

LEGAL NOTICE No. 182

REPUBLIC OF TRINIDAD AND TOBAGO

THE CIVIL AVIATION ACT, CHAP. 49:03

REGULATIONS

MADE BY THE TRINIDAD AND TOBAGO CIVIL AVIATION AUTHORITY WITH
THE APPROVAL OF THE MINISTER UNDER SECTION 33 OF THE CIVIL
AVIATION ACT AND SUBJECT TO NEGATIVE RESOLUTION OF PARLIAMENT

THE CIVIL AVIATION [(NO. 17) ECONOMIC] REGULATIONS,
2016

1. These Regulations may be cited as the Civil Aviation [(No. 17) Citation
Economic] Regulations, 2016.

SECTION I

COMMERCIAL AIR SERVICE

PART I

2. In these Regulations—

Interpretation

“Act” means the Civil Aviation Act;

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“aeronautical communication services” means aeronautical
broadcasting services, aeronautical fixed services and
aeronautical mobile services as referred to in Annex 10 to the
Chicago Convention;

“aeronautical information services” means services necessary to
meet those requirements of Annexes 4 and 15 to the Chicago
Convention that relate to aeronautical information;

“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 navigation services” means—

- (a) aerodrome control services at an aerodrome;
- (b) approach control services;
- (c) area control services;
- (d) flight information services;
- (e) air navigation facilities;

(f) search and rescue services; and

(g) aeronautical information services;

“air service” means any service performed by any aircraft for hire or reward;

“air navigation service provider” means any entity responsible for the provision of air navigation services as authorized by the Government of the Republic of Trinidad and Tobago;

“aircraft operator” means the person who, at the relevant time, has the management of the aircraft;

“alternate transportation” means air transportation with a confirmed reservation at no additional charge, operated by an air carrier, or other transportation accepted and used by the passenger in the case of denied boarding;

“authorised carrier” means an air operator who has been granted a permit or licence by the Trinidad and Tobago Civil Aviation Authority under Section I of these Regulations;

“Authority” means the Trinidad and Tobago Civil Aviation Authority established under section 4 of the Civil Aviation Act;

“bank” means any institution which carries on business of banking and business of a financial nature subject to the provisions of the Financial Institutions Act;

“change in the status of a flight” means, at a minimum, cancellation of a flight, a delay of twenty minutes or more in the planned operation of a flight, or a diversion;

“charter flight” means a flight by an aircraft chartered by a charter operator for a specific journey, not part of an aircraft operator’s regular schedule;

“charter operator” means any person, corporation or other entity that enters into contract with an aircraft operator for the purposes of conducting a charter flight;

“commercial aerial work” means any operation in which an aircraft is used for specialized services which include but are not limited to: agriculture, construction, photography, surveying, observation and patrol, aerial advertisement or any other technical flight conducted for reward or hire or gainful purposes;

“commercial air transport” means any operation involving the transport of passengers, mail or cargo by air, for reward or hire;

“complaint” means a specific written expression of dissatisfaction concerning a difficulty or problem which the person experienced when using or attempting to use the services of an airline;

“confirmed passenger” means any passenger holding a confirmed reserved space;

“confirmed reserved space” means space on a specific date, on a specific flight and class of service of a carrier which has been requested by a passenger, including a passenger with a zero fare ticket, and which the carrier or its agent has verified by appropriate notation on the ticket or any other manner provided therefor by the carrier as being reserved for the accommodation of the passenger;

“Convention on International Civil Aviation” 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;

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

“domestic air service” means any commercial air transport service conducted solely within the domestic airspace;

“domestic airspace” means the airspace over territorial boundaries of Trinidad and Tobago, its archipelagic waters and Exclusive Economic Zone as defined in the Archipelagic Water and Exclusive Economic Zone Act;

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“flight irregularity” means flight cancellations, flight delays of twenty minutes or more, and diversions;

“flight information services” means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights;

“foreign operator” means an operator, not being a Trinidad and Tobago operator, who undertakes, whether directly, indirectly, by lease or any other agreement, to engage in air transport operations within the airspace of Trinidad and Tobago or, to or from the territories of Trinidad and Tobago;

“International Air Transit Agreement” means the Agreement signed at Chicago on December, 1944 pertaining to the privileges of airlines of one State to fly across the territory of another State without landing or to land for non-traffic purposes;

“licence” means an aviation document granted under Part II of these Regulations;

“member of the public” means any individual representing himself or a corporation who is not the owner or part owner of the aircraft on which he is being transported;

“non-scheduled journey” means a journey other than a scheduled journey;

“officer” means the Director, General Manager, Corporate Secretary or other similar officer and includes any person who, with the authority of the body corporate, acts in the post of such an officer;

“permit” means a document granted under Part III and IV of these Regulations;

“Piarco Flight Information Region” means the airspace for which the Government of the Republic of Trinidad and Tobago has the designated responsibility for providing air navigation services;

“scheduled flights” means the flights proposed to be operated by an authorized carrier;

“scheduled journey” means flights scheduled and performed for remuneration according to a published timetable, or so regular or frequent as to constitute a recognizable systematic series, which are open to the direct booking by members of the public and extra section flights occasioned by overflow traffic from scheduled flights;

“volunteer” means a person who responds to the authorized carrier’s request for volunteers for denied boarding and who willingly accepts the carrier’s offer of compensation, in any amount, in exchange for relinquishing the confirmed reserved space; and

“zero fare ticket” means a ticket acquired without a substantial monetary payment such as by using frequent flyer miles or vouchers, or a consolidator ticket obtained after a monetary payment that does not show a fare amount on the ticket and does not include free or reduced rate air transportation provided to airline employees or the guests of airline employees.

Exceptions

3. These Regulations shall not apply to any flight conducted solely ^{Exceptions} for the purpose of—

- (a) training or testing persons in the performance of their duties granted that such training or testing is conducted by an organization or personnel approved by the Authority;
- (b) testing or demonstrating equipment or apparatus whether or not such equipment or apparatus is carried on-board the aircraft;
- (c) providing search and rescue services; or
- (d) effecting an emergency landing.

PART II**INTERNATIONAL COMMERCIAL AIR TRANSPORT LICENCES
AND DOMESTIC COMMERCIAL AIR TRANSPORT LICENCES****Applicability**

4. This Part of these Regulations shall apply to the carriage of ^{Applicability} passengers, mail or cargo by air for hire or reward upon scheduled international and domestic journeys.

Penalties

5. (1) Subject to the provisions in this Part of these Regulations, it ^{Penalties} shall not be lawful for a person to use any aircraft for the carriage of passengers, mail or cargo for hire or reward upon any scheduled international journey between two or more places, of which at least one is in the Republic of Trinidad and Tobago, or upon any scheduled domestic journey, except under, and in accordance with the provisions of, a licence granted under this Part of these Regulations by the Authority hereinafter specified.

(2) A person who uses an aircraft in contravention of the provisions of subregulation (1) of these regulations is liable—

- (a) on summary conviction for a first offence—
 - (i) to a fine of one hundred and twenty-five thousand dollars;
 - (ii) to imprisonment for a term of six months; or
 - (iii) to both fine and imprisonment; and
- (b) on a subsequent conviction to—
 - (i) a fine of two hundred and fifty thousand dollars;

- (ii) imprisonment for two years; or
- (iii) both such fine and imprisonment.

(3) Without prejudice to any other power conferred by the Act to detain an aircraft or crew, the Director-General may detain an aircraft or crew or both aircraft and crew present if there is a contravention to subregulation (1) of this regulation, pending the proceedings of subregulation (2) of this regulation.

(4) It shall not be lawful for a person to advertise through any medium, for the sale of tickets or to sell tickets for scheduled journeys between two or more places, of which at least one is in the Republic of Trinidad and Tobago, via a route that has not been approved in the form of a licence granted by the Authority, without first obtaining approval from the Authority to conduct such advertisements or sales.

(5) A person who is in contravention of the provisions of subregulation (4)(a) shall be liable on summary conviction for a first offence, to a fine of fifty thousand dollars and on a subsequent conviction to a fine of one hundred thousand dollars.

(6) It shall not be lawful for a person to offer to provide scheduled domestic air services for hire or reward unless that person has been granted a licence by the Authority under these Regulations.

(7) A person who contravenes the provisions of subregulation (5) commits an offence and shall be liable on summary conviction to a fine not exceeding two hundred and fifty thousand dollars.

(8) The provisions of these Regulations shall not apply in respect of an aircraft of any State which is party to the International Air Services Transit Agreement and which fly across Trinidad and Tobago without landing or land in Trinidad and Tobago in accordance with the provisions of that Agreement.

Application for an International Commercial Air Transport Licence

Application
for an
International
Commercial
Air Transport
Licence

6. (1) Applications for an international commercial air transport licence shall be made to the Director General on the prescribed form and shall contain the particulars listed in Schedule 1.

(2) Each applicant shall furnish to the Director General such further information and particulars as the Director General may reasonably require in relation to the application.

(3) An applicant for an international commercial air transport licence, who is a foreign operator, shall also satisfy the requirements of—

- (a) the Civil Aviation [(No. 10) Foreign Operator] Regulations, 2004; and
- (b) the Civil Aviation [(No. 8) Aviation Security] Regulations, 2004.

Issue of an International Commercial Air Transport Licence

7. (1) The Authority may, on recommendation of the Director General, grant to a person, an international commercial air transport licence to carry passengers, mail or cargo by air for hire or reward on such scheduled international journeys, and subject to such conditions, as may be specified in the licence.

(2) The Authority may, on recommendation of the Director General, attach such conditions to the licence granted having regard to the nature and circumstances of the application.

(3) Every licence granted by the Authority shall be subject to the following conditions:

- (a) the holder of the licence, other person having a financial interest in the business of the holder of the licence or any other person acting on behalf of the holder of the licence shall not—
 - (i) refuse booking facilities to any other holder of a licence; and
 - (ii) grant booking facilities to any other holder of a licence only on onerous terms;
- (b) the holder of a licence shall renew and submit to the Director General, at least two working days before the expiry date, all documents listed on the prescribed form which are submitted to the Director General for the granting of a licence under subregulation (1) and which would expire during the period for which the licence is granted;
- (c) the holder of a licence shall ensure all air navigation service charges due to the Authority for the provision of air navigation services within the Piarco Flight Information Region, are paid in the manner specified in regulation 5 of the Civil Aviation [(No. 13) Charges for Air Navigation Services] Regulations, 2005;
- (d) all rates, fares, schedules and frequencies shall be accepted or approved by the Authority before implementation; and
- (e) any other condition listed under Part V of these Regulations or set out by the Authority shall be complied with at all times during the period for which the licence is granted in connection with all journeys made under the licence.

Application for a Domestic Commercial Air Transport Licence

8. (1) An applicant for a domestic commercial air transport licence shall hold an Air Operator Certificate issued by the Authority.

(2) Applications for a domestic commercial air transport licence shall be made to the Director General on the prescribed form and shall contain the particulars listed in Schedule 2.

(3) An applicant shall furnish to the Director General such further information as the Director General may reasonably require for the discharge of their duties in relation to the application.

Issue of a Domestic Commercial Air Transport Licence

Issue of a
Domestic
Commercial
Air Transport
Licence

9. (1) The Authority may, on recommendation of the Director General grant to an applicant for domestic commercial air transport, a licence to carry passengers, mail or cargo by air for hire or reward on such scheduled domestic journeys, and subject to such conditions, as may be specified in the licence.

(2) The Authority may, on recommendation of the Director General, attach such conditions to any licence having regard to the nature and circumstances of the application.

