

FIRST SCHEDULE

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SUBPART A: GENERAL**1.001 APPLICABILITY OF THESE SCHEDULES**

- (a) These Schedules provide specific technical safety requirements prescribed by the Minister in support of these Regulations to ensure that operations in Jamaica meet the international standards for aviation safety for registration of aircraft, maintenance of aircraft, personnel licensing and operations of aircraft in general aviation, aerial work and commercial air transport activities.
- (b) Each Schedule shall, as indicated in the particular Schedule, apply to all persons operating or maintaining the following -
 - (1) Jamaican-registered aircraft;
 - (2) aircraft registered in another Contracting State that are operated by a person licensed by Jamaica, and must be maintained in accordance with the standards of the aircraft State of Registry, wherever that maintenance is performed;
 - (3) aircraft of other Contracting States operating in Jamaica.
- (c) Schedule requirements addressing general matters establish minimum standards for all aircraft operated in Jamaica. Specific requirements applicable to the holder of a certificate shall apply if they appear to be in conflict with a more general Schedule requirement.

1.005 ORGANIZATION OF SCHEDULES (EXCEPT THE SECOND SCHEDULE)

- (a) These Schedules are subdivided into five hierarchical categories —
 - (1) Schedule refers to the primary subject area.
 - (2) Subpart refers to any subdivision of a Schedule.
 - (3) Section refers to any subdivision of a Subpart.
 - (4) Subsection refers to the title of a regulation and can be a subdivision of a Subpart or Section.
 - (5) paragraph refers to the text describing the regulations. All paragraphs are outlined alphanumerically in the following hierarchical order: (a), (1), (i), (A), (aa).
- (b) Definitions used throughout these Schedules are organized as follows —
 - (1) definitions applicable to two or more Schedules appear in this Schedule;
 - (2) definitions applicable only to one Schedule appear at the beginning of that Schedule; and
 - (3) definitions contained in the Civil Aviation Act of Jamaica take precedence wherever there may be duplication of definitions appearing in these Schedules.
- (c) Acronyms used within each Schedule are defined at the beginning of those Schedules and if a definition is supplied, a note will indicate the Schedule where the definition is located.
- (d) Notes appear in subsections to provide exceptions, explanations and examples of individual requirements.
- (e) Subsections may refer to Appendices, which provide detailed requirements that support the purpose of the subsection, and where specifically referenced by the subsection, gain the legal force and effect of the referring subsection. Under the rules of construction, the term "Appendix" is applied to these supplementary requirements.

1.015 DEFINITIONS

For the purpose of these Schedules, the following definitions shall apply —

- (1) **"acceptable to the Authority"**. Where used in these Schedules, identifies documents, portions of documents, formal procedures, facilities, equipment, or personnel that must be found satisfactory by a technical review of the Authority prior to use in aviation;
- (2) **"accountable manager"**. The manager who exercises authority on behalf of the Authority for ensuring that all prescribed actions are performed to the standard required by the Authority. When authorized by the Authority, the accountable manager may re-delegate all or part of his

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- or her authority in writing to another person within in the organization, who becomes the accountable manager for the matters delegated;
- "aerodrome"**. means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing, manoeuvring and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing, manoeuvring and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;
- (3) **"aerobatic flight"**. Manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude or an abnormal variation in speed;
- (4) **"aerodrome traffic"**. All traffic on the movement area of an aerodrome and all aircraft operating at or in the vicinity of the aerodrome;
- (5) **"aeronautical experience" (Pilots)**. Pilot time obtained in an aircraft, approved flight simulator, or approved flight-training device for meeting the training and flight time requirements of these Regulations;
- (6) **"aeronautical product"**. Any aircraft, aircraft engine, propeller, or subassembly, appliance, material, part, or component to be installed thereon;
- (7) **"aeroplane"** also known as airplane. A power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight
- (8) **"aircraft"**. Any machine that can derive support in the atmosphere from the reactions of the air other than reactions of the air against the earth's surface;
- (9) **"aircraft category"**. Classification of aircraft according to specified basic characteristics (e.g., aeroplane, helicopter, glider, free balloon);
- (10) **"aircraft component"**. Any component part of an aircraft up to and including a complete power plant and/or any operational/emergency equipment;
- (11) **"aircraft flight manual"**. A manual produced by an aircraft manufacturer that contains information in respect of the operation of an aircraft;
- (12) **"aircraft maintenance engineer" (AME)**. A person issued an Aircraft Maintenance Engineer Licence by the Authority to perform defined maintenance upon aeronautical products; the term "aircraft maintenance engineer" as used herein may also include persons similarly qualified by other Contracting States and referred to as "licensed mechanic," "certificated (or certified) mechanic," or by other terms, all of which mean an aircraft maintenance licence (as per ICAO Annex 1) holder;
- (13) **"aircraft type"**. All aircraft of the same basic design including all modifications thereto, except those modifications which result in a change in handling or flight characteristics;
- (14) **"airframe"**. The fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces (including rotorcraft rotors but excluding propellers and rotating airfoils of a power plant), and landing gear of an aircraft and their accessories and controls;
- (15) **"air operator"**. The holder of an Air Operator Certificate issued pursuant to the Twelfth Schedule;
- (16) **"airship"**. A power driven, lighter-than-air aircraft;
- (17) **"air show"**. An aerial display or demonstration before an invited assembly of persons by one or more aircraft;
- (18) **"air time"**. With respect to keeping technical records, the time from the moment an aircraft leaves the surface until it comes into contact with the surface at the next point of landing;
- (19) **"air traffic advisory services"**. The provision by an air traffic services unit of aeronautical safety information, including aviation weather information and serviceability reports in respect of aerodromes and radio navigation aids, but not including the provision of IFR air traffic control messages;
- (20) **"air traffic control" (ATC)**. A service that promotes the safe, orderly, and expeditious flow of air traffic including enroute, approach, departure and manoeuvring on the ground;
- (21) **"air traffic control clearance"**. An authorization issued by an air traffic control unit that permits an aircraft to proceed within controlled airspace in accordance with the conditions specified by that unit;
- (22) **"air traffic control facility"**. A building holding the persons and equipment responsible for providing ATC services (e.g., airport tower, approach control, centre);

