

LEGAL NOTICE No. 89

REPUBLIC OF TRINIDAD AND TOBAGO

THE CIVIL AVIATION ACT, 2001

REGULATIONS

MADE BY THE AUTHORITY WITH THE APPROVAL OF THE MINISTER
UNDER SECTION 33 OF THE CIVIL AVIATION ACT

THE CIVIL AVIATION [(NO. 8) AVIATION SECURITY]
(AMENDMENT) REGULATIONS, 2008

1. These Regulations may be cited as the Civil Aviation [(No. 8) Citation
Aviation Security] (Amendment) Regulations, 2008.

2. In these Regulations—

Interpretation

“the Act” means the Civil Aviation Act, 2001;

No. 11 of
2001

“the Regulations” means the Civil Aviation [(No. 8) Aviation
Security] Regulations, 2004.

L.N. No. 107
of 2004

3. Regulation 2 of the Regulations is amended by—

Regulation 2
amended

(a) deleting the definition of “air marshal”;

(b) deleting the definition of “regulated agent” and substituting
the following definition:

“ “regulated agent” means an agent, freight forwarder
or any other entity who conducts business with an
air operator and provides security controls that
are accepted or required by the appropriate
authority in respect to cargo and mail;”;

(c) deleting the definition of “screening” and substituting the
following definition:

“screening” means the application of technical or other
means which are intended to identify or detect
weapons, explosives or other dangerous devices,
articles or substances which may be used to
commit an act of unlawful interference;

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

“ “aerial work” means an aircraft operation in which
the aircraft is used for specialized services such as

agriculture, construction, photography, surveying observation and patrol, search and rescue and aerial advertisement;

“aircraft security check” means an inspection of the interior of an aircraft to which passengers may have had access and an inspection of the hold for the purposes of discovering suspicious objects, weapons, explosives or other dangerous devices, articles and substances;

“aircraft security search” means a thorough inspection of the interior and exterior of the aircraft for the purpose of discovering suspicious objects, weapons, explosives or other dangerous devices, articles and substances;

“airside” means the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is controlled;

“background check” means a check of a person’s identity and previous experience, including where legally permissible, any criminal history, as part of the assessment of an individual’s suitability to implement security control or for unescorted access to security restricted areas;

“cargo” means any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage;

“certification” means a formal evaluation and confirmation by or on behalf of the appropriate authority for aviation security that a person possesses the necessary competencies to perform assigned functions to an acceptable level as defined by the appropriate authority;

“commercial air transport operation” means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;

“corporate aviation” means the non-commercial operation or use of aircraft by a company for the carriage of passengers or goods as an aid to the conduct of company business, flown by a professional pilot employed to fly the aircraft;

- “disruptive passenger” means a passenger who fails to respect the rules of conduct at an airport or on board an aircraft or to follow the instructions of the airport staff or crew members and thereby disturbs the good order and discipline at an airport or on board an aircraft;
- “general aviation operation” means an aircraft operation other than a commercial air transport operation or an aerial work operation and includes corporate aviation;
- “Human Factors principles” means principles which apply to design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human performance;
- “human performance” means human capabilities and limitations which have an impact on the safety, security and efficiency of aeronautical operations;
- “in-flight security officer” means a member of the protective services specially trained in aviation security;
- “security” means safeguarding civil aviation against acts of unlawful interference, achieved by a combination of measures and human and material resources;
- “security audit” means an in-dept compliance examination of all aspects of the implementation of the national civil aviation security programme;
- “security control” means the means by which the introduction of weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference can be prevented;
- “security inspection” means an examination of the implementation of relevant national civil aviation security programme requirements by an aircraft operator, airport or other entity involved in security;
- “security restricted area” means those areas of the airside of an airport which are identified as priority risk areas where in addition to access control, other security controls are applied and will include areas such as all commercial aviation

passenger departure areas between the screening checkpoint and the aircraft, the ramp, baggage make-up, including those areas where aircraft are being brought into service and where screened baggage and cargo are present, cargo sheds, mail centres, airside catering and aircraft cleaning premises;

“security survey” means an evaluation or security needs including the identification of vulnerabilities which could be exploited to carry out an act of unlawful interference, and the recommendation of corrective actions;

“security test” means a covert or overt trial of an aviation security measure which simulates an attempt to commit an unlawful act;

“unidentified baggage” means baggage at an airport, with or without a baggage tag, which is not picked up by or identified with a passenger.”.

Regulation 4
amended

4. Regulation 4 of the Regulations is amended by—

(a) deleting the heading and substituting the following heading:

“Prohibition Orders”

(b) inserting after regulation 4 the following regulations:

“PART IA

NATIONAL SECURITY PROGRAMMES

National
Security
Programmes

4A. The Director General shall ensure that—

(a) a written national civil aviation security programme is established, implemented and maintained to safeguard civil aviation operations against acts of unlawful interference, through regulations, practices and procedures which take into account the safety, regularity and efficiency of flights;

(b) the level of threat to civil aviation within Trinidad and Tobago is kept under constant review and policies and procedures are established to adjust the relevant elements of the

national civil aviation security programme accordingly, based upon a security risk assessment acceptable to the Authority;

- (c) tasks are defined and allocated and activities are co-ordinated between departments, agencies and other organizations, aerodrome and air-craft operators and other entities concerned with or responsible for the implementation of various aspects of the national civil aviation security programme;
- (d) a written national civil aviation security training programme is developed, implemented and maintained for personnel of all entities involved with or responsible for the implementation of various aspects of the national civil aviation security programme and designed to ensure effectiveness of the national civil aviation security programme;
- (e) training standards for the national civil aviation security training programme referred to in paragraph (d) are defined, and trainers and training programme meet those standards;
- (f) a written national civil aviation security quality control programme is developed, implemented and maintained to determine compliance with and validate the effectiveness of the national civil aviation security programme and any civil aviation regulations, policies and procedures;
- (g) a written national civil aviation security screener certification programme is developed, implemented and maintained to ensure that persons assigned to conduct aviation security screening functions are properly trained and tested and meet

the basic qualifications to perform such screening functions;

