

LEGAL NOTICE NO. 140

REPUBLIC OF TRINIDAD AND TOBAGO

THE CIVIL AVIATION ACT, CHAP. 49:03

REGULATIONS

MADE BY THE 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. 3) AIR OPERATOR CERTIFICATION
AND ADMINISTRATION] (AMENDMENT) REGULATIONS, 2011

1. These Regulations may be cited as the Civil Aviation [(No. 3) Air ^{Citation}
Operator Certification and Administration] (Amendment) Regulations,
2011.

2. In these Regulations, “the Regulations” means the Civil Aviation ^{Interpretation}
[(No. 3) Air Operator Certification and Administration] Regulations,
2004.

3. Regulation 2 of the Regulations is amended—

Regulation 2
amended

(a) by deleting the definition of “airworthy” and substituting
the following definition:

“airworthy” means the status of an aircraft, engine,
propeller or part when it conforms to its
approved design and is in a condition for safe
operation;” and

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

“continuing airworthiness” means the set of
processes by which all aircraft comply with the
applicable airworthiness requirements and
remain in a condition for safe operations
throughout their operating life;

“engine” means a unit used or intended to be used for
aircraft propulsion consisting of at least those
components and equipment necessary for
functioning and control, but excludes propellers
and rotors;

“enhanced vision system (EVS)” means a system to display electronic real-time images of the external scene achieved through the use of image sensors;

“head-up display system” means a display system that presents flight information into the pilot’s forward external field of view;”.

Regulation 37A
amended

4. Regulation 37A of the Regulations is amended—

(a) in subregulation (1)—

(i) by deleting paragraph (b) and substituting the following paragraph:

“(b) ensures the implementation of remedial action necessary to maintain the level of safety performance established by the Director General under subregulation (2);”;

(ii) in paragraph (c), by deleting the words “level achieved” and substituting the word “performance”; and

(iii) by deleting paragraph (d) and substituting the following paragraph:

“(d) aims at a continuous improvement of the overall performance of the safety management system.”; and

(b) by inserting after subregulation (5), the following subregulation:

“ (6) The standards for an operator safety management system are set out in Schedule 3A.”.

Schedule 1
amended

5. Schedule 1 of the Regulations is amended by inserting after the words “and limitations in the attached operations specifications.”, in the Air Operator Certificate, the following words:

“ The [*Air Operator*] contact information is located in Operations Specifications A-007.”.

6. Schedule 3 of the Regulations is amended—

Schedule 3
amended

(a) in Part A—

(i) in clause 2(a)—

(A) by deleting subparagraph (ii) and substituting the following subparagraph:

“(ii) flight and duty time limitations and rest schemes for flight and cabin crew members;”;

(B) in subparagraph (xii), by deleting the words “having regards to” and substituting the words “taking into account”;

(C) in subparagraph (xii), by deleting the word “powerplants” and substituting the word “engines”;

(D) by deleting subparagraph (xxxiv) and substituting the following subparagraph:

“(xxxiv) details of the safety management system provided in accordance with regulation 37A;”;

(E) in subparagraph (xxxvi), by deleting the words “guidance; and” and substituting the words “guidance;”;

(F) in subparagraph (xxxvii) by inserting after the words “checklist;” the word “and”;

(G) by inserting after subparagraph (xxxvii), the following subparagraph:

“(xxxviii) instructions and training requirements for the use of head-up displays and enhanced vision systems, as applicable.”;

(ii) by inserting after paragraph 2(c)(v), the following paragraph:

“(vi) instructions for determining aerodrome operating minima for instrument approaches using head-up display and enhanced vision systems; and”

(b) in Part B—

(i) in clause 2(a)—

(A) by deleting subparagraph (ii) and substituting the following subparagraph:

“(ii) flight and duty time limitations and rest schemes for flight and cabin crew members;”;

(B) in subparagraph (xi), by deleting the words “having regards to” and substituting the words “taking into account”;

(C) in subparagraph (xi), by deleting the words “one or more power units” and substituting the words “an engine”;

(D) by deleting subparagraph (xxvii) and substituting the following subparagraph:

“(xxvii) details of the safety management system provided in accordance with regulation 37A;”;

(E) in subparagraph (xxix), by deleting the words “guidance; and” and substituting the word “guidance;”;

(F) in subparagraph (xxx), by inserting after the word “checklist;” the word “and”;

(G) by inserting after subparagraph (xxxi), the following subparagraph:

“(xxxi) instructions and training requirements for the use of head-up displays and enhanced vision systems, as applicable.”;

(ii) in clause 2(c), by inserting after subparagraph (v), the following subparagraph:

“(vi) instructions for determining aerodrome operating minima for instrument approaches using head-up display and enhanced vision systems; and”.

7. The Regulations are amended by inserting after Schedule 3, the following Schedule: Schedule 3A
inserted

“SCHEDULE 3A

(Regulation 37A)

The following are the minimum standards for an Operator Safety Management System:

General

This specifies the framework for the implementation and maintenance of a Safety Management System (SMS) by an operator. An SMS is a management system for the management of safety by an organization. The framework includes four components and twelve elements representing the minimum requirements for SMS implementation.