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- (23) **"air traffic services unit"**. A unit providing air traffic control or air traffic advisory services;
- (24) **"air traffic control instruction"**. Means a directive issued by an air traffic control unit for air traffic control purposes;
- (25) **"airway"**. The airspace within the boundaries or along the tracks specified in the *AIP Jamaica*, or equivalent foreign publication, and within which air traffic control service is provided;
- (26) **"airworthiness data"**. Any information necessary to ensure that an aircraft or aircraft component can be maintained in a condition such that airworthiness of the aircraft, or serviceability of operational and emergency equipment, as appropriate, is assured;
- (27) **"Airworthiness Directive"**. An instruction issued by a civil aviation authority responsible for an aeronautical product type design, or manufacture, or by the Authority that mandates a maintenance or operation action to ensure that an aeronautical product conforms to its type design;
- (28) **"airworthiness limitation"**. A limitation applicable to an aeronautical product, in the form of a life limit or a maintenance task that is mandatory as a condition of the Type Certificate;
- (29) **"airworthy"**. In respect of an aeronautical product, means in a condition fit for flight and in conformity with its type design;
- (30) **"alternate aerodrome"**. An aerodrome to which a flight may proceed because landing at the intended aerodrome of destination has become inadvisable;
- (31) **"appliance"**. Any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, power plant, or propeller;
- (32) **"approval"**. A formal instrument issued by the Authority based on a prior technical evaluation that authorizes the use of documents, portions of documents, or formal procedures in aviation;
- (33) **"approved by the Authority"**. As used in these Schedules, this phrase identifies a document, person, facility, policy or procedure for which there must be a formal instrument issued prior to their use in aviation;
- (34) **"approved maintenance organization" (AMO)**. An organization approved to perform specific aircraft maintenance activities by the Authority. These activities may include the inspection, overhaul, maintenance, repair and/or modification and release to service of aircraft or aeronautical products;
- (35) **"approved continuous maintenance programme"**. A maintenance programme approved by the State of Registry;
- (36) **"approved standard"**. A manufacturing, design, maintenance, or quality standard approved by the Authority;
- (37) **"approved training"**. Training carried out under special curricula and supervision approved by the Authority;
- (38) **"apron"**. A part of an aerodrome, other than the manoeuvring area, that is intended to be used for the loading and unloading of passengers and cargo, the refuelling, servicing, maintenance and parking of aircraft and the movement of aircraft, vehicles and persons engaged in services necessary for those purposes;
- (39) **"Authority"**. "Authority" includes the Director General, Deputy Director General, as well the Director of Flight Safety and the Inspectors of the Flight Safety Division of the Jamaica Civil Aviation Authority.
- (40) **"authorization"**. A formal instrument issued by a civil aviation authority based on a technical evaluation that officially conveys to the holder certain privileges in aviation under the Civil Aviation Law, Regulations and Schedules;
- (41) **"authorized by the Authority"**. This phrase identifies a requirement that involves a technical evaluation and the issuance of a formal instrument;
- (42) **"authorized instructor"**. A person who —
 holds a current flight instructor rating issued under the Eighth Schedule when conducting flight training;
 is authorized by the Authority to provide ground training under the Eighth or Ninth Schedules;
 or
 has been authorized by the Authority or an AOC holder, under an approved training programme, to conduct ground or flight training for licensed pilots;
- (43) **"balloon"**. A non-power-driven lighter-than-air aircraft;
- (44) **"category"**.

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- (i) when used in reference to flight crew licensing means the classification of an aircraft as an aeroplane, a balloon, a glider, a gyroplane, a helicopter or an ultra-light aeroplane;
 - (ii) when used in reference to an aircraft, means the certification basis of the aircraft such as normal, utility, aerobatic, commuter or transport; and
 - (iii) when used in reference to the issuance of a Jamaican Certificate of Airworthiness, means the intended use of the aircraft such as private, commercial (cargo), or commercial (passenger and cargo);
- (45) **"category II (CAT II) operations"**. With respect to the operation of aircraft, means a straight-in ILS approach to the runway of an airport under a Category II ILS instrument approach procedure issued by the Authority or other competent authority;
- (46) **"category III (CAT III) operations"**. With respect to the operation of aircraft, means an ILS approach to, and landing on, the runway of an airport using a Category III ILS instrument approach procedure issued by the Authority or other competent authority;
- (47) **"centre-line thrust aeroplane"**. An aeroplane that derives its power from two power plants aligned on the centre axis of the aeroplane;
- (48) **"certificate"**. A formal instrument issued by a Civil Aviation Authority that authorizes the holder to perform the aviation activities identified in the document;
- (49) **"certifying staff"**. Those personnel who are authorized by the Approved Maintenance Organization or AOC holder in accordance with a procedure acceptable to the Authority to certify aircraft or aircraft components for release to service;
- (50) **"check airman"**. A person authorized by the Authority to conduct specific flight checks required for the issuance of a licence or rating or to conduct proficiency checks as required by these Regulations. Such persons shall be designated as either a company check pilot (CCP) or a designated flight test examiner (DFTE);
- (51) **"Class"**. In relation to the classification of aeroplanes means –
- (i) single-engine land aircraft;
 - (ii) single-engine sea aircraft;
 - (iii) multi-engine land aircraft;
 - (iv) multi-engine sea aircraft;
 - (v) centre-line thrust land aeroplanes; and
 - (vi) centre-line thrust sea aeroplanes;
- (52) **"commercial air transport"**. An aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;
- (53) **"company check pilot"**. A check airman approved in accordance with the *Company Check Pilot Manual* to conduct flight tests on pilots of an AOC holder as required by the Fourteenth Schedule;
- (54) **"contracting states"**. All States that are signatories to the Convention on International Civil Aviation (Chicago Convention);
- (55) **"course"**. A programme of instruction to obtain an airman licence, rating, qualification, authorization or currency;
- (56) **"courseware"**. Instructional material developed for each course or curriculum, including lesson plans, flight event descriptions, computer software programmes, audio-visual programmes, workbooks, and handouts;
- (57) **"crew resource management"**. A programme designed to improve the safety of flight operations by optimising the safe, efficient and effective use of human resources, hardware and information through improved crew communication and co-ordination;
- (58) **"critical engine"**. The engine the failure of which would most adversely affect the performance or handling qualities of the aircraft;
- (59) **"cross-country time"**. That time a pilot spends in flight in an aircraft which includes a landing at a point other than the point of departure and, for the purpose of meeting the cross-country time requirements for a private pilot licence (except with a rotorcraft rating), commercial pilot licence or an instrument rating, includes a landing at an aerodrome that must be a straight-line distance of more than 50 nautical miles from the original point of departure;
- (60) **"day"**. The period of time beginning one-half hour before sunrise and ending one-half hour after sunset;
- (61) **"decision height"**. The height specified in the *AIP Jamaica* or equivalent document issued or approved for use by the appropriate foreign authority at which a missed approach procedure