- (h) a written version of the appropriate parts of the national civil aviation security programme and relevant information or guidelines are made available to all airport operators, aircraft operators and other appropriate security entities operating in Trinidad and Tobago, enabling them to meet the requirements of the national civil aviation security programme;
- (i) the national civil aviation security programme includes procedures for—
 - (i) sharing, as appropriate, the results of audits carried out by International Civil Aviation Organization and the corrective actions taken by Trinidad and Tobago, if requested, by a Contracting State;
 - (ii) procedures for the inclusion in each bilateral agreement on air transport, a clause related to aviation security in accordance with the model developed by International Civil Aviation Organization;
 - (iii) making available to other Contracting States on request a written version of the appropriate parts of the national civil aviation security programme;
 - (iv) notifying International Civil Aviation Organization where information was shared under paragraph (a); and
 - (v) providing International Civil Aviation Organization with the information regarding the current office in Trinidad and Tobago responsible for the

development, implementation
and maintenance of the
national civil aviation security
programme.

**Management and response to acts
of unlawful interference**

Management
and response
to acts of
unlawful
interference

4B. The Director General shall, in establishing
the national civil aviation security programme
under regulation 4A, ensure that the programme
provides elements for the management of response
to acts of unlawful interference as follows:

(a) Preventive measures—

- (i) when reliable information exists
that an aircraft may be subjected
to an act of unlawful
interference—
 - (A) to safeguard the aircraft
where it is still on the
ground; and
 - (B) to provide as much prior
notification as possible of
the arrival of the aircraft
to relevant airport
authorities and air
traffic services of the
States concerned where
the aircraft has already
departed;
- (ii) for the aircraft to be searched for
concealed weapons, explosives or
other dangerous devices, articles
or substances having provided
prior notification of the search to
the operator concerned;
- (iii) for arrangements to be made to
investigate, render safe or
dispose of, where necessary,
suspected dangerous devices or
other potential hazards at
aerodromes;

- (iv) for contingency plans to be developed and tested on a regular basis and for adequate resources to be made available to safeguard civil aviation against acts of unlawful interference; and
- (v) to ensure authorized and suitably trained personnel are readily available for deployment at its aerodromes serving civil aviation to assist in dealing with suspected or actual cases of unlawful interference in civil aviation;

(b) Response—

- (i) take appropriate measures for the safety of passengers and crew of an aircraft, which is subjected to an act of unlawful interference, while on the ground in Trinidad and Tobago, until their journey can be continued;
- (ii) when responsible for providing air traffic services for an aircraft, which is the subject of an act of unlawful interference, for the collection of all pertinent information on the flight of that aircraft and to transmit that information to all other States responsible for the air traffic services units concerned, including those at the airport of known or presumed destination, so that timely and appropriate safeguarding action may be taken *en route* and at the known, likely or possible destination of the aircraft;

- (iii) provide assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigation aids, air traffic services and permission to land as may be necessitated by the circumstances;
- (iv) take measures, as it may find practicable, to ensure that an aircraft subjected to an act of unlawful seizure which has landed in Trinidad and Tobago is detained on the ground unless its departure is necessitated by the overriding duty to protect human life;
- (v) recognize the importance of consultations, wherever practicable, between the State where that aircraft has landed and the State of the Operator of the aircraft, and notification by the Director General where the aircraft has landed in Trinidad and Tobago to the States of assumed or stated destination;
- (vi) notify by the most expeditious means the State of Registry of the aircraft subjected to an act of unlawful interference which has landed in Trinidad and Tobago and the State of the Operator of the landing and shall similarly transmit by the most expeditious means all other relevant information to—
 - (A) the State of Registry and the State of the Operator;
 - (B) each State whose citizens suffered fatalities or injuries;

- (C) each State whose citizens were detained as hostages;
 - (D) each State whose citizens are known to be on board the aircraft; and
 - (E) the International Civil Aviation Organization; and
- (c) in the exchange of information and reporting, provide the International Civil Aviation Organization with all pertinent information concerning the security aspects of the act of unlawful interference which concerns Trinidad and Tobago, as soon as practicable after the act is resolved.

International Co-operation

International Co-operation 4C. (1) In promoting international co-operation in aviation security, the Director General may, where he considers it appropriate—

- (a) ensure that request from other Contracting States for additional security measures in respect to a specific flight by operators of the other State are met, as far as practicable;
- (b) co-operate with other Contracting States in the development and exchange of information concerning—
 - (i) national civil aviation security programmes;
 - (ii) training programmes; and
 - (iii) quality control programmes;
- (c) ensure that where procedures are established and implemented, to share with other Contracting States threat information that applies to aviation security interest of those States;

- (d) establish and implement suitable handling procedures for the protection of security information shared with other Contracting States, in order to ensure that inappropriate use of disclosure of the security information is avoided;
- (e) promote research and development of new security equipment, processes and procedures with other Contracting States which will better achieve civil aviation security objectives while observing Human Factors principles.

(2) The Director General may request another Contracting State to provide additional security measures in respect of a specific flight by a national operator.

(3) Where a request is made by the Director General under subregulation (2), the Director General shall give consideration to alternative security measures offered by that State that are equivalent to the request.”.