(3) A licence granted by the Authority shall be subject to the following conditions:

- (a) the holder of the licence, other person having a financial interest in the business of the holder of the licence or any other person acting on behalf of the holder of the licence shall not—
 - (i) refuse booking facilities to any other holder of a licence; and
 - (ii) grant booking facilities to any other holder of a licence only on onerous terms;
- (b) the holder of a licence shall renew and submit to the Director General at least two working days before the expiry date, all documents listed on the prescribed form which are submitted to the Director General for the granting of a licence under subregulation (1) and which would expire during the period for which the licence is granted;
- (c) the holder of a licence shall ensure all air navigation service charges due to the Authority for the provision of air navigation services within the Piarco Flight Information Region, are paid in the manner specified in regulation 5 of the Civil Aviation [(No.13) Charges for Air Navigation Services] Regulations, 2005;
- (d) all rates, fares, schedules and frequencies shall be accepted or approved by the Authority before implementation; and
- (e) any other condition listed under Part V of these Regulations or set out by the Authority shall be complied with at all times during the period for which the licence is granted in connection with all journeys made under the licence.

Publication of Applications

10. The Director General shall cause to be published in the local media, in the manner prescribed in Schedule 3, such particulars of any application for an international commercial air transport licence or domestic commercial air transport licence.

Publication
of
applications

Objections and Representations

11. A person who has an interest, private or public, in the matter of the issue or refusal of an international commercial air transport licence or domestic commercial air transport licence, may make representations or objections within the prescribed time with regard to any application for an international commercial air transport licence or domestic commercial air transport licence in the form and manner set out in Schedule 4.

Objections
and
Representations

Private and Public Enquiries

12. (1) The Director General may, for the purpose of determining an application for an international commercial air transport licence or domestic commercial air transport licence, hold enquiries in public or in private and shall hold an inquiry in public if the applicant, or any person who has duly made an objection, requires the Director General so to do, by such notice, in such form, as is prescribed in Schedule 5.

Public and
Private
Enquiries

(2) Before holding any such enquiry, the Director General shall give to the applicant and to any person who has duly made representations or objections with regard to the application, such notice, in such form, as prescribed in Schedule 5 and shall give the applicant and any such person an opportunity of being heard at the enquiry.

Period for which an International Commercial Air Transport Licence and a Domestic Commercial Air Transport Licence shall remain in Force

13. (1) A licence granted by the Authority may remain in force for terms not exceeding five years, as the Authority may in each case determine, with the term commencing on the date on which the licence is expressed to take effect.

Period for
which an
International
Commercial
Air
Transport
Licence and a
Domestic
Commercial
Air
Transport
Licence shall
remain in
force

(2) In the event that on the date of the expiration of a licence, an application to the Director General is pending for the grant of a new licence in substitution for an existing licence held by the applicant, the existing licence shall continue in force until the application is granted or refused.

Provisional Licence

14. The Director General may, pending the determination of an application for a licence, recommend that the Authority grant to the applicant a provisional licence which shall remain in force until the application is determined.

Provisional
licence

Provisional
licence to
continue to
operate

15. Where a person has, within one month of the date of these Regulations taking effect duly applied for a licence authorising him to continue to operate an air service and he satisfies the Director General that he was immediately before the date of the application operating that service, the Director General may recommend that the Authority grant to the applicant a provisional licence authorising him to continue to operate that service—

- (a) until the date from which the licence is expressed to take effect, once the application is granted; or
- (b) if the application is refused, the provisional licence shall be valid for a period of three months from the date of the decision of the Director General.

Amendment of a Licence by Holder

Amendment of
a licence by
holder

16. (1) Applications for an amendment to a licence by the holder of such licence shall be made to the Director General on the form prescribed in Schedule 6.

(2) The Authority may, on recommendation of the Director General, approve an amendment to a licence issued in accordance with this Part of these Regulations.

Revocation, Amendment and Suspension of a Licence by the Authority

Revocation,
amendment
and
suspension of
a licence by
the Authority

17. (1) Subject to the provisions of subregulation (2) of this Regulation, the Authority may, on recommendation of the Director General, revoke, amend or suspend a licence—

- (a) where the holder of the licence has been convicted of an offence under regulation 5, 22 or 28 of these Regulations; or
- (b) where the holder of the licence is a company and an officer of such company has been convicted of an offence under regulation 5, 22 or 28 of these Regulations; or
- (c) where the holder of the licence has failed to comply with the conditions as set out in the application of the holder thereof; or
- (d) in the exercise of its powers under regulations 6(3) and 20 of these Regulations.

(2) Before revoking, amending or suspending a licence under subregulation (1) of these Regulations, the Director General shall give the holder of the licence notice of an enquiry as set out in Schedule 7, specifying the grounds upon which it proposes to revoke, amend or suspend the licence.

(3) Notwithstanding subregulation (2), where the Director General is satisfied that the frequency of the failure on the part of the holder to comply with the conditions of a licence or his failure to comply with conditions of a licence is deemed to be willful, the Director General shall recommend the Authority revoke, amend or suspend the licence with immediate effect.

Surrender of a Licence

18. A licence may at any time be surrendered to the Authority— Surrender of a
Licence
- (a) by the holder of the licence for cancellation; or
 - (b) if during the term of a licence, the holder applies to the Authority for a new licence in substitution for the current licence, he shall, upon being granted a new licence, surrender the current licence cancellation on, or immediately after the date on which the new licence is stated to take effect.

Licence Fees

19. (1) There shall be paid to the Authority in respect of every Licence fees international commercial air transport licence issued under this Part, a fee as specified in the fee structure set out in Schedule 8.

(2) The fee for an international commercial air transport licence shall not exceed fifty thousand dollars in respect of each year or part thereof of the term for which the licence is expressed to remain in force.

(3) There shall be paid to the Authority in respect of every domestic commercial air transport licence issued under this Part a fee as specified in the fee structure set out in Schedule 8.

(4) The fee for a domestic commercial air transport licence shall not exceed twenty-five thousand dollars in respect of each year or part thereof of the term for which the licence is expressed to remain in force.

(5) There shall be paid to the Authority in respect of every provisional licence issued under regulation 14, a fee as specified in the fee structure set out in Schedule 8.

(6) The fee for a provisional licence shall not exceed twenty-five thousand dollars.

(7) The Authority shall not be liable to refund any fees paid in respect of the grant of a licence under this Part, whether on the surrender of the licence or otherwise.

General Policy of the Authority

- General Policy of the Authority 20. (1) In exercising its discretion to grant, amend, refuse or attach conditions to any licence, the Authority shall have regard to the co-ordination and development of air services generally with the object of ensuring the most effective service to the public, including those persons requiring or likely to require facilities for air transport, as well as persons providing such facilities.
- (2) In particular, the Authority shall have regard to the following:
- (a) the existence of other air services in the area through which the proposed services are to be operated;
 - (b) the demand for air transport in that area;
 - (c) the degree of efficiency and regularity of the air services, if any, already provided in that area, whether by the applicant or by other operators;
 - (d) the period for which such services have been operated by the applicant or by other operators;
 - (e) the extent to which it is probable that the applicant will be able to provide a satisfactory service in respect of safety, continuity, regularity of operation, frequency, punctuality, reasonableness of charges and general efficiency;
 - (f) the financial resources of the applicant;
 - (g) the type of aircraft proposed to be used; and
 - (h) the air services agreement between Trinidad and Tobago and the State of the applicant, in the case of applications for international commercial air transport licences.

PART III

INTERNATIONAL COMMERCIAL AIR TRANSPORT PERMITS
FOR NON-SCHEDULED JOURNEYS

Applicability

Applicability 21. The Regulations in this Part shall apply to the carriage of passengers, mail or cargo by air for hire or reward on international commercial air transport non-scheduled journeys.

Penalties 22. (1) Subject to the provisions of the Regulations in this Part, it shall not be lawful for any person to use any aircraft for the provision of any international commercial air transport non-scheduled journey, including charters, in Trinidad and Tobago, except under, and in accordance with the conditions of a permit granted by the Authority.

(2) A person who uses an aircraft in contravention of the provisions of subregulation (1) is liable—

- (a) on summary conviction for a first offence to—
 - (i) a fine of one hundred and twenty-five thousand dollars;
 - (ii) imprisonment for a term of six months; or
 - (iii) both fine and imprisonment; and
- (b) on a subsequent conviction to—
 - (i) a fine of two hundred and fifty thousand dollars;
 - (ii) imprisonment for two years; or
 - (iii) both such fine and imprisonment.

(3) Without prejudice to any other power conferred by the Act to detain an aircraft or crew, the DirectorGeneral may detain an aircraft or crew or both aircraft and crew present at the time of the contravention to subregulation, pending the outcome of proceedings under subregulation (2).

(4) It shall not be lawful for any operator, who has not been granted a permit in accordance with the provisions of these Regulations, or any person acting as a representative of, or acting on behalf of such air operator, to advertise, through any medium, for the sale of tickets or to sell tickets for charters or other non-scheduled flights between two or more places, of which at least one is in the Republic of Trinidad and Tobago, without first obtaining approval from the Authority to conduct such advertisements or sales.

(5) It shall not be lawful for any person to advertise, through any medium, for the sale of tickets or to sell tickets for seats on charters or other non-scheduled flights between two or more places, of which at least one is in the Republic of Trinidad or Tobago, which have not been authorized *via* a permit granted in accordance with this Part of these Regulations, without first obtaining approval from the Authority to conduct such advertisements or sales.

(6) A person who is in contravention of the provisions of subregulation (4) or (5) shall be liable on conviction in the case of a first offence, to a fine of fifty thousand dollars and in the case of a subsequent offence to a fine of one hundred thousand dollars.

(7) The provisions of the Regulations in this Part shall not apply in respect of aircraft of any State, which is a party to the Convention on International Civil Aviation, which fly across Trinidad and Tobago without landing or land in Trinidad and Tobago for non-traffic purposes only.

Applications for International Commercial Air Transport Permits

Applications for International Commercial Air Transport Permits

23. (1) Applications for international commercial air transport permits shall be made to the Director General in the prescribed form set out in Schedule 9.

(2) An applicant shall furnish to the Director General such further information as the Director General may reasonably require for the discharge of their duties in relation to the application.

(3) An applicant for an international commercial air transport permit, who is a foreign operator, shall also satisfy the requirements of—

(a) the Civil Aviation [(No. 10) Foreign Operator] Regulations, 2004; and

(b) the Civil Aviation [(No. 8) Aviation Security] Regulations, 2004.

Issue Of International Commercial Air Transport Permits

Issue of International Commercial Air Transport Permits

24. (1) The Authority may, on recommendation of the Director General, grant to a person a permit to use an aircraft for the provision of non-scheduled international commercial air transport, including charters, to or from Trinidad and Tobago for such a period and on such conditions as may be specified in the permit.

(2) The Authority may, on recommendation of the Director General, attach such conditions to any permit as may be fit having regard to the nature and circumstances of the application therefor.

(3) A permit issued in accordance with subregulation (1) shall remain in force for a period not exceeding ninety days.

(4) There shall be charged for the issue of every such permit an application fee and daily fee for each additional day or part thereof for which the permit is to remain in force after the date of issue in accordance with the fee structure set out in Schedule 8.

(5) The Authority shall not be liable to refund any fees paid in respect of the grant of a permit, whether the permit is surrendered or otherwise.

Revocation or Suspension of an International Commercial Air Transport Permits

Revocation or suspension of International Commercial Air Transport Permits

25. The Authority may, on recommendation of the Director General, revoke or suspend a permit where—

(a) the holder of the permit has, since the permit was granted been convicted of an offence under regulation 5, 22 or 28 of these Regulations;

- (b) is a company and an officer of such company has been convicted of an offence under regulation 5, 22 or 28 of these Regulations; or
- (c) the holder of the permit has failed to comply with any condition subject to which the permit was granted.