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shall be initiated during a precision approach if the required visual reference necessary to continue the approach to land has not been established;

- (62) **"Designated Flight Test Examiner"**. A check airman approved in accordance with the *Designated Flight Test Examiner Manual* to conduct flight tests as required by the Eighth Schedule for the issuance of a pilot licence or rating;
- (63) **"designation"**. A formal instrument issued by the Authority, based on a technical evaluation process, that authorizes the holder to act on behalf of the Authority in the performance of the functions identified in the document;
- (64) **"designated by the Authority"**. This phrase identifies a requirement that requires a technical evaluation process and a formal instrument issued by the Authority before a person may be used for a specific function in aviation;
- (65) **"dual instruction time"**. Flight time during which a person is receiving flight instruction from a properly authorized flight instructor on board an aircraft;
- (66) **"empty weight"**. In respect of an aircraft, means the total weight of the following parts or contents that are part of, or carried on board the aircraft, namely –
- (i) the airframe, including the rotor in the case of a helicopter or gyroplane;
 - (ii) the power plant;
 - (iii) the fixed ballast;
 - (iv) the unusable fuel;
 - (v) the maximum amount of normal operating fluids, including oil, de-icing and anti-icing fluid but not including potable water, lavatory pre-charge fluid or fluid for injection into the engines; and
 - (vi) all if the installed equipment;
- (67) **"flight authority"**. A Certificate Of Airworthiness, Special Certificate Of Airworthiness, Flight Permit or validation of a foreign document attesting to an aircraft's fitness for flight, issued pursuant to the Fifth Schedule;
- (68) **"flight crewmember"**. A licensed crewmember charged with duties essential to the operation of an aircraft during flight time;
- (69) **"flight simulator"**. A device that –
- (i) is a full-size aircraft cockpit replica of a specific type of aircraft, or make, model and series of aircraft;
 - (ii) includes the hardware and software necessary to represent the aircraft in ground operations and flight operations;
 - (iii) uses a force cueing system that provides cues at least equivalent to those cues provided by a 3 degree freedom of motion system;
 - (iv) uses a visual system that provides at least a 45 degree horizontal field of view and a 30 degree vertical field of view simultaneously for each pilot; and
 - (v) has been evaluated, qualified and approved by the Authority;
- (70) **"flight time"**. The total time from the moment an aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight.

(Note: Flight time as here defined is synonymous with the term "block-to-block" time or "chock-to-chock" time in general usage, which is measured from the time an aircraft moves from the loading point until it stops at the unloading point);

- (71) **"flight training equipment"**. Flight simulators, flight training devices, and aircraft;
- (72) **"flight training device"**. A device that –
- (i) is a full-size replica of the instruments, equipment, panels and controls of an aircraft, or set of aircraft, open or in an enclosed cockpit, including the hardware and software for the systems installed, that is necessary to simulate the aircraft in ground and flight operations;
 - (ii) need not have a force (motion) cueing or visual system; and
 - (iii) has been evaluated, qualified and approved by the Authority;

(Note: A set of aircraft are those that share similar performance characteristics, such as similar airspeed and altitude operating envelopes, similar handling characteristic and the same number and type of propulsion systems);

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- (73) **"flight training"**. Training, other than ground training, received from an authorized instructor in flight in an aircraft;
- (74) **"glider"**. A non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces, which remain, fixed under given conditions of flight;
- (75) **"gyroplane"**. A heavier-than-air aircraft that derives its lift in flight from aerodynamic reactions on one or more non-power driven rotors on substantially vertical axes;
- (76) **"helicopter"**. A heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axis, and includes -
- (i) **"Class 1 helicopter"**. A helicopter with performance such that, in case of critical engine failure, it is able to land on the rejected take-off area or safely continue the flight to an appropriate landing area, depending on when the failure occurs;
 - (ii) **"Class 2 helicopter"**. A helicopter with performance such that, in case of critical engine failure, it is able to safely continue the flight, except when the failure occurs prior to a defined point after take-off or after a defined point before landing, in which case a forced landing may be required;
 - (iii) **"Class 3 helicopter"**. A helicopter with performance such that, in case of engine failure at any point in the flight profile, a forced landing must be performed;
- (77) **"heliport"**. An aerodrome used or intended to be used for the arrival, landing, take-off or departure of aircraft capable of vertical take-off and landing;
- (78) **"high performance aircraft"**. With respect to a rating, means an aircraft that, in accordance with its Type Certificate, requires only one pilot and that has a maximum speed (Vne) of an indicated airspeed of 250 knots or greater or a stall speed (Vso) of an indicated airspeed of 80 knots or greater;
- (79) **"inspection"**. The examination of an aircraft or aeronautical product to establish conformity with a standard approved by the Authority;
- (80) **"instrument approach"**. The orderly positioning of an IFR aircraft from the *en route* phase to a position and altitude relative to a runway or aerodrome from which a landing may be completed or a missed approach procedure may be initiated;
- (81) **"instrument meteorological conditions" (IMC)**. The meteorological conditions less than the minima specified in the Tenth Schedule, Subpart J for visual meteorological conditions;
- (82) **"instrument time"**. Time in which cockpit instruments are used as the sole means for navigation and control. Categories of instrument time are -
- (i) **"instrument ground time"**. The time during which a pilot is practising, on the ground, simulated instrument flight in a synthetic training device approved by the Authority;
 - (ii) **"instrument flight time"**. The time during which a pilot is piloting an aircraft solely by reference to instruments and without external reference points, whether in actual instrument meteorological conditions or by simulation through the use of a hood or other visually limiting device;
- (83) **"instrument training"**. Training which is received from an authorized instructor under actual or simulated instrument meteorological conditions;
- (84) **"knowledge test"**. A test on the aeronautical knowledge areas required for an airman licence or rating that can be administered in written form or by a computer;
- (85) **"licence"**. A formal instrument issued by a Civil Aviation Authority that authorizes the holder to perform the functions identified on the document, subject to the applicable privileges and limitations;
- (86) **"large aircraft"**. An aircraft having a maximum certified takeoff mass of 5,700 kg. (12,500 lbs.) or more;
- (87) **"maintenance"**. The tasks required to ensure the continued airworthiness of an aircraft or aeronautical product including any one or combination of overhaul, repair, inspection, replacement, modification, and defect rectification;
- (88) **"maintenance release"**. A document containing a certification that inspection and maintenance work has been performed satisfactorily in accordance with the methods prescribed by the Authority;
- (89) **"manoeuvring area"**. That part of an aerodrome, other than an apron, that is intended to be used for the take-off and landing of aircraft and for the movement of aircraft associated with take-off and landing;