5. Regulation 5 of the Regulations is amended by—

Regulation 5
amended

(a) deleting the heading of regulation 5 and substituting the following heading:

“PART II
“OPERATOR SECURITY PROGRAMME”;

(b) deleting subregulation (7) and substituting the following subregulation:

“ (7) A security programme under these Regulations shall—

- (a) be signed by the applicant;
- (b) provide for the protection and safety of—
 - (i) passengers, crew, ground personnel and the general public and their property;

- (ii) the aircraft; and
- (iii) related aviation support facilities,
in all matters related to safeguarding
against acts of unlawful interference with
civil aviation; and
- (c) be capable of responding rapidly to meet
any increased security threat.”.

Regulation 8 amended 6. Regulation 8 of the Regulations is amended in subregulation (1)(i), by inserting after the word “recruitment” the words “and selection”.

Regulation 9 amended 7. Regulation 9 of the Regulations is amended by deleting paragraphs (a) and (b) and substituting the following paragraphs:

- “(a) the national civil aviation security programme;
- (b) the national civil aviation security training programme;
- (c) the special needs of general aviation, including reasonable access to aerodrome facilities and aircraft; and
- (d) the optimizing of aerodrome security arrangements in his development, renovation and expansion plans.”.

Regulation 10 amended 8. Regulation 10 of the Regulations is amended in subregulation (4), by deleting the words “that that the approval of such Aerodrome Operator Security Programme subject to a limitation” and substituting the words “the Authority approve such Aerodrome Operator Security Programme subject to a limitation.”.

Regulation 11 amended 9. Regulation 11 of the Regulations is amended—

- (a) by deleting paragraph (d) and substituting the following paragraph:
 - “(d) measures are taken to ensure that disembarking passengers do not leave items on board the aircraft at transit stops for such flights;”;
- (b) in paragraph (f), by deleting the word “international”;
- (c) by deleting paragraph (h) and substituting the following paragraphs:
 - “(h) checked baggage intended for carriage in commercial air transportation operations and general aviation operations flights is protected

from unauthorized access, interference and tampering from the point it is screened or checked in whether at an aerodrome or elsewhere, until departure of the aircraft on which it is carried;

(ha) re-screening of checked baggage for which security has been jeopardized having been subjected to unauthorized access, interference or tampering;”;

(d) in paragraph (i), by deleting the word “screening” and substituting the words “additional screening and identified as unaccompanied”;

(e) in paragraph (j), by inserting before the words “storage areas” the words “secured and controlled”;

(f) in paragraph (l), by deleting the words “are subject to appropriate security controls” and substituting the words “is screened prior to being loaded onto an aircraft to protect against unauthorized interference and to prevent unauthorized articles from being taken on board aircraft engaged in civil aviation operations, except where a validation process has been accepted by the Authority which determined that the baggage has been screened at the point of origin and subsequently protected from unauthorized interference from the originating aerodrome to the departing aircraft at the transfer aerodrome”;

(g) in paragraph (m), by deleting after the words “is transported”; the word “and”;

(h) by inserting after paragraph (n) the following paragraphs:

“(o) cargo and mail accepted for transport on an aircraft engaged in commercial air transport operations are subjected to appropriate security controls and protected from interference from the point of screening to loading onto an aircraft;

(p) adequate supervision is provided to monitor and control the movement of screened passengers between the boarding gate and the aircraft to prevent screened passengers from coming into contact with unscreened persons;

(q) only items of hold baggage which have been individually identified as accompanied or unaccompanied, screened to the appropriate standard, recorded as meeting the criteria and

authorized for that flight are accepted for carriage on the flight by an aircraft operator; and

(r) procedures are established to deal with unidentified baggage and suspect baggage.”.

Regulation 12
amended

10. Regulation 12 of the Regulations is amended in subregulation (2)—

(a) in paragraph (b), by deleting subparagraphs (iii), (iv) and (v) and substituting the following subparagraphs:

“(iii) selection and recruitment of staff;

(iv) initial and refresher training of staff;

(v) initial and recurrent background checks; and

(vi) incident reporting.”; and

(b) in paragraph (d), by inserting after the words “monitoring procedures” the words “through the establishment of an internal security management system”.

Regulation 13
amended

11. Regulation 13 of the Regulations is amended in subregulation (3), by inserting after the words “commercial air transport operations” the words “and general aviation operations”.

Regulation 14
amended

12. Regulation 14(1)(d) of the Regulations is amended by deleting subparagraphs (iii), (iv) and (v) and substituting the following subparagraphs:

“(iii) selection and recruitment of staff;

(iv) initial and refresher training of staff;

(v) initial and recurrent background checks; and

(vi) incident reporting.”.

Regulation 16
amended

13. Regulation 16(1)(d) of the Regulations is amended by deleting subparagraphs (iii), (iv) and (v) and substituting the following subparagraphs:

“(iii) selection and recruitment of staff;

(iv) initial and refresher training of staff involved in the handling of goods;

(v) initial and recurrent background checks; and

(vi) incident reporting.”.

14. Regulation 21 of the Regulations is amended by—

Regulation 21
amended

- (a) renumbering subregulations (1), (2) and (3) as subregulations (2), (3) and (4) respectively;
- (b) inserting before subregulation (2) as renumbered the following subregulation:

“ (1) An aerodrome operator shall ensure that airport design requirements including architectural and infrastructure related requirements necessary for the implementation of security measures in the national civil aviation security programme are integrated into the design and construction of new facilities and alteration to existing facilities at his aerodrome.”; and

- (c) inserting after subregulation (4) as renumbered the following subregulations:

“ (5) When arranging security controls and procedures at an aerodrome, an aerodrome operator shall take into consideration minimum interference with or delay of the activities of civil aviation provided the effectiveness of such security controls and procedures are not compromised.

(6) An aerodrome operator shall ensure that adequate human and material resources, equipment and facilities are made available to meet the requirements of his approved Aerodrome Security Programme and the National Civil Aviation Security Programme.”.