The implementation of the framework shall be commensurate with the size of the organization and the complexity of the services provided. A brief description of each element of the framework is also included.

Contents

1. *Safety policy and objectives:*
 - (a) Management commitment and responsibility;
 - (b) Safety accountabilities;
 - (c) Appointment of key safety personnel;
 - (d) Coordination of emergency response planning; and
 - (e) SMS documentation.
2. *Safety risk management:*
 - (a) Hazard identification; and
 - (b) Safety risk assessment and mitigation.
3. *Safety assurance:*
 - (a) Safety performance monitoring and measurement;
 - (b) The management of change; and
 - (c) Continuous improvement of the SMS.
4. *Safety promotion:*
 - (a) Training and education; and
 - (b) Safety communication.

1. Safety policy and objectives

- (a) Management commitment and responsibility

The operator shall define the organization's safety policy which shall be in accordance with international and national requirements, and which shall be signed by the accountable executive of the organization. The safety policy shall reflect organizational commitments regarding safety; shall include a clear statement about the provision of the necessary resources for the implementation of the safety policy; and shall be communicated, with visible endorsement, throughout the organization. The safety policy shall

include the safety reporting procedures; shall clearly indicate which types of operational behaviours are unacceptable; and shall include the conditions under which disciplinary action would not apply. The safety policy shall be periodically reviewed to ensure it remains relevant and appropriate to the organization.

(b) Safety accountabilities

The operator shall identify the accountable executive who, irrespective of other functions, shall have ultimate responsibility and accountability, on behalf of the operator, for the implementation and maintenance of the SMS. The operator shall also identify the accountabilities of all members of management, irrespective of other functions, as well as of employees, with respect to the safety performance of the SMS.

Safety responsibilities, accountabilities and authorities shall be documented and communicated throughout the organization, and shall include a definition of the levels of management with authority to make decisions regarding safety risk tolerability.

(c) Appointment of key safety personnel

The operator shall identify a safety manager to be the responsible individual and focal point for the implementation and maintenance of an effective SMS.

(d) Coordination of emergency response planning

The operator shall ensure that an emergency response plan that provides for the orderly and efficient transition from normal to emergency operations and the return to normal operations is properly coordinated with the emergency response plans of those organizations it must interface with during the provision of its services.

(e) SMS documentation

The operator shall develop an SMS implementation plan, endorsed by senior management of the organization that defines the organization's approach to the management of safety in a manner that meets the organization's safety objectives. The operator shall develop and maintain SMS documentation describing the safety policy and objectives, the SMS requirements, the SMS processes and procedures, the accountabilities, responsibilities and authorities for processes and procedures, and the SMS outputs.

Also as part of the SMS documentation, the operator shall develop and maintain a Safety Management System manual (SMSM), to communicate its approach to the management of safety throughout the organization.

2. Safety risk management

(a) Hazard identification

The operator shall develop and maintain a formal process that ensures that hazards in operations are identified. Hazard identification shall be based on a combination of reactive, proactive and predictive methods of safety data collection.

(b) Safety risk assessment and mitigation

The operator shall develop and maintain a formal process that ensures analysis, assessment and control of the safety risks in training operations.

3. Safety assurance

(a) Safety performance monitoring and measurement

The operator shall develop and maintain the means to verify the safety performance of the organization and to validate the effectiveness of safety risk controls. The safety performance of the organization shall be verified in reference to the safety performance indicators and safety performance targets of the SMS.

(b) The management of change

The operator shall develop and maintain a formal process to identify changes within the organization which may affect established processes and services; to describe the arrangements to ensure safety performance before implementing changes; and to eliminate or modify safety risk controls that are no longer needed or effective due to changes in the operational environment.

(c) Continuous improvement of the SMS

The operator shall develop and maintain a formal process to identify the causes of substandard performance of the SMS, determine the implications of substandard performance of the SMS in operations, and eliminate or mitigate such causes.

4. Safety promotion

(a) Training and education

The operator shall develop and maintain a safety training programme that ensures that personnel are trained and competent to perform the SMS duties. The scope of the safety training shall be appropriate to each individual's involvement in the SMS.

(b) Safety communication

The operator shall develop and maintain formal means for safety communication that ensures that all personnel are fully aware of the SMS, conveys safety-critical information, and explains why particular safety actions are taken and why safety procedures are introduced or changed.”.

8. Schedule 4 of the Regulations is amended by inserting after the clause 1.2(j), the following paragraph:

Schedule 4
amended

“(k) shall include knowledge and skills related to the operational use of head-up display or enhanced vision systems for those aircraft so equipped.”.

Made by the Civil Aviation Authority this 8th day of July, 2011.

R. LUTCHMEDIAL
Civil Aviation Authority

Approved by the Minister of Works and Transport this 8th day of July, 2011.

J. WARNER
Minister of Works and Transport