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- (90) **"minimum descent altitude" (MDA)**. The altitude above sea level specified in the *AIP Jamaica* or equivalent document issued or approved for use by the appropriate foreign authority for a non-precision approach, below which descent shall not be made until the required visual reference to continue the approach to land has been established;
- (91) **"minimum en route altitude" (MEA)**. The lowest altitude above sea level that is specified in the *AIP Jamaica* or equivalent document issued or approved for use by the appropriate foreign authority for a designated area or between fixes on airways or air routes, that assures acceptable navigational signal coverage and that meets the obstruction clearance criteria;
- (92) **"Minimum Equipment List" (MEL)**. A list approved by the Authority which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the Master Minimum Equipment List established for the aircraft type by the aircraft manufacturer, and approved by the State of Design;
- (93) **"minimum obstruction clearance altitude" (MOCA)**. The altitude above sea level that will ensure that an IFR aircraft will be clear of the highest obstacle within an airway or air route;
- (94) **"movement area"**. A part of an aerodrome that is intended to be used for the surface movement of aircraft, and includes the manoeuvring area and aprons;
- (95) **"night"**. See Civil Aviation Regulations 2004, Paragraph 4, Interpretation;
- (96) **"non-precision approach"**. An instrument approach by an aircraft using azimuth information;
- (97) **"operational control"**. The exercise of authority over the initiation, continuation, diversion or termination of a flight in the interest of the safety of the aircraft and the regularity and efficiency of the flight;
- (98) **"operational empty weight"**. In respect of an aircraft, means the empty weight plus the weight of the flight crewmembers and their customary equipment such as navigation bags;
- (99) **"operator"**. In respect of an aircraft, means the person who has possession of the aircraft as owner, lessee or otherwise;
- (100) **"owner"**. In respect of an aircraft, means the person who has legal custody and control of the aircraft;
- (101) **"pilot time"**. That time a person -
- (i) serves as a required pilot;
 - (ii) receives training from an authorized instructor in an aircraft, approved flight simulator or approved flight training device; or
 - (iii) gives training as an authorized instructor in an aircraft, approved flight simulator or approved flight training device;
- (102) **"powered-lift"**. A heavier-than-air aircraft capable of vertical takeoff, vertical landing, and low speed flight that depends principally on engine-driven lift devices or engine thrust for lift during these flight regimes and on non-rotating airfoil(s) for lift during horizontal flight;
- (103) **"power plant"**. An engine that is used or intended to be used for propelling aircraft. It includes turbo-superchargers, appurtenances and accessories necessary for its functioning, but does not include propellers;
- (104) **"practical test"**. A competency test on the areas of operations for a licence, certificate, rating or authorization that is conducted by having the applicant respond to questions and demonstrate manoeuvres in flight, in an approved flight simulator or in an approved flight training device, or in a combination of these;
- (105) **"precision approach"**. An instrument approach by an aircraft using azimuth and glide path information;
- (106) **"pre-flight inspection"**. The inspection carried out before flight to insure that the aircraft is fit for the intended flight;
- (107) **"prescribed by the Authority"**. This phrase denotes a requirement where the Authority may, through Appendix, Directive, Manual, Flight Safety Notification or other means, outline the steps and standards necessary to meet the requirement;
- (108) **"propeller"**. A device for propelling an aircraft that has blades on a power plant driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation. It includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of power plants;
- (109) **"quick donning mask"**. An oxygen mask that can be secured by a person using one hand on the person's face within five seconds, and that provides an immediate supply of oxygen;