15. Regulation 23 of the Regulations is amended by inserting after subregulation (7) the following subregulation:

Regulation 23
amended

“ (8) An aerodrome operator shall ensure that an aviation screening officer employed by him—

- (a) meets the basic selection criteria and qualification for performing aviation screening duties prior to being assigned to conduct the aviation screening duties;
- (b) meets the training standards required for aviation screening officers established by the Authority and where appropriate, the International Civil Aviation Organization; and

- (c) is not assigned to perform any aviation screening functions until properly trained, examined, tested and certified.”.

Regulation 24
amended

16. Regulation 24 of the Regulations is amended—

(a) in subregulation (2)—

- (i) in paragraph (a), by deleting the words “initial and periodic background checks” and substituting the words “initial background checks for the preceding five years and recurrent background checks not exceeding a two-year period”; and
- (ii) in paragraph (b), by inserting after the words “training on aviation security” the words “to meet the requirements of these Regulations and his approved Aerodrome Security Programme”; and

(b) in subregulation (3) by—

- (i) inserting after the words “shall keep an accurate” the word “current”; and
- (ii) deleting the words “for a period of one year” and inserting the words “for a period of two years from the date the person ceased to be in his employ”.

Regulation 26
amended

17. Regulation 26 of the Regulations is amended by revoking regulation 26 and substituting the following regulation:

“ (1) An Aviation Screening Officer employed by an aerodrome operator shall require each person entering or leaving a security restricted area to have his carry on baggage and any hand-carried items screened and or inspected by an appropriate means or method.

(2) An Aviation Security Officer or an Aviation Screening Officer shall require each person entering and leaving a restricted area to have his hand-carried items, goods and vehicle screened or inspected by an appropriate means or method.”.

Regulation 29
amended

18. Regulation 29 of the Regulations is amended—

- (a) in subregulation (1), by inserting after the words “aircraft operator, aerodrome tenant” the words “, catering operator”; and

- (b) in subregulation (2), by deleting the words “a report of the incident to the Authority in accordance with procedures set out in his approved Aerodrome Security Programme” and substituting the words “a written report of the incident to the Authority”.

19. Regulation 30 of the Regulations is amended by inserting after subregulation (3), the following subregulation: Regulation 30
amended

“ (4) An aerodrome tenant shall provide to the aerodrome operator details of his service providers relating to the provision of security measures for his operations at the aerodrome, including contact details of the person responsible for his security operations.”.

20. Regulation 31 of the Regulations is amended— Regulation 31
amended

- (a) in the heading, by deleting the word “Confidential” and substituting the word “Sensitive”; and
(b) by inserting after the words “divulge documented” the words “sensitive security”.

21. Regulation 33 of the Regulations is amended— Regulation 33
amended

- (a) by inserting after subregulation (1), the following subregulations:

“ (1A) The areas identified in subregulation (1) shall be prominently identified using appropriate signs that are strategically located at the aerodrome.”; and

- (b) in subregulation (3)—

- (i) by inserting after paragraph (a), the following paragraph:

“(aa) identification of each person is verified at each designated check point before access is allowed to the airside and security restricted areas;”;

- (ii) in paragraph (f), by deleting after the words “under regulation 26” the word “and”;

- (iii) in paragraph (g), by deleting the full-stop and inserting the words “; and”;

- (iv) by inserting after paragraph (g), the following paragraph:

“(h) the movement of persons and vehicles to and from the aircraft is supervised in security restricted areas to prevent unauthorized access.”.

Regulation 34
amended

22. Regulation 34 of the Regulations is amended—

(a) by deleting subregulation (1) and substituting the following subregulation:

“ (1) An aerodrome operator shall ensure that access to a restricted or sterile area of his aerodrome is controlled by the use of an identification media system to—

- (i) identify persons including aircraft crew members, and vehicles; and
- (ii) facilitate access by such persons and vehicles where authorized.”;

(b) by inserting after subregulation (1), the following subregulation:

“ (1A) The identification media system referred to in subregulation (1) shall—

- (a) be designed to prevent unauthorized tampering and falsification;
- (b) be issued for a specific period in accordance with the approved Aerodrome Operator Security Programme; and
- (c) meet the specifications established by the International Civil Aviation Organization for identity documents.”;

(c) by deleting subregulation (3) and substituting the following subregulation:

“ (3) An aerodrome operator shall not issue to a person an identification medium that allows unescorted access privileges to a restricted or security restricted area unless—

- (a) a background check and criminal records history checks of the person reveals no criminal records over the past five years; and
- (b) the person has successfully completed training in accordance with a curriculum specified in his approved Aerodrome Operator Security Programme.

(3A) Background checks referred to in subregulation (3) shall be conducted on a regular basis in accordance with the approved Aerodrome Operator Security Programme.”;

(d) in subregulation (4)(b), by deleting the word “aerodrome” and substituting the word “aviation”; and

(e) in subregulation (6), by deleting the word “six” and substituting the word “twelve”.

23. The Regulations is amended by inserting after Regulation 34, Regulation 34A inserted the following regulation:

“Director General and Inspector to have unrestricted access to aerodromes

Director
General and
Inspector to
have
unrestricted
access to
aerodromes

34A. Notwithstanding the requirements under Regulation 34 the Director General and Inspectors designated by him shall have free, unrestricted and uninterrupted access to all areas of an aerodrome for the purposes of performing their duty under the authority of a credentials or warrant issued by the Authority for that purpose.”.