Surety Bond, Depository Agreement, Escrow Agreement

26. (1) Before selling or offering to sell, soliciting or advertising any charter flight, a charter operator shall comply with one of the three following requirements:

Surety Bond,
Depository
Agreement,
Escrow
Agreement

- (a) the charter operator shall furnish a surety bond in an amount not less than the maximum fare held out for charter flights proposed to be operated during each calendar month multiplied by per cent of the number of available seats on such flights provided, however, that the liability of the surety to any charter participant shall not exceed the charter operator's applicable tariff fares and such bond shall be filed with the Authority not less than thirty days prior to the commencement of the calendar month covered by the bond together with—
 - (i) a list of flights proposed to be operated during the month;
 - (ii) the charter price;
 - (iii) departure dates; and
 - (iv) equipment to be used for each flight and the seating capacity,
 provided, however, that the amount of the bond shall be increased if additional charter flights are proposed or may be reduced if proposed charter flights are canceled, in which event a substitute bond and amended list of proposed flights shall be filed with the Authority within ten days of the date that the charter operator adds flights or cancels flights previously proposed, but in no event later than two days prior to the operation of any such additional charter flights;
- (b) the charter operator shall—
 - (i) furnish and file with the Authority a surety bond in the amount of eighty thousand United States dollars for the protection of the charter participants provided, however, that the liability of the surety to any charter participant shall not exceed the charter operator's applicable tariff fare; and

- (ii) enter into an agreement with a bank, the terms of which shall include the following:
 - (A) each participant shall pay for his deposit and subsequent payments comprising the charter participant's tariff fare only by cheque, money order or credit card payment payable to such bank which shall maintain a separate accounting for each flight, provided, however, that if the participant makes a cash deposit, the charter operator who receives such cash deposit shall forthwith remit to the designated bank a cheque for the full amount of the deposit;
 - (B) the bank shall reimburse the charter operator for refunds made by the latter to the participants upon written notification from the charter operator;
 - (C) if the charter operator notifies the bank that a flight has been cancelled, the bank shall make the applicable refunds directly to the participants;
 - (D) except as provided in subregulation (b)(ii)(C), the bank shall not pay any funds from the account to the charter operator prior to one banking day after completion of each flight when the balance in the account all be paid to the charter operator upon certification of the completion date by the charter operator and aircraft operator;
 - (E) notwithstanding any provisions of this regulation, the amount of total cash deposits required to be maintained in the depository account of the bank may be reduced by one or both of the following:
 - (i) the amount of surety bond in the form prescribed herein is in excess of the minimum bond required by subregulation (2)(a) of this regulation;
 - (ii) an escrow account with the designated bank or municipal bonds or other securities, consisting of certificates of deposit

issued by banks having a stated policy of redeeming such certificates before maturity at the request of the holder (subject only to such interest, penalties or other conditions as may be required by law), or negotiable securities which are publicly traded on a securities exchange, all such securities to be made payable to the escrow account, provided that such other securities shall be substituted in an amount no greater than eighty per cent of the total market value of the escrow account at the time of such substitution; and, provided further that, should the market value of such other securities subsequently decrease, from time to time, then additional cash or securities qualified for investment hereunder shall promptly be added to the escrow account, in an amount equal to the amount of such decreased value; or

(c) the charter operator shall—

- (i) furnish and file with the Authority a surety bond in the amount of eighty thousand United States dollars for the protection of the charter participants provided, however, that the liability of the surety to any charter participant shall not exceed the charter operator's applicable tariff fare; and
- (ii) enter into an agreement with a bank, the terms of which shall include the following:
 - (A) whenever the gross amount of customers' deposits exceeds twenty-five per cent of the charter operator's net worth, as computed under generally accepted accounting principles, the charter operator shall, on or before the 30th day of the succeeding month, place in escrow or in trust with the bank, cash in an amount at least equal to the amount by which such deposits exceed twenty-five per cent of its net worth provided that negotiable securities may be

substituted for cash, but the market value thereof shall at all times be not less than the amount of cash for which they are substituted;

- (B) the escrow agreement or the trust agreement between the bank and the operator shall not be effective until approved by the Authority; and
- (C) claims against the escrow or trust may be made only with respect to the non-performance of air transportation.

(2) The bonds shall be issued by a bonding or surety company which is legally authorised to issue bonds of that type in the Republic of Trinidad and Tobago or, in the State in which the charter originates or, in the State in which the charter operator is incorporated.

(3) The bond shall be specifically identified by the issuing surety with a company bond numbering system so that the Authority is able to identify the bond with the specific charter or charters to which it relates provided however, that this data may be set forth in an addendum attached to the bond, which addendum must be signed by the charter operator and the surety company. It shall be effective on or before the date the operating authorisation becomes effective.

(4) If the bond does not comply with the requirements of this regulation, or for any reason fails to provide satisfactory or adequate protection for the public, the Authority will notify the aircraft operator and the charter operator stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject charters shall in no event be operated.

(5) Any bond furnished under this regulation shall provide that unless the charter participant files a claim with the charter operator, or, if he is unavailable, within sixty days after termination of the charter, the surety shall be released from all liability under the bond to such charter participant.

(6) The contract between the charter operator and the charter participants shall contain notice of this provision.

PART IV

DOMESTIC COMMERCIAL AIR TRANSPORT PERMITS FOR NON-SCHEDULED JOURNEYS AND COMMERCIAL AERIAL WORK PERMIT

Applicability

27. The Regulations in this Part of these Regulations apply to— Applicability

- (a) the carriage of passengers, mail or cargo by air for hire or reward, upon non-scheduled journeys that operate domestically; and
- (b) all domestic commercial aerial work operations.

Penalties

28. (1) Subject to the provisions of the Regulations in this Part of Penalties these Regulations, it shall not be lawful for any person to use any aircraft for the provision of any non-scheduled domestic commercial air transport or commercial aerial work in Trinidad and Tobago except under, and in accordance with the conditions of, a permit granted by the Authority.

(2) A person who uses an aircraft in contravention of the provisions of subregulation (1) of these Regulations is liable—

- (a) on summary conviction for a first offence—
 - (i) to a fine of one hundred and twenty-five thousand dollars;
 - (ii) to imprisonment for a term of six months; or
 - (iii) to both fine and imprisonment; and
- (b) on a subsequent conviction to—
 - (i) a fine of two hundred and fifty thousand dollars;
 - (ii) imprisonment for two years; or
 - (iii) both such fine and imprisonment.

(3) Without prejudice to any other power conferred by the Act to detain an aircraft or crew, the Director General may detain an aircraft or crew or both aircraft and crew present at the time of the contravention to subregulation (1), pending the outcome of proceedings under subregulation (2).

(4) A person shall not offer to provide non-scheduled domestic commercial air transport for hire or reward unless such person has made the relevant application under these Regulations and have been granted a permit by the Authority under these Regulations.

(5) A person who contravenes the provisions of subregulation (4) is liable on summary conviction to a fine of two hundred and fifty thousand dollars.

(6) The provisions of the Regulations in this Part do not apply to an aircraft of any State, which is a party to the Convention on International Civil Aviation, which fly across Trinidad and Tobago without landing or land in Trinidad and Tobago for non-traffic purposes only.

Applications for Domestic Commercial Air Transport Permits

Applications
for Domestic
Commercial
Air Transport
Permits

29. (1) An applicant for a domestic commercial air transport permit shall hold an Air Operator Certificate issued by the Authority.

(2) Applications for permits shall be made to the Director General in the form prescribed in Schedule 10 and shall contain such information as the Authority may require.

Issue of Domestic Commercial Air Transport Permits

Issue of
Domestic
Commercial
Air Transport
Permits

30. (1) The Authority may, on recommendation of the Director General, grant to any person applying for a permit to use an aircraft for the provision of non-scheduled domestic commercial air transport for such a period and on such conditions as may be specified in the permit.

(2) A permit issued in accordance with subregulation (1) shall be valid for a period not exceeding one year from the date of issue.

(3) The Authority may, on recommendation of the Director General, attach such conditions to any permit as he may think fit having regard to the nature and circumstances of the application.

(4) It shall be a condition of every Domestic Commercial Air Transport Permit that all rates, fares, schedules and frequencies must be accepted or approved by the Authority before implementation.

(5) There shall be charged for the issue of every such permit an application fee and daily fee for each additional day or part thereof for which the permit is to remain in force after the date of issue as set out in Schedule 8.

(6) The Authority shall not refund any fees paid in respect of the grant of a permit, whether the permit is surrendered or otherwise.

Applications for Commercial Aerial Work Permits

Applications
for
Commercial
Aerial Work
Permits

31. (1) An applicant for a Commercial Aerial Work Permit shall hold an Air Operator Certificate issued by the Authority.

(2) Applications for Commercial Aerial Work Permits shall be made to the Director General in the form prescribed in Schedule 11 and shall contain such information as the Director General may require.

Issue of Commercial Aerial Work Permits

32. (1) The Authority may, on recommendation of the Director General, grant to any person applying for a permit to use an aircraft for the provision of commercial aerial works within Trinidad or Tobago for such a period and on such conditions as may be specified in the permit.

(2) A permit issued in accordance with subregulation (1) shall be valid for a period not exceeding ninety days from the date of issue.

(3) The Authority may, on recommendation of the Director General, attach such conditions to any permit as may be appropriate having regard to the nature and circumstances of the application.

(4) There shall be charged for the issue of every such permit an application fee and daily fee for each additional day or part thereof for which the permit is to remain in force after the date of issue as set out in Schedule 8.

(5) The Authority shall not refund any fees paid in respect of the grant of a permit, whether the permit is surrendered or otherwise.

Revocation or Suspension of Domestic Air Service Permits and Commercial Non Transport Permits

33. The Authority may, on recommendation of the Director General, revoke or suspend a permit where the holder of the permit—

- (a) has, since the permit was granted been convicted of an offence under regulation 5, 22 or 28 of these Regulations;
- (b) is a company and an officer of that Company has been convicted, of an offence under regulation 5, 22 or 28 of these Regulations; or
- (c) has failed to comply with any condition subject to which the permit was granted.

PART V

GENERAL PROVISIONS FOR COMMERCIAL AIR SERVICE

Compliance with the Civil Aviation Act and Regulations by Licence and Permit Holders

34. The holder of a licence or permit granted by the Authority shall comply with all requirements contained in the Act and Regulations as it pertains to the licence or permit during the term for which the licence or permit has been granted in connection with all journeys made under the licence or permit.

Transfer and Assignment of Licences and Permits

Transfer and
Assignment of
licences and
permits

35. (1) A licence or permit shall not be transferred or assigned, except in the event of—

- (a) bankruptcy;
- (b) sequestration;
- (c) liquidation of assets of the holder of a licence or permit; or
- (d) the appointment of a receiver, manager or trustee,

in relation to the business of the holder of a licence or permit.

(2) The person appointed as receiver, manager or trustee shall, within fourteen days of him being appointed, make an application to the Authority for a new licence or permit and the person so appointed shall be entitled to continue to provide the air services authorised by the existing licence or permit subject to the conditions thereof, until the new application is determined.

***Information re Financial Resources of an Applicant
to be treated as Confidential***

Information re
Financial
Resources of
an Applicant
to be treated
as
Confidential

36. (1) A person having an official duty or being employed in the administration of these Regulations shall regard and deal with as secret and confidential all information relating to applicants and applications for approval under these Regulations.

(2) A person referred to in subregulation (1) having possession of, or being in control over any confidential documents, information or records and who at any time communicates or attempts to communicate information contained in such documents or records to any person—

- (a) other than the Authority, or any other person to whom he is authorized by the Minister or the Authority to communicate with;
- (b) without the written consent of the applicant; or
- (c) otherwise than pursuant to a court order or for the purposes of this part of these Regulations,

commits an offence and is liable on summary conviction in the case of a first offence, to a fine of twenty thousand dollars or to imprisonment for a term of three months or to both such fine and imprisonment, and in the case of a subsequent offence to a fine of forty thousand dollars or to imprisonment for six months or to both such fine and imprisonment.

(3) Any person to whom information is communicated pursuant to sub-regulation (2) shall regard and deal with such information as secret and confidential.

(4) A person referred to in subregulation (3) who, at any time communicates or attempts to communicate any information referred to in that subregulation to any person otherwise than for the purposes of this section of these Regulations, commits an offence and is liable on summary conviction in the case of a first offence, to a fine of twenty thousand dollars or to imprisonment for a term of three months or to both such fine and imprisonment, and in the case of a subsequent offence to a fine of forty thousand dollars or to imprisonment for six months or to both such fine and imprisonment.