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- (110) **"rating"**. An authorization entered on or associated with a licence or certificate and forming part thereof, stating special conditions, privileges or limitations pertaining to such licence or certificate;
- (111) **"repair"**. The restoration of an aircraft/aeronautical product to a serviceable condition in conformity with an approved standard;
- (112) **"required visual reference"**. In respect of an aircraft on an approach to a runway, means that portion of the approach area of the runway or those visual aids that, when viewed by the pilot of the aircraft, enable the pilot to make an assessment of the aircraft position and rate of change of position, in order to continue the approach and complete a landing;
- (113) **"second-in-command"**. A licensed pilot serving in a piloting capacity other than as pilot-in-command, who is designated as second-in-command and who meets the second-in-command requirements of the Tenth Schedule of these Regulations;
- (114) **"sight-seeing operation"**. Aerial work in the course of which passengers are disembarked at the point of departure;
- (115) **"small aeroplane"**. An aeroplane having a maximum certified take-off mass of less than 5,700 kg;
- (116) **"solo flight"**. Flight time during which a student pilot is the sole occupant of the aircraft, or that flight time during which the student acts as a PIC of a gas balloon or an airship requiring more than one flight crewmember;
- (117) **"state of design"**. The Contracting State that approved the original Type Certificate and any subsequent Supplemental Type Certificates for an aircraft, or which approved the design of an aeronautical product or appliance;
- (118) **"state of manufacture"**. The Contracting State, under whose authority an aircraft was assembled, approved for compliance with the Type Certificate and all extant Supplemental Type Certificates, test flown and approved for operation. The state of manufacture may or may not also be the state of design;
- (119) **"state of registry"**. The Contracting State on whose registry an aircraft is entered;
- (120) **"take-off"**. In respect of an aircraft, means the act of leaving a supporting surface, and includes the take-off run and the acts immediately preceding and following the leaving of that surface;
- (121) **"technical log"**. A document carried on an aircraft that contains information to meet ICAO requirements; a technical log contains two independent sections: a journey record section and an aircraft maintenance record section;
- (122) **"training programme"**. Programme that consists of courses, courseware, facilities, flight training equipment, and personnel necessary to accomplish a specific training objective. It may include a core curriculum and a specialty curriculum;
- (123) **"training time"**. The time spent receiving from an authorized instructor flight training, ground training, or simulated flight training in an approved flight simulator or approved flight-training device;
- (124) **"type"** -
- (i) when used in reference to personnel licensing, means a specific make and model of aircraft, including modifications thereto that do not change its handling or flight characteristics, and
 - (ii) when used in reference to the certification of aircraft, means classification of aircraft having similar design characteristics;
- (125) **"type certificate"**. A document issued by the Civil Aviation Authority of the state of manufacture of an aeronautical product certifying that the type design of an aircraft, aircraft engine, aircraft propeller or aircraft appliance meets the applicable standards for that aeronautical product, as recorded in the Type Certificate data sheets;
- (126) **"validation"**. The acceptance of a certificate, licence, approval, designation or authorization issued by another ICAO Contracting State as the primary basis for the Authority's issuance of a certificate, licence, approval, designation or authorization containing the same or more restrictive privileges.

SUBPART B: GENERAL ADMINISTRATIVE RULES**1.025 DISPLAY AND INSPECTION OF LICENCES AND CERTIFICATES****(a) Pilot Licence –**

FIRST SCHEDULE, *contd.*

- (1) to act as a pilot of a civil aircraft of Jamaica registry, a pilot shall have in his or her physical possession or readily accessible in the aircraft a valid pilot licence, validation or special purpose authorization issued under these Regulations;
- (2) to act as a pilot of a civil aircraft of foreign registry within Jamaica, a pilot shall be the holder of a valid pilot licence issued by the State of Registry and have the pilot licence in his or her physical possession or readily accessible in the aircraft;
- (b) Flight Instructor Rating: A person who holds a flight instructor rating shall have that rating, or other documentation acceptable to the Authority, in that person's physical possession or readily accessible in the aircraft when exercising the privileges of that rating;
- (c) Other Airman Licence: A person required by any part of these Regulations to have an airman's licence shall have it in their physical possession or readily accessible in the aircraft or at the work site when exercising the privileges of that licence;
- (d) Medical Certificate: A person required by any Schedule of these Regulations to have a current medical certificate shall have it in their physical possession or readily accessible in the aircraft or at the work site when exercising the privileges of that certificate;
- (e) Aviation Training Organization (ATO) Certificate: Each holder of an ATO certificate shall display that certificate in a place in the school that is normally accessible to the public and that is not obscured;
- (f) Certificate Of Airworthiness: Each owner or operator of an aircraft shall display that certificate in the cabin of the aircraft or at the entrance to the aircraft flight deck;
- (g) Approved Maintenance Organization (AMO) Certificate: Each holder of an AMO certificate shall prominently display that certificate in a place accessible to the public in the principal business office of the AMO;
- (h) Inspection of licence: Each person who holds an airman or crewmember licence, medical certificate or authorization required by these Regulations shall present it for inspection upon a request from –
 - (1) the Authority; or
 - (2) any national or local law enforcement officer.

1.030 CHANGE OF NAME

- (a) A holder of a licence or certificate issued under these Regulations may apply to change the name on a licence or certificate. The holder shall include with any such request —
 - (1) the current licence or certificate; and
 - (2) a copy of the marriage licence, court order or other document verifying the name change.
- (b) The Authority will return to the airman the documents specified in paragraph (a) of this Subsection.

1.035 CHANGE OF ADDRESS

The holder of an airman licence or ATO certificate who has made a change in permanent mailing address may not, after 30 days from that date, exercise the privileges of the licence or certificate unless the holder has notified the Authority in writing of the new permanent mailing address or current residential address if the permanent mailing address includes a post office box number.

1.040 REPLACEMENT OF A LOST OR DESTROYED JCAA- ISSUED DOCUMENT

- (a) An applicant who has lost or destroyed one of the following documents issued under these Regulations shall request a replacement in writing from the licensing office of the JCAA -
 - (1) an airman licence;
 - (2) a medical certificate; or
 - (3) a knowledge test report.
- (b) The airman or applicant shall state in the request letter -
 - (1) the name of the airman or applicant;
 - (2) the permanent mailing address, or if the permanent mailing address includes a post office box number, the person's current residential address;
 - (3) the date and place of birth of the airman or applicant; and
 - (4) any available information regarding the -

FIRST SCHEDULE, *contd.*

- (i) type, number and date of issuance of the licence and any ratings, if applicable;
 - (ii) date of the medical examination, if applicable; and
 - (iii) date the knowledge test was taken, if applicable.
- (c) After receiving a facsimile from the Authority confirming that the lost or destroyed document was issued, an airman may carry the facsimile in lieu of the lost or destroyed document for up to 60 days pending the airman's receipt of a duplicate document.