24. Regulation 35 of the Regulations is amended—

Regulation 35
amended

(a) in subregulation (1)—

(i) in paragraph (b), by deleting after the words “security identification” the word “and”; and

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

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

“(d) random screening of a proportion of persons granted unescorted access to each air operations area, together with items carried, other than passengers.”;

(b) in subregulation (2), by deleting the words “approved Aerodrome Operator Programme” and substituting the words “approved Aircraft Operator Programme”;

(c) in subregulation (6)—

(i) by deleting the word “(4)” and substituting the word “(5)”; and

(ii) in paragraph (b), by deleting the word “aerdrome” and substituting the word “aerodrome”.

Regulation 36
amended

25. Regulation 36 of the Regulations is amended—

(a) by deleting subregulation (1) and substituting the following subregulation:

“ (1) An aerodrome operator shall ensure that a detailed record is kept of every security incident that occurred at his aerodrome.”; and

(b) in subregulation (2), by deleting paragraph (a) and substituting the following paragraph:

“(a) be kept for a minimum period of ten years, or for such period that may be directed by the Authority;”.

Regulation 38
amended

26. Regulation 38 of the Regulations is amended by—

(a) renumbering subregulations (1) and (2) as subregulations (2) and (3) respectively;

(b) inserting before subregulation (2) as renumbered, the following subregulation:

“ (1) An aerodrome operator shall employ a suitably qualified and trained person as an Aerodrome Security Co-ordinator for the management and co-ordination of the implementation of security controls at his aerodrome.”; and

(c) inserting after subregulation (3), the following subregulation:

“ (4) An Aerodrome Security Co-ordinator referred to under subregulation (1) shall be responsible for the development, implementation and maintenance of the approved Aerodrome Operator Security Programme for the aerodrome where he is employed.”.

Regulation 39
amended

27. Regulation 39 of the Regulations is amended—

(a) by renumbering regulation “39” as regulation “39(1)”;

(b) in subregulation (1) as renumbered, by inserting after the words “appropriate protective service” the words “and the Authority”; and

(c) by inserting after subregulation (1) as renumbered, the following subregulations:

“ (2) Where under subregulation (1) an aerodrome operator—

(a) implements measures, the aerodrome operator shall notify the Authority as soon as practicable; or

(b) proposes to implement measures, the aerodrome operator shall endeavour to notify the Authority of those measures prior its implementation,

and shall specify the time period for which the measures will be implemented.

(3) An aerodrome operator shall immediately inform the Authority on receipt of a bomb threat or any other threat that jeopardizes the safety against a specific aircraft which is at his aerodrome or which is *en route* to his aerodrome.”.

28. The Regulations are amended by deleting the centre heading for Regulation 40 and substituting the following center heading: Regulation 40 amended

**“Obligation of Aerodrome Operator where Threat is
Against Facilities or Aerodrome”**

29. The Regulations are amended by revoking Regulation 42. Regulation 42 revealed

30. Regulation 43 of the Regulations is amended by— Regulation 43 amended

(a) renumbering regulation 43 as regulation 43(1);

(b) inserting after subregulation (1) as renumbered, the following subregulation:

“ (2) An aerodrome operator shall ensure that arrangements are made to investigate, render safe or dispose of, where necessary, suspected explosive or incendiary devices or other potential hazards at his aerodrome.”.

31. Regulation 44 of the Regulations is amended by deleting the word “port” and substituting the word “points”. Regulation 44 amended

- Regulation 45 amended 32. Regulation 45 of the Regulations is amended in subregulation (2), by deleting the words “the air terminal building” and substituting the words “his aerodrome”.
- Regulation 46 amended 33. Regulation 46 of the Regulations is amended in paragraph (d), by inserting after the words “sensitive security information” the words “and his approved Aircraft Operator Security Programme”.
- Regulation 47 amended 34. Regulation 47 of the Regulations is amended—
- (a) in subregulation (1)(a), by inserting before the words “passengers, transit passengers” the word “originating”;
 - (b) in subregulation (2), by inserting after the words “an aircraft operator may authorize” the words “in writing”;
 - (c) in subregulation (4)—
 - (i) in paragraph (a), by deleting the words “weapon or incendiary device” and substituting the words “weapon, explosive or incendiary device or any dangerous articles or substances which may be used to commit an act of unlawful interference,”;
 - (ii) in paragraph (c)—
 - (A) by deleting subparagraph (ii) and substituting the following subparagraph:

“(ii) ensure that baggage carried on an aircraft is checked in by an authorized and properly trained agent and that appropriate identification is obtained and verified from all passengers and persons shipping goods or cargo on board the aircraft,”;
 - (B) in paragraph (iii), by inserting after the words “prohibits unauthorized access” the words “from the point of acceptance to loading onto the aircraft”;
 - (C) by deleting subparagraph (iv) and substituting the following subparagraphs:

“(iv) conduct an aircraft security search of the interior and exterior of the aircraft before placing it in service;

- (v) where an aircraft has been left unattended after an aircraft security search was accomplished, the aircraft security search shall be performed again before flight.”;
- (d) in subregulation (5)(b), by deleting the words “search or inspection” and substituting the words “search, screening or inspection”; and
- (e) by inserting after subregulation (6) the following subregulation:
 - “ (7) An aircraft operator shall take measures to ensure that passengers disembarking from an aircraft at any time do not leave items on board the aircraft.”.