Right to Continuance of any Benefits

37. Nothing in these Regulations shall confer upon the holder of a licence, or permit, or upon any other person, any right to the continuance of any benefits arising from the provisions contained in these Regulations, or from any licence or permit granted thereunder or from any conditions attached to any such licence or permit.

Statistical Information from an Applicant

38. (1) It shall be a condition of each licence or permit granted that the holder of the licence or permit must submit to the Director General, all statistical information requested for the period of which the licence or permit is to remain in force, within the timeframe as stated in subregulations (2) and (3) of this regulation.

(2) In the case of licence holders—

- (a) the holder of a licence shall make a monthly return in writing to the Director General giving, in respect of the month to which the return relates, the particulars required in the applicable form, with regard to all air services authorised by the licence; and
- (b) the return shall be sent to the Director General no later than ten days after the expiration of the month to which the return relates.

(3) In the case of permit holders—

- (a) the holder of a permit shall make a return in writing to the Director General giving, in respect of the period to which the return relates, the particulars required in the applicable form, with regard to all air services authorised by the permit;
- (b) permits lasting less than one month, the return shall be sent to the Director General no later than three days after the expiration of the permit; and
- (c) permits lasting one month or more, the returns shall be sent to the Authority no later than ten days after the expiration of the month to which the return relates.

(4) The holder of a licence or permit granted under these Regulations shall submit a copy of the general declaration form for each flight operated on a weekly basis for each week during which the licence or permit remains in force.

(5) The holder of a licence or permit granted under these Regulations shall submit any other statistical information requested by the Authority.

(6) The holder of a licence or permit granted under these Regulations who fails to comply with subregulations (2), (3), (4) and (5) of these Regulations shall be liable to a fine of three thousand dollars for each contravention per licence or permit.

(7) The Authority may, on recommendation of the Director General, suspend, amend or revoke any licence or permit granted under these Regulations for any contravention to subregulations (2), (3), (4), (5) and (6) of these Regulations.

General Conditions

General
Conditions

39. (1) Where a passenger flight is delayed, all confirmed passengers awaiting the delayed flight shall be provided with a meal voucher valued at no less than eight United States dollars for every three hours beyond the scheduled departure time.

(2) Where the flight is cancelled or delayed in excess of twelve hours—

(a) each confirmed passenger shall be provided with suitable hotel accommodations, meals and ground transportation to and from the hotel until the departure flight; and

(b) each confirmed passenger shall be provided, upon request, with a full refund for—

(i) all unused tickets;

(ii) passengers with used tickets for flights taken which no longer serve any purpose in relation to the passenger's original travel plan; and

(iii) where applicable, a flight back to the original point of departure at the earliest opportunity.

(3) Licences and permits shall not be issued to applicants who have outstanding payments due to the Authority—

(a) until payment is made in full; or

(b) unless the applicant enters into an agreement with the Authority to facilitate the making of the outstanding payments.

(4) Operators shall uphold their contracts of carriage as well as their respective policies on the following issues where such contracts and policies are more beneficial to the passenger than the requirements of these Regulations or any other law or instrument having the force of law, for the time being in force in Trinidad and Tobago:

- (a) overbooking and denied boarding;
- (b) baggage claims; and
- (c) refunds.

(5) Operators who are granted a licence or permit under these Regulations shall operate in accordance with the route structure and traffic rights granted by the Authority.

(6) Operators who are granted a licence or permit under these Regulations shall ensure that a copy of the said licence or permit, either on paper or electronic format, is available onboard the aircraft for the duration of the term granted by the Authority.

Advertising of Operations

40. (1) All advertisements of operations shall have the base fares or ^{Advertising of} rates of the specified operations; as well as all associated charges and fees ^{Operations} which will accrue to the consumers.

(2) All advertisements shall clearly identify the operator providing the service, who must also be the holder of the authorisation granted by the Authority to conduct such services.

(3) The authorised route must be advertised as granted whereby advertisements for air travel from the point of origin to points beyond the destination point, as stated on the license or permit, must clearly state that the flight will be operated *via* the point of destination.

(4) All advertisements on the operations of air operators who, though have not received a licence or permit under these Regulations, have an application pending and have received the approval from the Authority to advertise their operations, must include in their advertisements the phrase:

“Subject to approval by the Trinidad and Tobago Civil Aviation Authority.”

(5) All advertisements on the operations of air operators who have received a permit under these Regulations must include in the advertisements the phrase:

“This operation has been approved by the Trinidad and Tobago Civil Aviation Authority.”

Code-Share and Co-operative Agreements

Code-Share
and
Co-operative
Agreements

41. (1) An airline wishing to operate into, or from Trinidad and Tobago to provide a service previously agreed upon in a code-share agreement, shall submit in writing, a formal, stamped and signed letter addressed to the Director General requesting to conduct such operations.

(2) A signed and updated copy of the code-share agreement shall be submitted to the Director General which must satisfy all the requirements of the Authority's policies on code-share agreements.

(3) The operating carrier, as specified in the agreement, shall possess the appropriate form of authorisation as granted by the Authority under these Regulations to conduct its operations.

(4) The Authority may, on recommendation of the Director General, reject an application for code-share operations where—

(a) a country of any participation air operator to the proposed code-share operation does not have an Air Service Agreement with Trinidad and Tobago; or

(b) after thorough analysis, it is realized that such services may not benefit the travelling public or it does not fulfil the requirements of the policies of the Authority on code share agreements.

(5) Airlines and ticket agents are required to inform consumers if a flight is operated under a code-share arrangement, as well as disclose the corporate name of the operating air carrier and any other name under which the flight is offered to the public before the passengers embark the plane.

(6) A person who contravenes the conditions set out in subregulation (5) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars in the case of a first offence and in the case of a subsequent offence to a fine of one hundred thousand dollars.

Revision of Authorizations

Revision of
Authorizations

42. (1) An air carrier, who is granted any form of authorisation in accordance with these Regulations and wishes to have such authorisation revised, shall apply for the necessary revision at least forty-eight hours before the desired commencement of such revised operations.

(2) An application for a revised authorisation shall be made to the Authority by the representative or approved handler of the carrier or *via* the relevant Schedule for the specific authorisation.

(3) A revision to commercial air operator licenses granted under Part II of these Regulations shall have a prescribed fee as set out in Schedule 8.

(4) A revision to any permit granted under Parts III and IV of these Regulations shall have a prescribed fee as set out in Schedule 8.

Insurance Liability

43. (1) An Operator applying for a licence or a permit under Parts II, Insurance III and IV of these Regulations, shall be required to file a certificate of Liability insurance or a complete plan for self-insurance with the Authority and shall ensure that the evidence of aircraft accident liability coverage filed with the Authority is correct at all times.

(2) Insurance contracts and self-insurance plans shall provide for payment on behalf of the carrier of all sums that the carrier shall become legally obligated to pay as damages, excluding any deductible in the policy, for bodily injury or death of a person, or for damage to the property of others, resulting from the carrier's operation or maintenance of aircraft in air transportation provided under its authorisation from the Authority.

(3) Insurance contracts and self-insurance plans shall also provide for third-party aircraft accident liability coverage for bodily injury or death of persons, including non-employee cargo attendants, other than passengers, and for damage to property.

(4) A policy of insurance or a self-insurance plan required by this regulation shall not contain the following exclusions:

- (i) violation of any safety-related requirement imposed by statute or by rule of a government agency; and
- (ii) liability assumed by the carrier under an agreement to raise the liability limitations of the Warsaw Convention by signing a counterpart to the agreement of carriers, or any amendment to such agreement to which the carrier becomes a party.

Fair Competition

44. (1) A holder of a licence or permit granted by the Authority in Fair accordance with section 1 of these Regulations shall refrain from Competition engaging in anti-competitive behaviour.

(2) A holder of a licence or permit granted by the Authority in accordance with section 1 of these Regulations shall not engage in the following anti-competitive practices:

- (i) charging fares and rates on routes at levels which are, in the aggregate, insufficient to cover the costs of providing the services to which they relate;
- (ii) adding excessive capacity or frequency of service;
- (iii) conducting anti-competitive practices that are sustained rather than temporary;

- (iv) conducting anti-competitive practices that have a serious economic effect on, or cause significant economic damage to, another carrier;
- (v) conducting anti-competitive practices that reflect an apparent intent or have the probable effect, of crippling, excluding or driving another carrier from the market; and
- (vi) exhibiting behaviour indicating an abuse of a dominant position on a route.

Administrative Action by the Authority

Administrative Action by the Authority 45. Where, after investigation by the Director General, it is confirmed that the holder of a licence or permit has engaged or is engaging in the practices specified in regulation 44(2), the Director General shall recommend that the Authority take administrative action which may include, but is not limited to, amending, suspending or revoking the relevant licence or permit.

SECTION II

CONSUMER PROTECTION

PART VI

DENIED BOARDING/OVERBOOKING

Applicability

Applicability 46. This Part applies to every authorised air carrier with respect to flight segments using an aircraft operating in—

- (a) domestic air transportation; or
- (b) international commercial air transportation with nonstop flight segments which either originate or terminate in the Republic of Trinidad and Tobago.

Denied Boarding

Denied Boarding 47. (1) In the event of an oversold flight, an authorised carrier shall ensure that the smallest practicable number of persons holding confirmed reserved space on that flight are denied boarding involuntarily.

(2) In the event of an oversold flight, an authorised carrier shall request volunteers for denied boarding before using any other boarding priority.

(3) An authorised carrier shall advise each passenger solicited to volunteer for denied boarding, no later than the time the carrier solicits that passenger to volunteer, whether he or she is in danger of being involuntarily denied boarding and, if so, the compensation the carrier is obligated to pay if the passenger is involuntarily denied boarding. If an insufficient number of volunteers come forward, the carrier may deny boarding to other passengers in accordance with its boarding priority rules.

(4) Where an authorised carrier offers free or reduced rate air transportation as compensation to volunteers, the carrier shall disclose all material restrictions, including but not limited to administrative fees, advance purchase or capacity restrictions, and blackout dates applicable to the offer before the passenger decides whether to give up his confirmed reserved space on that flight in exchange for the free or reduced rate transportation.

(5) For the purposes of this Part, any passenger denied boarding, shall be considered to have been denied boarding involuntarily, even if that passenger accepts the denied boarding compensation.

Boarding Priority Rules

48. (1) An authorised carrier shall establish priority rules and criteria for determining which passengers holding confirmed reserved space shall be denied boarding on an oversold flight in the event that an insufficient number of volunteers come forward.

(2) Such rules and criteria shall reflect the obligations of the authorised carrier set forth in regulation 47 of these Regulations to minimise involuntary denied boarding and to request volunteers, and shall be written in such a manner as to be understandable and meaningful to the average passenger.

(3) Such rules and criteria shall not make, give, or cause any undue or unreasonable preference or advantage to any particular person or subject any particular person to any unjust or unreasonable prejudice or disadvantage in any respect whatsoever.

(4) Boarding priority factors may include, but are not limited to, the following:

- (i) a passenger's time of check-in;
- (ii) whether a passenger has a seat assignment before reaching the departure gate for carriers that assign seats;
- (iii) the fare paid by a passenger;
- (iv) a passenger's frequent-flyer status; and
- (v) a passenger's disability or status as an unaccompanied minor.

Denied Boarding Compensation

Denied
boarding
compensation

49. (1) An authorised carrier shall tender to a passenger eligible for denied boarding compensation, on the day and place the denied boarding occurs, except as provided in subregulation (2) cash or an immediately negotiable cheque for the appropriate amount of compensation provided in regulation 50 of these Regulations.

(2) Where an authorised carrier arranges for the passenger's convenience, alternate means of transportation that departs before the payment can be prepared and given to the passenger, tender shall be made by mail or other means within twenty-four hours after the time the denied boarding occurs.