1.045 FALSIFICATION, REPRODUCTION OR ALTERATION OF REQUIRED DOCUMENTS

- (a) No person may make or cause to be made concerning any licence, certificate, rating, qualification or authorization issued under these Regulations, an application for or duplicate thereof, containing -
- (1) any fraudulent or intentionally false statement;
 - (2) any fraudulent or intentionally false entry in any logbook, record or report that these Regulations require, or used to show compliance with any requirement of these Regulations;
 - (3) any reproduction for fraudulent purpose; or
 - (4) any alteration;
- (b) Any person who commits any act prohibited under paragraph (a) of this Subsection may have his airman licence, rating, certificate, qualification, or authorization revoked or suspended.

1.050 SURRENDER, SUSPENSION, OR REVOCATION OF LICENCE OR CERTIFICATE

- (a) Any licence or certificate issued under these Regulations ceases to be effective if it is surrendered, suspended, or revoked.
- (b) The holder of any licence or certificate issued under these Regulations that has been suspended or revoked shall return that licence or certificate to the Authority when requested to do so by the Authority.

1.055 REAPPLICATION AFTER REVOCATION

Unless otherwise authorized by the Authority, a person whose licence, certificate, rating or authorization has been revoked may not apply for any licence, certificate, rating or authorization for 1 year after the date of revocation.

1.060 REAPPLICATION AFTER SUSPENSION

Unless otherwise authorized by the Authority, a person whose licence has been suspended may not apply for any licence, rating or authorization during the period of suspension.

1.065 VOLUNTARY SURRENDER OR EXCHANGE OF LICENCE

- (a) The holder of a licence or certificate issued under these Regulations may voluntarily surrender it for -
- (1) cancellation;
 - (2) issuance of a lower grade licence; or
 - (3) another licence with specific ratings deleted.
- (b) An applicant requesting voluntary surrender of a licence shall include the following signed statement or its equivalent: "This request is made for my own reasons, with full knowledge that my (insert name of licence or rating, as appropriate) may not be reissued to me unless I again meet the requirements prescribed by the Authority for its issuance."

1.070 PROHIBITION OF PERFORMANCE DURING MEDICAL DEFICIENCY

A person who holds a current medical certificate issued under these Regulations shall not act in a capacity for which that medical certificate is required while that person -

- (1) knows or has reason to know of any medical condition that would make the person unable to meet the requirements for the required medical certificate; or
- (2) is taking medication or receiving other treatment for a medical condition that results in the person being unable to meet the requirements for the required medical certificate.

1.075 DRUG AND ALCOHOL TESTING AND REPORTING

- (a) An employee who performs any function requiring a licence, rating, qualification or authorization prescribed by these Regulations directly or by contract for the holder of a certificate issued by the Authority or refuses to take a drug test as required under these Regulations, may -

FIRST SCHEDULE, *contd.*

- (1) be denied any licence, certificate, rating, qualification or authorization for a period of up to 1 year after the date of such refusal; and
- (2) have his or her licence, certificate, rating, qualification or authorization issued under these Regulations suspended or revoked.
- (b) Any person subject to these Regulations who is convicted for the violation of any local or national statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation or importation of narcotic drugs, marijuana or depressant or stimulant drugs or substances, may -
 - (1) be denied any licence, certificate, rating, qualification or authorization issued under these Regulations for a period of up to 1 year after the date of final conviction; or
 - (2) have his or her licence, certificate, rating, qualification or authorization issued under these Regulations suspended or revoked.
- (c) Any person subject to these Regulations who refuses to submit to a test to indicate the percentage by weight of alcohol in the blood, when requested by a law enforcement officer or refuses to furnish or to authorize the release of the test results requested by the Authority may —
 - (1) be denied any licence, certificate, rating, qualification or authorization issued under these Regulations for a period of up to 1 year after the date of that refusal; or
 - (2) have his or her licence, certificate, rating, qualification or authorization issued under these Regulations suspended or revoked.

(See Subpart E of this Schedule for Drug and Alcohol Testing Requirements).

SUBPART C: VALIDATION OF CERTIFICATES AND AUTHORIZATIONS**1.080 VALIDATION – GENERAL**

- (a) The Authority may, with prescribed restrictions and after a process of technical evaluation and confirmation, use a certificate, licence approval, designation or authorization issued by another ICAO Contracting State as the basis for the issuance of a certificate, licence approval, designation or authorization containing the same or more restrictive privileges.
- (b) The Authority may not use the process of validation to abdicate its responsibility to ensure that the source documents used are valid and were issued in accordance with applicable ICAO Standards.
- (c) The Authority may conduct any additional test or inspection deemed technically or administratively necessary to confirm the competency of the holder and the validity of the certificate, licence, approval, designation or authorization.
- (d) The Authority will not use a document issued by another ICAO Contracting State through that State's validation process as the primary basis for issuance of a Jamaica certificate.

1.085 TERM OF VALIDITY

- (a) Each certificate, licence, approval, designation or authorization issued by the Authority through a validation process is subject to the same procedures for modification, suspension, revocation or termination applicable to other documents issued by the Authority.
- (b) Except as prescribed in Section 1.110, each certificate, licence, approval, designation or authorization issued by the Authority through a validation process will become invalid when the document used as the basis of issuance becomes invalid, non-current or expires or is suspended or revoked by the ICAO Contracting State that originally issued it.
- (c) The Authority must notify the Authority of the other ICAO Contracting State if, through the processes of certification, inspection, observation or investigation, it determines that the holder of a certificate, licence, approval, designation or authorization issued through the processes of validation is –
 - (1) no longer qualified or competent to hold that document;
 - (2) not in conformance with the applicable ICAO Standards or national Regulations applicable to that document; or
 - (3) engaged in sub-standard practices with respect to the international safety practices relevant to that document.

FIRST SCHEDULE, *contd.***1.090 HOLDERS OF VALIDATED DOCUMENTS**

- (a) No act of validation by the Authority relieves the holder of the certificate, licence, approval, designation or authorization from conformance with these Schedules or the applicable laws of the ICAO Contracting State that issued the original document.
- (b) No act of validation by the Authority relieves the holder of the certificate, licence, approval, designation or authorization from inspection and verification by the Authority for continued competency and conformance with the original basis for issuance.
- (c) The holder of a certificate, licence, approval, designation or authorization issued through the process of validation shall submit to any additional test or inspection deemed technically or administratively required by the Authority to ensure the continued validity and competency of the holder of the certificate, licence, approval, designation or authorization.