35. Regulation 48 of the Regulations is amended—

Regulation 48
amended

- (a) in subregulation (1)—
 - (i) in paragraph (a), by deleting after the words “Security Programme;” the word “and”;
 - (ii) in paragraph (b), by deleting the full stop and substituting the words “;”;
 - (iii) by inserting after paragraph (b) the following paragraphs:
 - (c) conduct an aircraft security search of the interior and exterior of aircraft for the purpose of discovering suspicious objects, weapons, explosives or other dangerous devices, articles or substances prior to the boarding of passengers and the loading of baggage, cargo, mail, stores and catering;
 - (d) conduct an aircraft security check of the interior and exterior of aircraft to which passengers may have had access and conduct an inspection of the hold in order to discover suspicious objects, weapons, explosives or other dangerous devices, articles or substances;
 - (e) take the necessary measures to ensure that passengers disembarking from an aircraft at any time do not leave items on board;

- (f) ensure that the aircraft subjected to security measures referred to in paragraphs (c) and (d) are protected from unauthorized interference from the time the search or check has commenced until the aircraft departs;
- (g) ensure that appropriate measures are taken during flight to prevent unauthorized persons from entering the flight crew compartment;
- (h) ensure that the aircraft security search or check referred to in paragraphs (c) and (d) are documented on a checklist, a copy of which must be presented to the pilot in command;
- (i) develop the checklist referred to paragraph (h) in accordance with the guidance established in the International Civil Aviation Organization's Security Manual for Safeguarding Civil Aviation against Acts of Unlawful Interference, Document 8973;
- (j) ensure that only items of hold baggage which have been individually identified as accompanied or unaccompanied, using a verifiable tracking system and authorized for carriage on that flight are accepted for carriage on the specific flight;
- (k) verify the identity of each passenger by examining their travel documents at the point of check-in and at the time of boarding the aircraft;
- (l) ensure that security controls are applied to an aircraft when the aircraft is not in the security restricted area to prevent unauthorized access;
- (m) ensure that all items of hold baggage under paragraph (j) are screened;
- (n) ensure that passengers and cabin baggage which have been screened are protected

from unauthorized interference from the point of screening until they board the aircraft;

(o) ensure that where mixing or contact takes place, with passengers and their cabin baggage that the passengers concerned and their cabin baggage must be re-screened before boarding the aircraft; and

(p) ensure that measures are taken to deal with unidentified baggage in accordance with the approved Aerodrome Operator Security Programme from which he operates.”;

(b) by deleting subregulation (2) and substituting the following subregulation:

“ (2) Notwithstanding the measures required under subregulation (1), in applying security measures for the prevention and management of hijackings and sabotage attempts under this regulation, an aircraft operator or the aerodrome operator shall ensure that the measures set out in Schedule 6 and other measures prescribed by the Authority from time to time are applied in the manner specified.”; and

(c) in subregulations (3) and (4), by deleting the words “air marshal” and substituting the words “in-flight security officer”.

36. Regulation 49 of the Regulations is amended in—

Regulation 49
amended

(a) subregulation (2), by deleting the words “air marshal” and substituting the words “in-flight security officer”;

(b) subregulation (4), by deleting the words “in checked baggage on board an aircraft” and substituting the words “on his person or in carry-on baggage in the cabin of an aircraft”;

(c) subregulation (6)—

(i) by deleting the word “unloaded”; and

(ii) by deleting paragraphs (b), (c) and (d) and substituting the following paragraphs:

- “(b) a suitably qualified and trained person verify that the firearm is unloaded;
- (c) the firearm is transported in an appropriate container or case and is locked to prevent unauthorized access;
- (d) the checked baggage or container containing the firearm is loaded on the aircraft in an area that is inaccessible to passengers; and
- (e) such person presents—
 - (i) a licence for the firearm from the State that permitted him to have in his possession the firearm;
 - (ii) an export licence for the firearm from the State of departure; and
 - (iii) an import licence for the firearm to the State of destination.”; and
- (d) inserting after subregulation (7), the following subregulation:
 - “ (8) Where an aircraft operator is granted approval by the Authority to transport unloaded firearms in the hold of his aircraft, the aircraft operator shall notify all passengers in writing or by placing appropriate signage at the point of check-in, relating to the declaration and transportation of firearms.”.

Regulation 50
amended

37. Regulation 50 of the Regulations is amended—

- (a) in subregulation (2)(a)—
 - (i) by inserting after the words “Part A of Schedule 7” the words “and has been appropriately calibrated”;
 - (ii) paragraph (b)—
 - (A) by inserting after the words “recurrent training” the words “and certification”; and
 - (B) by inserting after the words “other dangerous articles” the words “and approved by the Authority”;
- (b) in subregulation (3), by deleting paragraph (c) and substituting the following paragraph:

- “(c) to inspect carry-on or checked articles unless appropriate signs are posted in a conspicuous place at the screening checkpoint which—
- (i) notifies passengers that security measures are being taken to screen and or inspect passengers and all carry-on items;
 - (ii) notifies passengers that persons refusing to subject themselves and or their carry-on items to screening will not be allowed beyond the screening checkpoint;
 - (iii) advises passengers of items which are not permitted beyond the screening checkpoint;
 - (iv) notifies passengers that such items are being inspected by an X-ray and advises them to remove all X-ray, scientific and high-speed film from carry-on and checked baggage before inspection; and
 - (v) advises passengers that an inspection may be made of their photographic equipment and film packages without exposure to an X-ray system.”.