Compensation
for denied
boarding

50. (1) Subject to the exceptions in regulation 51 of these Regulations, an authorised carrier under regulation 46 of these Regulations shall pay compensation to passengers who are denied boarding involuntarily from an oversold international flight as follows:

- (a) no compensation is required if the carrier offers alternate transportation that, at the time the arrangement is made, is planned to arrive at the airport of the passenger's first stopover, or if none, the airport of the passenger's final destination not later than one hour after the planned arrival time of the passenger's original flight;
- (b) compensation shall be two hundred per cent of the fare to the passenger's destination or first stopover, if the carrier offers alternate transportation that, at the time the arrangement is made, is planned to arrive at the airport of the passenger's first stopover, or if none, the airport of the passenger's final destination more than one hour but less than two hours after the planned arrival time of the passenger's original flight; or
- (c) compensation shall be 400% of the fare to the passenger's destination or first stopover, if the carrier does not offer alternate transportation that, at the time the arrangement is made, is planned to arrive at the airport of the passenger's first stopover, or if none, the airport of the passenger's final destination more than two hours after the planned arrival time of the passenger's original flight.

(2) Authorised carriers may offer free or reduced rate air transportation in lieu of the cash or cheque due under subregulations (3) and (4) of this regulation, where—

- (a) the value of the transportation benefit offered, excluding any fees or other mandatory charges applicable for using the free or reduced rate air transportation, is equal to, or greater than the payment otherwise required;

- (b) the authorised carrier fully informs the passenger of the amount of cash or cheque compensation that would otherwise be due and that the passenger may decline the transportation benefit and receive the payment; or
- (c) the authorised carrier fully discloses all material restrictions, including but not limited to, administrative fees, advance purchase or capacity restrictions, and blackout dates applicable to the offer, on the use of such free or reduced rate transportation before the passenger decides to give up the payment in exchange for such transportation.

(3) The requirements of this regulation shall apply to passengers with “zero fare tickets.” The fare paid by these passengers for purposes of calculating denied boarding compensation shall be the lowest payment charged for a ticket in the same class of service on that flight.

(4) In addition to the denied boarding compensation specified in this Part, an authorised carrier shall refund all unused ancillary fees for optional services paid by a passenger who is voluntarily or involuntarily denied boarding.

(5) The carrier shall not be required to refund any ancillary fees for services that are provided with respect to the passenger’s alternate transportation.

Exceptions to Eligibility for Denied Boarding Compensation

51. A passenger who has been denied boarding involuntarily from an oversold flight shall not be eligible for denied boarding compensation in the event that—

- (a) the passenger does not comply fully with the authorised carrier’s contract of carriage or tariff provisions regarding ticketing, reconfirmation, check-in, and acceptability for transportation;
- (b) the passenger is offered accommodation or is seated in a section of the aircraft other than that specified on the ticket at no extra charge, except that a passenger seated in a section for which a lower fare is charged shall be entitled to an appropriate refund; or
- (c) the authorised carrier arranges comparable air transportation, or other transportation used by the passenger at no extra cost to the passenger, that at the time such arrangements are made is planned to arrive at the airport of the passenger’s next stopover or, if none, at the airport of the final destination not later than one hour after the planned arrival time of the passenger’s original flight or flights.

Written Explanation of Denied Boarding Compensation, Boarding Priorities and Verbal Notification of Denied Boarding Compensation

Written explanation of denied boarding compensation, boarding priorities and verbal notification of denied boarding compensation

52. (1) Passengers who are denied boarding involuntarily from flights on which they hold confirmed reserved space shall be provided by the authorised carrier with a written statement immediately after the denied boarding occurs, containing the terms, conditions, and limitations of denied boarding compensation, and describing the carriers' boarding priority rules and criteria.

(2) The authorised carrier shall also furnish the statement to any person upon request at all airport ticket selling positions which are in the charge of a person employed exclusively by the carrier or jointly with another person and at all boarding locations being used by the carrier.

(3) The contents of the statement shall contain the particular set out in Schedule 12.

(4) In addition to furnishing passengers with the authorised carrier's written statement as specified in subregulations (1) and (2) of this regulation, in the event the carrier orally advises involuntarily bumped passengers that they are entitled to receive free or discounted transportation as denied boarding compensation, the carrier shall also orally advise the passengers of any material restrictions or conditions applicable to the free or discounted transportation and that they are entitled to choose a cheque instead or cash if that option is offered by the carrier.

Public Disclosure of Deliberate Overbooking and Boarding Procedures

Public Disclosure of Deliberate Overbooking and Boarding Procedures

53. (1) An authorised carrier shall cause to be displayed continuously in a conspicuous public place at each desk, station and position in Trinidad and Tobago which is in the charge of a person employed exclusively by it or jointly with another person, or by any agent employed by such air carrier or international air carrier to sell tickets to passengers, a notice which shall be clearly visible and legible to the traveling public and upon which shall have printed the particulars of Schedule 13.

(2) An authorised carrier shall include with each ticket sold in Trinidad and Tobago as well as on the carrier's website, the notice referred to in subregulation (1), printed in at least 12-point type. The notice may be printed on a separate piece of paper, on the ticket stock, or on the ticket envelope. The last two sentences of the notice shall be printed in a type face contrasting with that of the rest of the notice.

(3) It shall be the responsibility of each authorised carrier to ensure that travel agents authorised to sell air transportation for that carrier comply with the notice provisions of subregulations (1) and (2).

Penalties

54. (1) Where an authorised carrier fails to appropriately compensate ^{penalties} eligible passengers for denied boarding in accordance with regulation 50 of this Part, it commits an offence and is liable to a fine of twenty thousand dollars for each passenger not duly compensated.

(2) Where an authorised carrier fails to disclose to passengers a notice on deliberate overbooking and boarding procedures in accordance with regulation 53 of this Part, it commits an offence and is liable to a fine of fifty thousand dollars for a first offence and one hundred thousand dollars for each subsequent offence.

PART VII

PASSENGER SERVICE PLAN

Adoption of Plan

55. (1) An authorised carrier shall adopt a Passenger Service Plan ^{Adoption of Plan} applicable to its scheduled flights and shall adhere to the plan's terms.

(2) The Passenger Service Plan shall be—

- (a) clear;
- (b) just, reasonable and not unduly discriminatory;
- (c) applied by the carrier; and
- (d) consistent with international agreements or conventions to which Trinidad and Tobago is a signatory.

Contents of Plan

56. Each Passenger Service Plan shall address the following subjects ^{Contents of Plan} and comply with the following minimum standards:

- (a) disclosing on the carrier's website, at the ticket counter, or when a customer calls the carrier's reservation center to inquire about a fare or to make a reservation, that the lowest fare offered by the carrier may be available elsewhere if that is the case;
- (b) notifying customers of known delays, cancellations, and diversions as required by regulation 58;
- (c) delivering baggage on time, including making every reasonable effort to return mishandled baggage within twenty-four hours of the passenger's arrival at the airport, compensating passengers for reasonable expenses that result due to delay in delivery, as required by applicable international agreements for international flights, and reimbursing passengers for any fee charged to transport a bag if that bag is lost;

- (d) allowing reservations to be held at the quoted fare without payment, or cancelled without penalty, for at least twenty-four hours after the reservation is made if the reservation is made one week or more prior to a flight's departure;
- (e) where ticket refunds are due, providing prompt refunds, and within twenty days after receiving a complete refund request for cash or cheque purchases, including refunding fees charged to a passenger for optional services that the passenger was unable to use due to an oversale situation or flight cancellation;
- (f) properly accommodating passengers with disabilities and other special-needs passengers as set forth in the carrier's policies and procedures, including during lengthy tarmac delays;
- (g) handling "bumped" passengers with fairness and consistency in the case of oversales as required by Part V of these Regulations and as described in each carrier's policies and procedures for determining boarding priority;
- (h) disclosing cancellation policies, frequent flyer rules, aircraft seating configuration, and lavatory availability on the selling carrier's website, and upon request, from the selling carrier's telephone reservations staff;
- (i) notifying consumers in a timely manner of changes in their travel itineraries;
- (j) regulation 57; and
- (k) identifying the services it provides to mitigate passenger inconveniences resulting from flight cancellations and misconnections.

Response to Passenger Problems

Response to
passenger
problems

57. (1) An authorised carrier shall designate for its scheduled flights an employee who shall be responsible for monitoring the effects of flight delays, flight cancellations, and lengthy tarmac delays on passengers. This employee shall have input into decisions on which flights to cancel and which will be delayed the longest.

(2) An authorised carrier shall make available to passengers on all e-ticket confirmations and, upon request, at each ticket counter and boarding gate staffed by the carrier or a contractor of the carrier, the mailing address and e-mail or web address of the designated department in that airline with which to file a complaint about its service.

(3) An authorised carrier shall acknowledge in writing, receipt of each complaint regarding its service within thirty days of receiving it and shall send a substantive written response to each complainant within sixty days of receiving the complaint.

(4) An authorised carrier which uses social networking sites and does not intend for those sites to be a vehicle for receipt of written consumer complaints subject to this regulation shall clearly indicate on the carrier's primary page on that social networking site that it will not reply to consumer complaints on that site and shall direct consumers to the carrier's mailing address and e-mail or website location for filing written complaints.

Notification of Delays, Cancellations and Diversions

58. (1) An authorised carrier from, or within Trinidad and Tobago shall promptly inform the public as well as notify passengers who are ticketed or hold reservations, regarding information about a change in the status of a flight within twenty minutes after the carrier becomes aware of such a change in the status of a flight. Notification of delays, cancellations and diversions

(2) The flight status information must at a minimum be provided in the boarding gate area for the flight at a Trinidad and Tobago airport, on the carrier's website, and via the carrier's telephone reservation system upon inquiry by any person—

- (a) with respect to any Trinidad and Tobago carrier or foreign air carrier which permits passengers to subscribe to flight status notification services, the carrier must deliver such notification to such passengers by whatever means is available to the carrier and of the passenger's choice, within twenty minutes after the carrier becomes aware of such a change in the status of a flight; and
- (b) the Trinidad and Tobago carrier or foreign air carrier shall incorporate such notification service commitment into its Passenger Service Plan as specified in regulation 56 of this Part.

(3) For its scheduled flights to, from, or within Trinidad and Tobago, an authorised carrier shall within twenty minutes after the carrier becomes aware of a flight cancellation, a flight delay of twenty minutes or more, or a flight diversion, update all flight status displays and other sources of flight information that are under the carrier's control at Trinidad and Tobago airports with information on that flight irregularity.

(4) Where an airport-controlled display system at a Trinidad and Tobago airport accepts flight status updates from authorised carriers, the carriers shall provide flight irregularity information to that airport for the carriers scheduled flights to, from, or within Trinidad and Tobago within twenty minutes after the carrier becomes aware of such a change in the status of a flight.

PART VIII

COMPLAINTS AND DISPUTE RESOLUTION

Resolution of Passenger Complaints and Disputes

Resolution of
Passenger
Complaints
and Disputes

59. (1) The Director-General shall assess all cases of complaints against the carrier's Passenger Service Plan.

(2) Complaints shall be assessed to ensure that the carrier has implemented its Passenger Service Plan and has complied with any other legal obligations.

(3) Where it appears that the carrier has not complied with its obligations under regulation 55 of these Regulations, the Director General shall approach the carrier and attempt to facilitate a resolution of the complaint.

(4) The Director General may address complaints regarding provisions included in the carrier's terms and conditions of service as well as the Passenger Service Plan, which can include but is not limited to—

- (a) baggage issues;
- (b) flight disruptions;
- (c) tickets and reservations;
- (d) denied boarding/overbooking;
- (e) refusal to transport (because of late arrival or because of missing travel documents);
- (f) fares and charges;
- (g) cargo (e.g., animals); and
- (h) loyalty programs if they are owned by the carrier.