1.095 VALIDATION OF TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES

With the exception of Experimental or Restricted Certificates of Airworthiness, all Certificates of Airworthiness issued by the Authority will conform to the Type Certificate and Supplemental Type Certificates issued by the State of Design or Manufacture.

1.100 VALIDATION OF CERTIFICATES OF AIRWORTHINESS

Certificates of Airworthiness issued by the Authority may use as the primary basis for original issuance another ICAO Contracting State's certificate, but the continued validity of the Jamaica Certificate of Airworthiness will not be linked to the other State's certificate.

1.105 VALIDATION OF MEDICAL CERTIFICATES

Medical Certificates issued by the Authority with validation of another ICAO Contracting State's certificate as the primary basis for issuance will be linked to the continued validity of the other State's certificate.

1.110 VALIDATION OF AIRMAN LICENCES AND RATINGS

Airman licences, ratings and limitations issued by the Authority to citizens of Jamaica with validation of another ICAO Contracting State's certificate as the primary basis for issuance will not be linked to the continued validity of the other State's certificate.

1.115 VALIDATION OF AIR OPERATOR CERTIFICATES

Validation will not be used by the Authority as the primary basis for issuance of an Air Operator Certificate to a Jamaican entity engaged in commercial air transport.

1.120 VALIDATION OF APPROVED ORGANIZATIONS

- (a) The holder of an Approved Maintenance Organization Certificate issued by another ICAO Contracting State may be authorized by the Authority to perform maintenance and repair of aircraft registered in Jamaica (or operated by the holder of AOC issued by Jamaica) using as the primary basis the certificate, privileges and limitations issued by the other State.
- (b) The holder of an Approved Training Organization Certificate issued by another ICAO Contracting State may be authorized by the Authority to provide training facilities, equipment, simulators, instructors and examiners to airmen and operators of Jamaica, using as the primary basis the certificate, privileges, designation and limitations issued by the other State.
- (c) Other organizations approved by an ICAO Contracting State may be authorized by the Authority to provide services to airmen and operators of Jamaica, using as the primary basis the certificate, privileges and limitations issued by the other State.
- (d) The authorizations issued to these Approved Organizations by the Authority through the process of validation are linked to the continued validity of the certificates, privileges and limitations issued by the other State.

1.125 VALIDATION OF APPROVALS, AUTHORIZATIONS AND DESIGNATIONS

- (a) Documents, facilities, equipment, training devices and simulators separately approved by an ICAO Contracting State through a technical certification process, and subject to continued inspection or

FIRST SCHEDULE, *contd.*

revalidation, may be separately approved by the Authority for use of airmen and operators in Jamaica, using as the primary basis the approval, privileges and limitations issued by the other State.

- (b) Personnel holding an authorization from an ICAO Contracting State to perform certain functions on behalf of the Authority of that State, based on acceptable technical requirements, qualification processes and subject to continued inspection, may be authorized by the Authority for use of airmen and operators in Jamaica, using as the primary basis the authorization, privileges and limitation issued by the other State.
- (c) Personnel holding a designation from an ICAO Contracting State to perform certain functions on behalf of the Authority of that State, based on acceptable technical requirements, qualification processes and subject to continued inspection, may be designated by the Authority for use of airmen and operators in Jamaica, using as the primary basis the designation, privileges and limitations issued by the other State.
- (d) The approvals, authorizations and designations issued by the Authority through the process of validation are linked to the continued validity of the approvals, authorizations and designations issued by the other State.

SUBPART D: EXEMPTIONS AND DEVIATIONS**1.130 APPLICABILITY**

This Subpart prescribes procedures for the issuance, modification and termination of exemptions or deviations from the requirements of these Schedules as provided in Regulation 86 or 87 of the Civil Aviation Regulations.

1.135 AUTHORITY TO APPROVE EXEMPTIONS AND DEVIATIONS

- (a) The Authority may, in accordance with the procedures contained in this Subpart, approve an exemption or deviation or waiver from the Civil Aviation Regulations.
- (b) No person may authorize an exemption, deviation or waiver from the requirements of the Schedules to the Civil Aviation Regulations except in accordance with these procedures.

1.140 ACTING ON UNACCEPTABLE AUTHORIZATIONS

No person may take, or cause to be taken, an action that contravenes the requirements of the Schedules to the Civil Aviation Regulations unless in personal possession of an exemption or deviation that was issued in accordance with the procedures contained in this Subpart.

1.145 APPLICATION – GENERAL INFORMATION

- (a) Each application must be written in English and -
 - (1) be submitted in duplicate and, for timely consideration, at least 60 days before the requested effective date to the -
 - Director General, Civil Aviation Authority,
 - 4 Winchester Road,
 - Kingston 10,
 - Jamaica.
 - (2) that application must contain, for the applicant, the -
 - (i) name;
 - (ii) street address;
 - (iii) mailing address;
 - (iv) telephone number;
 - (v) fax number (optional);
 - (vi) email address (optional); and
 - (vii) person designated an agent of the applicant for all purposes related to the application.
- (b) If the applicant is not a citizen or legal resident of Jamaica, a designation of a Jamaican agent for service.

FIRST SCHEDULE, *contd.***1.150 APPLICATION – DESCRIPTION OF PROPOSAL**

The application must include the following information as is relevant to the proposal –

- (1) a citation of the specific requirement from which the applicant seeks relief;
- (2) specification of the types of operations that are to be conducted with this relief;
- (3) a detailed description of the proposed alternate requirement to meet an equivalent level of safety in the public interest;
- (4) a specification of the proposed duration or schedule of events for which this relief will be needed;
- (5) a statement outlining the applicant's basis for seeking relief from compliance with the specified requirements and, if the relief is requested for a fixed period, a description of how compliance will be achieved at the end of this period; and
- (6) if the applicant seeks emergency processing, a statement of the supporting facts and reasons that it is an emergency.