38. Regulation 51 of the Regulations is amended—

Regulation 51
amended

(a) in subregulation (1) by—

- (i) deleting the words “an aircraft or flight” and substituting the words “an aircraft on the ground or in flight”;
- (ii) deleting paragraph (c) and substituting the following paragraph:

“(c)an aircraft security search or check as necessitated by the nature of the threat and screening of the passengers and goods on board the aircraft, unless the aircraft search or check and screening is likely to jeopardize the safety of the passengers and crew members.”;

(b) in subregulation (3) by—

- (i) deleting the words “air piracy” and substituting the words “unlawful interference”; and

- (ii) inserting after the words “the aircraft operator shall” the word “immediately”;
 - (c) in subregulation (6)(a) and (b), by deleting the words “a security inspection” and substituting the words “an aircraft security search”; and
 - (d) deleting subregulation (7) and substituting the following subregulation:
 - “ (7) Immediately notify the appropriate air traffic control authority of the nature of the threat.”.
- Regulation 52 amended 39. Regulation 52 of the Regulations is amended—
- (a) in subregulation (2), by inserting after the words “notify the aerodrome operator” the words “and the Authority”; and
 - (b) by inserting after subregulation (2), the following subregulation:
 - “ (3) An aircraft operator shall immediately notify the aerodrome operator and the Authority when a weapon or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference is discovered in any area beyond a screening checkpoint or security restricted area.”.
- Regulation 53 amended 40. Regulation 53 of the Regulations is amended—
- (a) in subregulation (1), by inserting after the words “restricted area access point” the words “or security restricted area”; and
 - (b) in subregulation (2)(c), by inserting after the word “an” the words “explosive or”.
- Regulation 55 amended 41. Regulation 55 of the Regulations is amended—
- (a) in paragraph (a), by deleting the word “and”;
 - (b) in paragraph (b), by deleting the full stop and substituting the words “; and”; and
 - (c) by inserting after paragraph (b) the following paragraph:
 - “(c) any other information related to aviation security.”.
- Regulation 58 amended 42. Regulation 58 of the Regulations is amended—
- (a) in subregulation (1), by deleting after the words “screening under” the word “a” and substituting the words “an approved”;

(b) by inserting after subregulation (1) the following subregulation:

“ (1A) The State agency requesting the carriage of a person subjected to judicial or administrative proceedings shall inform the aircraft operator prior to the departure date of the person, the nature of the escort, including the results of any risk assessment carried out to determine the number of escorts required, the use of restraining devices and any special boarding and disembarking requirements not required under this regulation.”;

(c) in subregulation (3)—

- (i) by deleting the word “not”;
- (iii) in paragraphs (a) and (b) by inserting before the word “serve” the word “not”; and
- (iii) by inserting after paragraph (c) the following paragraph:

“(d) ensure that the pilot in command and the cabin crew are informed of—

- (i) the names and assigned seats of persons under escort and the names of the escorting officers; and
- (ii) the reason for the escort officers.”;

(d) in subregulation (7), by deleting the word “A” and substituting the word “An”; and

(e) by deleting subregulation (9) and substituting the following subregulation:

“ (9) Where a pilot in command of an aircraft has reasonable grounds to believe that a person on board an aircraft is in violation of any regulation under this Part or is a potential risk to the safety of the passenger and crew on board the aircraft he may order the person to disembark the aircraft.”.

43. Regulation 59 of the Regulations is amended—

Regulation 59
amended

(a) in subregulation (1), by inserting after the words “required security training specified in” the words “the National Civil Aviation Security Training Programme and any other training in”;

(b) in subregulation (2), by deleting the words “required by Part II of these Regulations as” and substituting the words “specified in the National Civil Aviation Security Training Programme, required under these Regulations or”;

(c) by inserting after subregulation (2) the following subregulations:

“ (3) An aircraft operator shall not use any person as an—

(a) Aviation Screening Officer to perform any screening functions unless, within the preceding twelve months, that person has successfully completed the security training specified in the National Civil Aviation Security Training Programme and was tested and certified by the Authority;

(b) Aviation Security Officer to perform any aviation security functions unless, within the preceding twelve months, such person has satisfactorily completed security training specified in the National Civil Aviation Security Training Programme or as specified in his approved Aircraft Operator Security Programme; or

(c) Aviation Security Instructor to deliver the security training specified in the National Civil Aviation Security Training Programme or his approved Aircraft Operator Security Programme unless, within the preceding twelve months, such person has met the basic qualifications for those duties as specified by the Authority and has been assessed and certified by the Authority.

(4) An aircraft operator shall develop and implement aviation security training programmes to meet the requirements of the National Civil Aviation Security Training Programme and any other training required under these Regulations.

(5) An aviation security training programme under subregulation (4) shall be submitted to the Authority for review and subsequent approval.

(6) Subregulations (3)(c) and (4) shall not apply to any qualified person or organization outside Trinidad and Tobago providing professional aviation education recognized by the Authority.”.

44. Regulation 60 of the Regulations is amended—

Regulation 60
amended

(a) by renumbering subregulations (1), (2), (3), (4), (5), (6), (7) and (8) as subregulation (4), (5), (6), (7), (8), (9), (10) and (11) respectively;

(b) inserting before subregulation (4) as renumbered, the following subregulations:

“ (1) An aircraft operator shall employ a suitably qualified person within its organization as a Security Co-ordinator to be responsible for the management and co-ordination of the implementation of security controls for his operations.

(2) An aircraft operator shall designate, in his approved Aircraft Security Programme, the Security Co-ordinator as the primary contact of the aircraft operator for all aviation security-related activities and communications with the Director General, and who shall be available at all times.

(3) The Security Co-ordinator shall be responsible for the development, maintenance and implementation of the Aircraft Operator Security Programme required under these Regulations.”;

(c) in subregulation (4) as renumbered—

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

“(A) these Regulations;”;

(ii) by deleting paragraph (b)(ii)(A) and substituting the following sub-subparagraph:

“(A) these Regulations.”;

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

“ (5A) An aircraft operator shall not use any person to perform any required screening function, unless such person—

(a) meets the basic selection criteria and qualifications for such duties prior to being assigned to conduct screening function;

(b) meets the training standards for aviation screening officers established by the Authority and where appropriate, by the International Civil Aviation Organization; and

(c) is properly trained, examined, tested and certified by the Authority.”;

(e) in subregulation (6)(d), by inserting after the words “security training required by the” the words “national civil aviation security programme and the approved”;

(f) in subregulation (7), by inserting after the words “person is closely supervised” the words “by a qualified person”;

(g) in subregulation (8), by inserting after the words “remedial training specified in” the words “ the national civil aviation security training programme and”; and

(h) by inserting after subregulation (8) the following subregulation:

“ (8A) An aircraft operator shall ensure that screening officers are rotated regularly among the positions during a tour of duty. No screening officer shall be required to scrutinize X-ray images continually for more than 20 minutes and shall not resume this duty again for a further 40 minutes.”.