(5) The Authority may, on recommendation of the Director General, order the air carrier to change its Passenger Service Plan and its terms and conditions of carriage if such are found to be unreasonable or where a carrier has failed to apply its Passenger Service Plan.

(6) The Authority may, on recommendation of the Director General, order the carrier to compensate passengers for out-of-pocket expenses incurred as a result of the incident and provide restitution for any damages such as lost or pilfered baggage.

PART IX

CONTINGENCY PLAN FOR TARMAC DELAYS

Adoption of Plan

60. An authorised carrier shall adopt a contingency plan for lengthy tarmac delays applicable to its scheduled flights and shall adhere to the plan's terms.

Contents of Plan

61. A contingency plan for lengthy tarmac delays shall address the following subjects and comply with the following minimum standards:

- (a) for domestic flights, the authorised air carrier shall not permit an aircraft to remain on the tarmac for more than one and a half hours before allowing passengers to deplane unless—
 - (i) the pilot-in-command determines there is a safety-related or security-related reason (e.g., weather, a directive from an appropriate government agency) why the aircraft cannot leave its position on the tarmac to deplane passengers; or
 - (ii) air traffic control advises the pilot-in-command that returning to the gate or another disembarkation point elsewhere in order to deplane passengers would significantly disrupt airport operations;
- (b) for international flights operated by authorised carriers which depart from, or arrive at a Trinidad and Tobago airport, assurance that the carrier will not permit an aircraft to remain on the tarmac at a Trinidad and Tobago airport for more than one and a half hours before allowing passengers to deplane, unless—
 - (i) the pilot-in-command determines there is a safety-related or security-related reason why the aircraft cannot leave its position on the tarmac to deplane passengers; or
 - (ii) air traffic control advises the pilot-in-command that returning to the gate or another disembarkation point elsewhere in order to deplane passengers would significantly disrupt airport operations;
- (c) for all flights, assurance that the carrier will provide adequate food and potable water no later than one hour after the aircraft leaves the gate (in the case of a departure) or touches down (in the case of an arrival) if the aircraft remains on the tarmac, unless the pilot-in-command determines that safety or security considerations preclude such service;

- (d) for all flights, assurance of operable lavatory facilities, as well as adequate medical attention if needed, while the aircraft remains on the tarmac;
- (e) for all flights, assurance that the passengers on the delayed flight will receive notifications regarding the status of the delay every twenty minutes while the aircraft is delayed, including the reasons for the tarmac delay, if known;
- (f) for all flights, assurance that the passengers on the delayed flight will be notified beginning twenty minutes after scheduled departure time (including any revised departure time that passengers were notified about before boarding) and every twenty minutes thereafter that they have the opportunity to deplane from an aircraft that is at the gate or another disembarkation area with the door open if the opportunity to deplane actually exists;
- (g) assurance of sufficient resources to implement the plan; and
- (h) assurance that the plan has been coordinated with airport authorities (including terminal facility operators where applicable) at each Trinidad and Tobago airport.

Amendment of Plan

Amendment
of Plan

62. (1) An authorised carrier may amend at any time, its contingency plan for lengthy tarmac delays to decrease the time for an aircraft to remain on the tarmac for both domestic and international flights covered in regulation 61 of these Regulations, and for the trigger point for food and water covered in regulation 61(c) of these Regulations.

(2) A carrier may also amend its plan to increase these intervals in which case the amended plan shall apply only to departures that are first offered for sale after the plan's amendment.

Retention of Records

Retention of
Records

63. (1) An authorised carrier shall retain for two years the following information regarding any tarmac delay which lasted for more than one and a half hours:

- (a) the length of the delay;
- (b) the precise cause of the delay;
- (c) the actions taken to minimize hardships for passengers, including the provision of food and water, the maintenance and servicing of lavatories, and medical assistance; and
- (d) whether the flight ultimately took off (in the case of a departure delay or diversion) or returned to the gate.

(2) Where the tarmac delay exceeded one and a half hours, the authorised carrier shall prepare and submit to the Authority a report detailing the reasons for the delay as well as all of the particulars required in subregulation (1).

(3) The report shall be submitted no later than two days after the date of the lengthy tarmac delay.

Penalties

64. An authorised carrier which acts in contravention to its^{Penalties} established contingency plan for lengthy tarmac delays or fails to adhere to the minimum requirements as stated in regulation 61 of these Regulations shall be liable on summary conviction in the case of a first offence, to a fine of five thousand dollars per passenger on board the aircraft at the time of the contravention and in the case of a subsequent offence, to a fine of ten thousand dollars per passenger on board the aircraft at the time of the contravention.

SECTION III

ECONOMIC REGULATION OF AIR NAVIGATION SERVICES PROVIDERS

PART X

EN ROUTE USER CHARGES

Imposition of Charges

65. (1) The authorised carrier operating in the airspace in which the^{Imposition of} provision of air navigation services is the responsibility of the Government^{charges} of the Republic of Trinidad and Tobago, shall pay to the authorized air navigation service provider on a monthly basis, the charges accrued for the use of such services.

(2) The charges shall be calculated in accordance with the standards set out by the International Civil Aviation Organization and based on these standards, the parameters of the charge used to calculate the traffic unit represented by each flight shall be—

- (a) the maximum take-off weight of the aircraft; and
- (b) the distance flown within the airspace.

(3) The charge for a specific flight shall be determined by applying a unit rate to the traffic unit mentioned in subregulation (2)(a).

Revision of Unit RateRevision of
unit rate

66. (1) The unit rate referred to in regulation 65(2)(b), shall be reviewed annually.

(2) The air navigation service provider may, if it deems it appropriate and relevant, request the approval of the Authority to revise the unit rate at any time after its annual review.

(3) The Authority may, on recommendation of the Director General, grant approval to the air navigation service provider for the purposes of this subregulation based on the following conditions:

- (a) the current rate is not sufficient to meet the operational costs of the air navigation service provider; or
- (b) the current rate discourages operators from operating in the airspace in which the provision of air navigation services is the responsibility of the Government of the Republic of Trinidad and Tobago.

(4) The revision of the unit rate shall be subject to the economic oversight and regulation by the Authority.

(5) When conducting economic oversight and regulation, the Authority shall ensure that—

- (a) charges are in accordance with a methodology established and published by the air navigation service provider that is explicit and that also includes the terms and conditions affecting charges;
- (b) charges are not structured in such a way that a user would be encouraged to engage in practices that diminish safety for the purpose of avoiding a charge;
- (c) charges for the same services are not differentiated between domestic and international flights of air carriers;
- (d) charges in respect of recreational and private aircraft are not unreasonable or undue;
- (e) charges are consistent with the international obligations of the Government of the Republic of Trinidad and Tobago;
- (f) charges are set at a level that, based on reasonable and prudent projections of the financial requirements of the authorized air navigation service provider, are in accordance with the policies and guidelines set out by the International Civil Aviation Organization; and
- (g) the air navigation service provider engages in the consultation process with users in accordance with the policies and guidelines set out by the International Civil Aviation Organization. The Authority shall be included in such consultation process.

(6) For the purposes of subregulation (5)(c), the financial requirements of the air navigation service provider in relation to the provision of civil air navigation services include, without duplication, the air navigation service provider's—

- (a) operations and maintenance costs;
- (b) management and administration costs;
- (c) debt servicing requirements and financial requirements arising out of contractual agreements relating to the borrowing of money;
- (d) depreciation costs on capital assets;
- (e) financial requirements necessary for the air navigation service provider to maintain an appropriate credit rating;
- (f) tax liability;
- (g) reasonable reserves for future expenditures and contingencies; and
- (h) other costs determined in accordance with general accounting principles,

to the extent that they relate to the provision of those services.

(7) When conducting economic oversight and regulation, the following forms of income shall not be considered as income used to offset the costs related to the provision of air navigation services:

- (a) all grants, contributions and subsidies of a monetary nature received by the air navigation service provider;
- (b) all interest income and investment income earned by the air navigation service provider; and
- (c) all profits earned by the air navigation service provider, other than in respect of the provision of civil air navigation services.

(8) Where the Authority has approved a revision to the unit rate, the Director General shall disseminate such revision to the International Civil Aviation Organization as per the requirements of the Convention on International Civil Aviation.

Confidentiality of Financial Information

67. (1) Where a person is employed in the administration of this section of these Regulations, that person shall—

- (a) regard and deal with as secret and confidential all information relating to applicants and applications for approval under this part of these Regulations and the management and operation of authorised air navigation service providers; and

Confidentiality
of Financial
Information

(b) upon assuming such duty or employment, make and subscribe a declaration to that effect before a Justice of the Peace.

(2) A person referred to in subregulation (1) as having possession of, or control over any documents, information or records and who at any time communicates or attempts to communicate anything contained in such documents or records or any such information to any person—

- (a) other than the Authority, or any other person to whom he is authorised by the Minister or the Authority to communicate with;
- (b) without the written consent of the applicant or the authorised air navigation service provider; or
- (c) otherwise than pursuant to a court order or for the purposes of this part of these Regulations,

commits an offence and is liable on summary conviction in the case of a first offence, to a fine of twenty thousand dollars or to imprisonment for a term of three months or to both such fine and imprisonment, and in the case of a subsequent offence to a fine of forty thousand dollars or to imprisonment for six months or to both such fine and imprisonment.

(3) A person to whom information is communicated pursuant to sub-regulation (2) shall regard and deal with such information as secret and confidential and shall make and subscribe a declaration to that effect before a Justice of the Peace.

(4) A person referred to in subregulation (3) who at any time communicates or attempts to communicate any information referred to in that subregulation to any person otherwise than for the purposes of this section of these Regulations, commits an offence and is liable on summary conviction in the case of a first offence, to a fine of twenty thousand dollars or to imprisonment for a term of three months or to both such fine and imprisonment, and in the case of a subsequent offence to a fine of forty thousand dollars or to imprisonment for six months or to both such fine and imprisonment.



TRINIDAD AND TOBAGO CIVIL AVIATION AUTHORITY

P.O. Box 2163, National Mail Centre, Golden Grove Road, Piarco,
Republic of Trinidad and Tobago.

Tel: (868) 669-4302 | Fax: (868) 669-5397 | email: econreg@caa.gov.tt | website: www.caa.gov.tt

SCHEDULE 1

[Regulation 6 (1)]

APPLICATION FOR INTERNATIONAL COMMERCIAL AIR TRANSPORT LICENCE

To: Director-General of Civil Aviation

1. Applicant (Full Name).....
(If a body corporate, give full particulars and title of applicant)
2. Country in which aircraft are registered.....
3. Name of Local Representative..... Tel..... e-mail.....
4. Registered business address (a) Head Office.....
(b) In Trinidad and Tobago.....
5. Particulars of Route it is desired to operate.....
 (1) Point of departure (ICAO Code).....
 (2) Point of final destination (ICAO Code).....
 (3) Intermediate landing points (ICAO Code).....
 (4) Beyond landing points (ICAO Code).....
 (5) Alternate landing points (non-traffic purposes) (ICAO Code).....
6. Period for which the Licence is required.....
7. Type of aircraft to be used and Passenger Seating Accommodation.....
8. Crew to be carried (number and function).....
9. Annexes: A. Proposed Schedule of Frequencies, with details of intended Time Tables
 B. Passenger fares (through and intermediate)
 C. Freight Rates (through and intermediate)
 D. Airmail Conveyance Rates (through and intermediate)
 E. Free Baggage Allowance and Excess Baggage Rates
 F. Total number of aircraft belonging to Applicant (individual types and capacity)
 G. Total aircrew Personnel on Pay-roll (Pilots and Flight Attendants)
 H. Details of the Insurance of the Aircraft for the proposed Route
 I. Business Plan (must detail Operational cost of the route, load factors, breakeven point etc.)
 J. Financial Information: Cash Flow, Income Statement & Balance Sheet for the past 3 years
 K. Policies on overbooking, refunds, baggage claims and compensation for delays
10. The following documents must be submitted in English for consideration of this application:
 (a) Certificate of Airworthiness
 (b) Certificate of Registration
 (c) Proof of arrangements to maintain schedule in the event of an aircraft breakdown e.g. The contracting of another operator
 (d) Air Operators Certificate
 (e) Complete Security Programme to satisfy TTCAR 08
 (f) Operations Specifications (showing area of operations)
 (g) Evidence of satisfactory arrangements for:
 - Maintenance
 - Ground Handling including weight and balance
 - Dangerous Goods

**NOTE: Application must be submitted at least ninety (90) days in advance of intended commencement of operation.
Fees will be charged in accordance with the latest fee structure in effect.**

I hereby agree to all conditions stated in TTCAR No.(17) and certify that the particulars given herein are true to the best of my knowledge and belief.

