .....

Third time .....