Regulation 61
amended

45. Regulation 61(1) of the Regulations is amended in—

(a) paragraph (d), by inserting after the words “unauthorized interference after acceptance” the words “from the point security controls are applied until departure of the aircraft”;

(b) paragraph (e), by inserting after the words “properly recruited and trained by him” the words “in accordance with his approved Regulated Agent Security Programme”; and

- (c) paragraph (f), by inserting after the words “designate a person” the words “as Security Co-ordinator”.
46. Regulation 62 of the Regulations is amended— Regulation 62 amended
- (a) in subregulation (2), by deleting the words “security declaration” and substituting the words “Security Declaration”;
- (b) in subregulation (4), by deleting the word “provide” and substituting the word “require”; and
- (c) in subregulation (5), by deleting the words “airway bill” and substituting the words “air waybill”.
47. Regulation 63 of the Regulations is amended in subregulation (5), by deleting the words “airway bill” and substituting the words “air waybill”. Regulation 63 amended
48. Regulation 65 of the Regulations is amended in— Regulation 65 amended
- (a) paragraph (1)(b)(i), by inserting after the words “against unlawful interference” the words “from the point where security controls are applied”; and
- (b) subregulation (2), by deleting the words “security declaration” and substituting the words “Security Declaration”.
49. Regulation 67 of the Regulations is amended— Regulation 67 amended
- (a) in the centre heading by deleting the words “Procedures for the”;
- (b) by inserting after subregulation (1) the following subregulation:
- “ (2) An aircraft operator, aerodrome operator, catering operator, regulated agent or person authorized to access information, records or documents shall—
- (a) take every possible measure to safeguard such information, records or documents against unauthorized access; and
- (b) not disclose such information, records or documents to any person who do not have a need to know, on the basis of his functions.
- (3) An aircraft operator, aerodrome operator, regulated agent and catering operator shall not

release his approved Security Programme required under these Regulations to any person outside his organization without authorization from the Director General.”.

Regulation 67A amended 50. The Regulations are amended by inserting after regulation 67, the following regulation:

“Quality control

Quality control

67A. (1) The Director General shall—

- (a) ensure that a national civil aviation security control programme is developed, implemented and maintained to satisfy the requirements of the Act or regulations made thereunder to determine and validate the effectiveness of the national civil aviation security control programme;
- (b) ensure that the implementation of civil aviation security measures in Trinidad and Tobago is regularly subjected to verification of compliance with the national civil aviation security control programme;
- (c) arrange for security audits, tests, surveys and inspections to be conducted on a regular basis to verify compliance with the Act or regulations made thereunder and determine and validate the effectiveness of the national civil aviation security programme; and
- (d) ensure the rapid and effective rectification of any deficiencies or non-compliance identified during a security audit, test, survey or inspection.

(2) The Director General shall ensure the priority and frequency of monitoring under subregulation (1)(b) is based on a security risk assessment.”.

Regulation 68 amended 51. Regulation 68 of the Regulations is amended by deleting the words “, preventing unlawful interference with” and substituting the

words “and air navigation facilities, preventing unlawful interference against”.

52. Regulation 69 of the Regulations is amended—

Regulation 69
amended

(a) in subregulation (1), by inserting after the words “catering operator or regulated agent” the words “or any person who provides a service to a national aircraft operator”;

(b) in subregulation (2)—

(i) by inserting after the words “catering operator or regulated agent” the words “or any person who provides a service to a national aircraft operator”; and

(ii) by deleting the word “Authority” and substituting the words “Director General”;

(c) in subregulation (3)—

(i) by inserting after the words “catering operator or regulated agent” the words “or any person who provides a service to a national aircraft operator”; and

(ii) in paragraph (a), by deleting the word “Authority” and substituting the words “Director General”; and

(d) in subregulation (6), by deleting the word “Authority” and substituting the words “Director General”.

53. Regulation 70 of the Regulations is amended by inserting after subregulation (3), the following subregulation:

Regulation 70
amended

“ (4) This regulation shall not apply to—

(a) uniformed members of the protective services and armed forces of Trinidad and Tobago; and

(b) the Director General and Inspectors of the Authority on official duties at an aerodrome where appropriate identification or credentials of those persons have been verified by an aviation security officer or aviation screening officer.”.

54. Regulation 71 of the Regulations is amended—

Regulation 71
amended

(a) in subregulation (4), by inserting after the words “aviation security officer” the words “or aviation screening officer,”; and

(b) by inserting after subregulation (4), the following subregulation:

“ (4A) A person shall not knowingly communicate false information by any means that will or is likely to jeopardize the safety of an aircraft in flight or on the ground, or passengers, crew, ground personnel or the general public, at an aerodrome or on the premises of a civil aviation facility.”.

Regulation 72
amended

55. Regulation 72 of the Regulations is amended in subregulation (1), by inserting after the words “a restricted area” the words “or security restricted area”.

Made by the Civil Aviation Authority this 27th day of March, 2008.

R. LUTCHMEDIAL
Civil Aviation Authority

Approved by the Minister of Works and Transport this 27th day of March, 2008.

C. IMBERT
Minister of Works and Transport

Laid in the House of Representatives this _____ day of _____, 2008.

Clerk of the House

Laid in the Senate this _____ day of _____, 2008.

Clerk of the Senate