Date..... Name..... Signature.....



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CONDITIONS

- 1. Before the application overleaf is considered by the Authority, a national applicant must be the holder of an AOC and Operations Specifications issued by the Authority in accordance with the Civil Aviation [(No. 3) Air Operator Certification and Administration] Regulations, 2004; or
- 2. A foreign applicant shall not be eligible to apply for this licence.
- 3. The routes and tariffs specified in the application must be in accordance with the terms and conditions specified by the Authority for Trinidad and Tobago.

Recommendation of Application
To: The Authority

I certify that I have verified to the best of my knowledge the particulars of this application and recommend to the Authority that the Licence:

(1) Be granted.....

.....

(2) Be granted subject to the following conditions.....

.....

(3) Not be granted for the following reasons.....

.....

.....
Date

.....
Director General of Civil Aviation



TRINIDAD AND TOBAGO CIVIL AVIATION AUTHORITY

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SCHEDULE 2

[Regulation 8 (2)]

APPLICATION FOR DOMESTIC COMMERCIAL AIR TRANSPORT LICENCE

To: Director-General of Civil Aviation

1. Applicant (Full Name).....
(If a body corporate, give full particulars and title of applicant)
2. Registered business address(a) Head Office.....
(b) In Trinidad and Tobago.....
3. Particulars of Route it is desired to operate (ICAO Code/Coordinates).....
4. Period for which the Licence is required.....
7. Type of aircraft to be used and Passenger Seating Accommodation (if applicable).....
8. Crew to be carried (number and function).....
9. Annexes: A. Proposed Schedule of Frequencies, with details of intended Time Tables
B. Passenger Fares/Rates
C. Freight Rates
D. Airmail Conveyance Rates
E. Free Baggage Allowance and Excess Baggage Rates
F. Total number of aircraft belonging to Applicant (individual types and capacity)
G. Total aircrew Personnel on Pay-roll (Pilots and Flight Attendants)
H. Details of the Insurance of the Aircraft for the proposed Route
I. Business Plan (must detail Operational cost of the route, load factors, breakeven point etc.)
J. Financial Information: Cash Flow, Income Statement & Balance Sheet for the past 3 years
K. Policies on overbooking, refunds, baggage claims and compensation for delays
10. The following documents must be submitted in English for consideration of this application:
 - (a) Certificate of Airworthiness (for each aircraft to be used)
 - (b) Certificate of Registration (for each aircraft to be used)
 - (c) Proof of arrangements to maintain schedule in the event of an aircraft breakdown, e.g., the contracting of another operator
 - (d) Air Operators Certificate issued by the Trinidad and Tobago Civil Aviation Authority
 - (e) Complete Security Programme to satisfy TTCAR 08
 - (f) Operations Specifications (showing area of operations)
 - (g) Evidence of satisfactory arrangements for:
 - Maintenance
 - Ground Handling including weight and balance
 - Dangerous Goods

**NOTE: Application must be submitted at least ninety (90) days in advance of intended commencement of operation.
Fees will be charged in accordance with the latest fee structure in effect.**

I hereby agree to all conditions stated in TTCAR No.(17) and certify that the particulars given herein are true to the best of my knowledge and belief.

Date..... Name..... Signature.....



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CONDITIONS

1. Before the application overleaf is considered by the Authority, the foreign applicant must be the holder of Operations Specifications granted by the Authority in accordance with Civil Aviation [(No 10) Foreign Air Operator] Regulations 2004.

2. The routes and tariffs specified in the application must be in accordance with the Air Service Agreement between Trinidad and Tobago and the State of the Applicant.

Recommendation of Application
To: The Authority

I certify that I have verified to the best of my knowledge the particulars of this application and recommend to the Authority that the Licence:

(1) Be granted.....

.....

(2) Be granted subject to the following conditions.....

.....

(3) Not be granted for the following reasons.....

.....

.....
Date

.....
Director-General of Civil Aviation



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SCHEDULE 3

[Regulation 10]

PUBLICATION BY AUTHORITY OF PARTICULARS OR APPLICATION TO OPERATE SCHEDULED AIR SERVICE(S)

In accordance with the provisions of regulation 10 of the Civil Aviation [(No. 17) Economic] Regulations 2016, the Director General hereby publishes the prescribed particulars of the under-mentioned application(s) to operate scheduled air service(s) within, or, to and from Trinidad and Tobago.

Any representations regarding, or objections thereto, in accordance with regulation 11 must be received by the Authority within 14 days after the date of the first publication of this Notice; and any Notice, requiring the holding of a Public Enquiry must be received within 14 days after the date of the first publication of this Notice in Schedule 4.

PARTICULARS OF APPLICATION TO OPERATE SCHEDULED AIR SERVICE(S)

1. Applicant.....
2. Date of first publication of application.....
3. Type of Service (Domestic/International).....
4. Route Applied for.....
5. Purpose of Services (Passenger, Freight, Mails).....
6. Points of departure, final destination and intermediate points.....
7. Frequency of Flights.....
8. Provisional Time Table.....
9. Type(s) of Aircraft.....

Signed.....



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SCHEDULE 4

[Regulation 11]

OBJECTION TO APPLICATION TO OPERATE SCHEDULED AIR SERVICE/S

Name.....

Address.....

Date.....

Occupation.....

The Director General of Civil Aviation,
Trinidad and Tobago Civil Aviation Authority.

REPRESENTATIONS OR OBJECTIONS REGARDING PROPOSED SCHEDULED AIR SERVICE(S)

1. With reference to the published Notice dated..... regarding the under-mentioned application to operate a scheduled air service in accordance with regulations 10 and 11 of the Civil Aviation [(No. 17) Economic] Regulations 2016, I beg to submit representations/objections relating thereto; *and I hereby give notice in accordance with regulation 12 that I require the Director General to hold a Public Enquiry before the said application shall be determined.

2. The Application referred to is that from-
Applicant:
To operate a Service from.....
To.....

3. Representations/Objections are as follows:
.....
.....
.....
.....
.....

Date..... Signed.....

*Delete this subparagraph if a Public Enquiry is not desired. Such Notice must be received by the Authority within 14 days of the date of the first publication of the Application.



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SCHEDULE 5

[Regulation 12(1)]

NOTIFICATION OF ENQUIRY BEFORE DETERMINING APPLICATION(S) TO OPERATE SCHEDULED AIR SERVICE(S)

From: Director General of Civil Aviation

To.....

Address.....
.....

Date.....

Dear Sir/Madam:

I am directed to notify you- in accordance with regulation 12 of the Civil Aviation [(No. 17) Economic] Regulations 2016, that the Director General will hold a Private/Public Enquiry to consider the application by..... for a licence to operate the route..... and to invite you to attend this Enquiry for the purpose of being heard with regard to the said Application.

The Enquiry will be held on (date).....at the hour of.....at (place of meeting)..... and I am to request you to notify me at once whether or not you will be present or represented.

Signed.....
Director General of Civil Aviation



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SCHEDULE 6

[Regulation 16(1)]

APPLICATION FOR AN AMENDMENT TO A LICENCE

Applicant.....

Licence Holder.....

Licence No.....

Licence Ref. No.....

Licence Route.....

Intermediary/Beyond Points.....

Particulars of the Licence (most recently filed with the Authority)

Flight Number	ETA	ETD	Equipment	Fare

Amendment(s) Requested

Flight Number	ETA	ETD	Equipment	Fare

Duration.....

Justification.....

Date.....

Signed.....

FOR OFFICIAL USE ONLY

Disposition of the Authority.....

Date.....



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SCHEDULE 7

[Regulation 17(2)]

NOTIFICATION OF ENQUIRY CONCERNING THE AMENDMENT/REVOCAION/SUSPENSION OF A LICENCE

From: The Director General

Address.....

.....

Date.....

To.....

Sir/Madam:

I am hereby issuing this notice to you in accordance with paragraph 17(2) of the Civil Aviation [(No. 17) Economic] Regulations 2016, that an Enquiry will be held to consider the Amendment/Revocation/Suspension of the Licence you hold to operate the

Route.....on the grounds set out below, and to invite you to be present. I am also requesting that you state:

- (a) If you will be present or represented; and
- (b) If you desire the Enquiry to be held in Private or Public.

The meeting will take place at (place).....on (date).....at the hour of.....

GROUNDS:

.....
.....
.....
.....
.....

Signed.....

Director General of Civil Aviation

.....

Date



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SCHEDULE 8

[Regulation 19(1)]

SCHEDULE OF FEES

FEES FOR LICENCES TO OPERATE SCHEDULED SERVICES

COMMERCIAL AIR OPERATOR LICENCES

Applicants for a Commercial Air Operator Licence must pay the applicable fee before the licence is issued.

The applicable fee will be:

- I) **For passenger services** – the product of the seating capacity (SC) of the largest aircraft on the licence and the unit rate (UR) in effect.

$$\text{FEE} = \text{SC} * \text{UR}$$

- II) **For cargo services** – the product of the Maximum Take Off Weight (MTOW in metric tons) of the largest aircraft on the licence and one and a half times the unit rate (UR) in effect.

$$\text{FEE} = (\text{MTOW} * \text{UR}) * 1.5$$

The rate in effect = \$192.00

**A minimum fee of \$10,000.00 will be charged for a Commercial Air Operator Licence.

**A maximum fee of \$50,000.00 will be charged for a Commercial Air Operator Licence.

PROVISIONAL LICENCES

Provisional Licences will have a fee attached to it which is equivalent to 50% of the calculated fee for the Commercial Air Operator Licence for which the applicant has applied.

**A minimum fee of \$5,000.00 will be charged for a Provisional Licence.

**A maximum fee of \$25,000.00 will be charged for a Provisional Licence.

REVISION TO LICENCES:

The revision of either a Commercial Air Operator Licence or a Provisional Licence will have a cost of \$500.

***If larger aircraft are included on the licence, the licence fee will be revised to use that aircraft in the calculation of the fees. The difference between the new fee and the old fee will be owed to the Authority.

FEES FOR PERMITS TO OPERATE NON-SCHEDULED SERVICES

JOURNEY PERMITS:

APPLICATION FEE	\$100.00
DAILY FEE	\$120.00

DOMESTIC AIR SERVICES PERMITS:

APPLICATION FEE	\$100.00
DAILY FEE	\$80.00

COMMERCIAL AERIAL WORKS PERMITS:

APPLICATION FEE	\$100.00
DAILY FEE	\$50.00

REVISION TO PERMITS:

\$60.00 per revision



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SCHEDULE 9

[Regulation 23(1)]

APPLICATION FOR INTERNATIONAL COMMERCIAL AIR TRANSPORT PERMIT

1. **Applicant:**
 - (a) Name of Carrier to conduct flight.....
 - (b) Address.....
 - (c) Operations Manager..... (d) Phone Number.....
 - (e) E-mail.....
 - (f) Quality Assurance Manager..... (g) Phone Number.....
 - (h) E-mail.....
2. **Representative (Local):**
 - (a) Name..... (b) Phone Number.....
 - (c) Address..... (d) E-mail.....
3. **Duration of Permit:**

From..... To.....
4. **Service:**
 - (a) Description and Purpose.....
 - (b) Route..... (c) Times.....
5. **Aircraft (Proposed):**
 - (a) Registration Marks.....
 - (b) Type.....
 - (c) Configuration..... (d) Cargo.....
 - (e) Remarks (organisation, description and financial position).....
6. **Carriage of dangerous Goods:** No Yes Particulars.....
7. Indicate what arrangements are in place for aircraft maintenance in the event of any irregularities.....
8. Indicate who will perform weight and balance checks.....

Note:

- A) Copies of the following documents in **English** MUST accompany this application:

(a) Licence or authorization granted to the Air Operator by the State of the Air Operator	(h) Cabin Attendant Manual Approval
(b) Insurance	(i) Proof of arrangements to maintain schedule in the event of an aircraft breakdown (charters)
(c) Full Operation Specifications	(j) Company's Operations Manual Approval
(d) Aircraft Certificate of Airworthiness	(k) Maintenance contract between Air Operator and AMO
(e) Aircraft Certificate of Registration	(l) Any other document requested by the Authority
(f) TTCAA Security Requirements (TTCAR No. 8)	
(g) Air Operators Certificate (AOC)	
- (B) All documents must be legible and in the **English Language** or accompanied by an authentic translation
- (C) All Charter Operators must qualify for a Foreign Air Operator Operation Specifications in accordance with Civil Aviation [(No. 10) Foreign Air Operator] Regulations 2004, before the application is considered by the Authority
- (D) Application must be submitted at least fourteen (14) days in advance of intended date of operation
- (E) Fees will be charges in accordance with the latest fee structure in effect

I hereby agree to all conditions stated in TTCAR No.(17) and certify that the particulars given herein are true to the best of my knowledge and belief.

Name..... Date..... Signature.....



TRINIDAD AND TOBAGO CIVIL AVIATION AUTHORITY

P.O. Box 2183, National Mail Centre, Golden Grove Road, Piarcu,
Republic of Trinidad and Tobago.

Tel: (868) 669-4302 | Fax: (868) 669-5397 | email: econreg@caa.gov.tt | website: www.caa.gov.tt

SCHEDULE 10

[Regulation 29(2)]

APPLICATION FOR DOMESTIC COMMERCIAL AIR TRANSPORT PERMIT

1. **Applicant:**
 - (a) Name of Carrier to conduct flight.....
 - (b) Address.....
 - (c) Operations Manager..... (d) Phone Number.....
 - (e) E-mail.....
 - (f) Quality Assurance Manager..... (g) Phone Number.....
 - (h) E-mail.....
2. **Representative (Local):**
 - (a) Name..... (b) Phone Number.....
 - (c) Address..... (d) E-mail.....
3. **Duration of Permit:**

From..... To.....
4. **Service:**
 - (a) Description and Purpose.....
 - (b) Areas of Operation in Trinidad and Tobago.....
 - (c) Times.....
5. **Aircraft (Proposed):**
 - (a) Registration Marks.....
 - (b) Type.....
 - (c) Seats..... (d) Cargo.....
 - (e) Remarks (organisation, description and financial position).....
6. **Carriage of dangerous Goods:** No Yes Particulars.....
7. Indicate who will perform weight and balance checks.....

Note:

- A) Copies of the following documents in English MUST accompany this application:
- | | |
|--|---|
| (a) Air Operators Certificate (AOC) issued by the Trinidad and Tobago Civil Aviation Authority | (b) Insurance |
| (c) Aircraft Certificate of Registration | (d) Full Operation Specifications |
| (e) Aircraft Certificate of Airworthiness | (f) Company's Operations Manual Approval |
| (g) Cabin Attendant Manual Approval | (h) Maintenance contract between Air Operator and AMO |
| (i) TCAA Security Requirements (TTCAR No. 8) | (j) Any other document requested by the Authority |
- B) All documents must be legible and in the English Language or accompanied by an authentic translation
 C) Application must be submitted at least fourteen (14) days in advance of intended date of operation
 D) Fees will be charges in accordance with the latest fee structure in effect

I hereby agree to all conditions stated in TTCAR No. (17) and certify that the particulars given herein are true to the best of my knowledge and belief.

Name..... Date..... Signature.....



TRINIDAD AND TOBAGO CIVIL AVIATION AUTHORITY

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SCHEDULE 11

[Regulation 31(2)]

APPLICATION FOR COMMERCIAL AERIAL WORK PERMIT

1. **Applicant:**
 - (a) Name of Carrier or Operator to conduct flight.....
 - (b) Address.....
 - (c) Operations Manager..... (d) Phone Number.....
 - (e) E-mail.....
 - (f) Quality Assurance Manager..... (g) Phone Number.....
 - (h) E-mail.....
2. **Representative (Local):**
 - (a) Name..... (b) Phone Number.....
 - (c) Address..... (d) E-mail.....
3. **Duration of Permit:**

From..... To.....
4. **Service:**
 - (a) Description and Purpose.....
 - (b) Route/Coordinates.....
 - (c) Times.....
5. **Aircraft (Proposed):**
 - (a) Registration Marks.....
 - (b) Type.....
 - (c) Seats.....
6. **Carriage of dangerous Goods:** No Yes Particulars.....
7. Indicate who will perform weight and balance checks.....

Note:

- A) Copies of the following documents in **English** MUST accompany this application:

(a) Air Operators Certificate (AOC)	(b) Insurance
(c) Aircraft Certificate of Registration	(d) Full Operation Specifications
(e) Aircraft Certificate of Airworthiness	(f) Company's Operations Manual Approval
(g) Approval from the Director of Surveys	(h) Copy of Contract from the Government of the Republic of Trinidad and Tobago
(i) Any other document requested by the Authority	
- B) All documents must be legible and in **the English Language** or accompanied by an authentic translation
- C) Application must be submitted at least fourteen (14) days in advance of intended date of operation
- D) Fees will be charges in accordance with the latest fee structure in effect.

I hereby agree to all conditions stated in TTCAR No.(17) and certify that the particulars given herein are true to the best of my knowledge and belief.

Name..... Date..... Signature.....



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SCHEDULE 12

[Regulation 52(3)]

COMPENSATION FOR DENIED BOARDING

If you have been denied a reserved seat on (name of air carrier), you are probably entitled to monetary compensation. This notice explains the airline's obligation and the passenger's rights in the case of an oversold flight, in accordance with regulations of the Trinidad and Tobago Civil Aviation Authority.

Volunteers and Boarding Priorities

If a flight is oversold (more passengers hold confirmed reservations than there are seats available), no one may be denied boarding against his or her will until airline personnel first ask for volunteers who will give up their reservation willingly, in exchange for compensation of the airline's choosing. If there are not enough volunteers, other passengers may be denied boarding involuntarily in accordance with the following boarding priority of (name of air carrier): (In this space the carrier inserts its boarding priority rules or a summary thereof, in a manner to be understandable to the average passenger.)

Compensation for Involuntary Denied Boarding

If you are denied boarding involuntarily, you are entitled to a payment of "denied boarding compensation" from the airline unless:

- (1) you have not fully complied with the airline's ticketing, check-in and reconfirmation requirements, or you are not acceptable for transportation under the airline's usual rules and practices; or
- (2) you are denied boarding because the flight is canceled; or
- (3) you are denied boarding because a smaller capacity aircraft was substituted for safety or operational reasons; or
- (4) on a flight operated with an aircraft having 60 or fewer seats, you are denied boarding due to safety-related weight/balance restrictions that limit payload; or
- (5) you are offered accommodations in a section of the aircraft other than specified in your ticket, at no extra charge (a passenger seated in a section for which a lower fare is charged must be given an appropriate refund); or
- (6) the airline is able to place you on another flight or flights that are planned to reach your next stopover or final destination within one hour of the planned arrival time of your original flight.

Amount of Denied Boarding Compensation

Domestic Transportation

Passengers traveling between points within Trinidad and Tobago who are denied boarding involuntarily from an oversold flight are entitled to:

- (1) No compensation if the carrier offers alternate transportation that is planned to arrive at the passenger's destination or first stopover not later than one hour after the planned arrival time of the passenger's original flight;
- (2) 200% of the fare to the passenger's destination or first stopover, with a maximum of \$2,000, if the carrier offers alternate transportation that is planned to arrive at the passenger's destination or first stopover more than one hour but less than two hours after the planned arrival time of the passenger's original flight; and
- (3) 400% of the fare to the passenger's destination or first stopover, with a maximum of \$4,000, if the carrier does not offer alternate transportation that is planned to arrive at the airport of the passenger's destination or first stopover less than two hours after the planned arrival time of the passenger's original flight.

0 to 1 hour arrival delay	No compensation.
1 to 2 hour arrival delay	200% of one-way fare (but no more than \$2,000).
Over 2 hours arrival delay	400% of one-way fare (but no more than \$4,000).

International Transportation

Passengers traveling from Trinidad and Tobago to a foreign point who are denied boarding involuntarily from an oversold flight originating at a Trinidad and Tobago airport are entitled to:

- (1) No compensation if the carrier offers alternate transportation that is planned to arrive at the passenger's destination or first stopover not later than one hour after the planned arrival time of the passenger's original flight;
- (2) 200% of the fare to the passenger's destination or first stopover, with a maximum of \$8,200, if the carrier offers alternate transportation that is planned to arrive at the passenger's destination or first stopover more than one hour but less than four hours after the planned arrival time of the passenger's original flight; and
- (3) 400% of the fare to the passenger's destination or first stopover, with a maximum of \$16,400, if the carrier does not offer alternate transportation that is planned to arrive at the airport of the passenger's destination or first stopover less than four hours after the planned arrival time of the passenger's original flight.

0 to 1 hour arrival delay	No compensation.
1 to 4 hour arrival delay	200% of one-way fare (but no more than \$8,200).
Over 4 hours arrival delay	400% of one-way fare (but no more than \$16,400).

Alternate Transportation


"Alternate transportation" is air transportation with a confirmed reservation at no additional charge (by any scheduled airline licensed by the TTCAA), or other transportation accepted and used by the passenger in the case of denied boarding.

Method of Payment

Except as provided below, the airline must give each passenger who qualifies for involuntary denied boarding compensation a payment by cash or check for the amount specified above, on the day and at the place the involuntary denied boarding occurs. If the airline arranges alternate transportation for the passenger's convenience that departs before the payment can be made, the payment shall be sent to the passenger within 24 hours. The air carrier may offer free or discounted transportation in place of the cash payment. In that event, the carrier must disclose all material restrictions on the use of the free or discounted transportation before the passenger decides whether to accept the transportation in lieu of a cash or check payment. The passenger may insist on the cash/check payment or refuse all compensation and bring private legal action.

Passenger's Options

Acceptance of the compensation may relieve (name of air carrier) from any further liability to the passenger caused by its failure to honor the confirmed reservation. However, the passenger may decline the payment and seek to recover damages in a court of law or in some other manner.



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SCHEDULE 13 [Regulation 53 (1)]

NOTICE ON OVERBOOKING OF FLIGHTS

Airline flights may be overbooked, and there is a slight chance that a seat will not be available on a flight for which a person has a confirmed reservation. If the flight is overbooked, no one will be denied a seat until airline personnel first ask for volunteers willing to give up their reservation in exchange for compensation of the airline's choosing. If there are not enough volunteers, the airline will deny boarding to other persons in accordance with its particular boarding priority.

With few exceptions, including failure to comply with the carrier's check-in deadline (carrier shall insert either "of _ minutes prior to each flight segment" or "(which are available upon request from the air carrier)" here), persons denied boarding involuntarily are entitled to compensation.

The complete rules for the payment of compensation and each airline's boarding priorities are available at all airport ticket counters and boarding locations. Some airlines do not apply these consumer protections to travel from some foreign countries, although other consumer protections may be available. Check with your airline or your travel agent.

Made by the Trinidad and Tobago Civil Aviation Authority this 30th day of August, 2016.

R. LUTCHMEDIAL
*Trinidad and Tobago
Civil Aviation Authority*

Approved by the Minister of Works and Transport this 30th day of August, 2016.

F. E. HINDS
Minister of Works and Transport