1.155 APPLICATION – JUSTIFICATION OF PROPOSAL

(a) The application must demonstrate that the alternative proposal -

- (1) achieves a level of safety at least equal to that of the requirement of the cited Schedule; or
- (2) if a required safety level does not exist, that it is consistent with the public interest.

(b) At a minimum the application must provide the following —

- (1) information describing relevant incidents or accident experience of which the applicant is aware that relates to the application;
- (2) a statement identifying any increased risk to safety or property that may result if the alternative proposal is granted and a description of the measures to be taken to address that risk; and
- (3) substantiation that the argument for public safety and equivalent level of safety is valid.

1.160 PROCESSING THE APPLICATION

The Authority will –

- (1) process the application for completeness and accuracy of the information;
- (2) conduct a technical evaluation of the viability of the proposal;
- (3) if the decision is favourable, publish the proposal, technical evaluation and recommended action for interested parties;
- (4) consider the comments of the interested parties;
- (5) make a final decision as to approval or disapproval of the proposal; and
- (6) if the decision is for approval –
 - (i) issue that decision and approval to the applicant; and
 - (ii) publish that decision in final form for the interested parties.

1.165 TECHNICAL EVALUATION RESULTS

(a) The Authority shall conduct a technical evaluation of the proposed alternative method of compliance.

(b) The person conducting the technical evaluation will author an internal report outlining the findings regarding -

- (1) the need for the relief from the requirement(s);
- (2) whether an equivalent level of safety is possible;
- (3) whether the approval of the alternative method will be in the public interest; and
- (4) recommendations for the final form of a decision.

1.170 PUBLICATION OF PROPOSAL AND TECHNICAL EVALUATION

(a) The Authority shall publish any proposed favourable decision and disseminate this information to -

- (1) persons that have previously registered with the Authority as being interested in any exemption or deviation to the requirements of the Civil Aviation which may be approved;
- (2) persons or organizations that have a similar licence, certificate, operations specifications or other form of approval or authorization that might be affected by the decision.

(b) These persons or organizations shall have a period of thirty days to respond favourably or unfavourably to the proposed decision in order for their comments to be considered.

FIRST SCHEDULE, *contd.***1.175 APPLICATION FOR PARTY STATUS**

- (a) Other persons or organizations may apply for party status to the specific proposal or approved exemption or deviation at any time during or following the processing of the original proposal.
- (b) That application shall be made in accordance with the procedures of this Subpart as if the application is an original application.

1.180 APPROVAL OF THE ALTERNATIVE METHOD OF COMPLIANCE

The approval of the exemption or deviation request shall be granted by the Authority -

- (1) by letter of authorization; or
- (2) by operations specifications.

1.185 DISAPPROVAL OF THE ALTERNATIVE METHOD OF COMPLIANCE

The disapproval of the exemption or deviation request shall be accomplished by a letter of decision issued by the Authority.

1.190 PUBLICATION AND AVAILABILITY OF APPROVED ALTERNATIVE METHOD OF COMPLIANCE

- (a) The Authority shall publish any exemption or deviation granted to one entity if it could be applied to other entities through the issuance or amendment of a Flight Safety Notification to —
 - (1) persons that have previously registered with the Authority as being interested in any exemption or deviation to the requirements of the Civil Aviation which has been granted;
 - (2) persons or organizations that have a similar licence, certificate, operations specifications or other form of approval or authorization; and
 - (3) new applicants for a licence, certificate, operations specifications or related form of approval or authorization.
- (b) The Authority shall publish any exemption or deviation granted that relates to general requirements for the aviation community in the Aeronautical Information Publication of Jamaica.

SUBPART E: DRUG AND ALCOHOL TESTING – EMPLOYEES PERFORMING SAFETY-SENSITIVE FUNCTIONS**1.195 DEFINITIONS**

- (1) "alcohol" means an intoxicating liquor that contains more than 2.5 per cent proof spirits;
- (2) "contractor company" means a company that has employees who perform safety-sensitive functions by contract for an employer;
- (3) "employee" means a person who performs, either directly or by contract, a safety-sensitive function for an employer;
- (4) "employer" means the holder of an approved training organization, aerial work, air operator, or airport operator certificate;
- (5) "notice" means a directive issued to an employee by a company supervisor, personnel officer, flight safety officer or company medical officer requiring an employee to report for a drug or alcohol test, or both, and shall contain the information set out in such *Drug and Alcohol Testing Standards* as may be prescribed (may also be called "the Drug Standards");
- (6) "negative drug test result" means that the test result of a urine sample collected and tested under this Subpart as negative in accordance with the *Drug and Alcohol Testing Standards*;
- (7) "positive drug test result" means that the test result of a urine sample collected and tested under this Part as positive in accordance with the *Drug and Alcohol Testing Standards*;
- (8) "prohibited drug" means marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines, or a metabolite of those drugs;
- (9) "prohibited substance" means a prohibited drug or alcohol concentration of 0.04 or greater in an employee's system;
- (10) "random drug testing" means drug tests carried out on a selected group of employees by the employer in accordance with this Part at non-specific intervals and in accordance with a programme that meets the *Drug and Alcohol Testing Standards*;
- (11) "refusal to submit" means that a person failed to provide a breath or a urine sample as required under this Subpart, without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement to be tested in accordance with this Subpart, or engaged in conduct that clearly obstructed the testing process;

FIRST SCHEDULE, *contd.*

- (12) "reportable incident" as required in the Nineteenth Schedule;
- (13) "safety-sensitive function" means an activity associated with the duties of –
- (i) a flight crewmember;
 - (ii) an aircraft maintenance engineer;
 - (iii) a Cabin Attendant;
 - (iv) a Flight Dispatcher;
 - (v) a person tasked with aircraft maintenance, preventive maintenance or servicing; and
 - (vi) at aerodromes certificated pursuant to the Twenty-first Schedule, a person tasked with, aviation airport security, aviation screening, aircraft refuelling or airport emergency response (fire rescue) services.

1.198 SAFETY SENSITIVE FUNCTION

- (a) For the purposes of this Subpart, an employee is performing the duties of a safety-sensitive function where that person has reported to a place of duty and –
- (1) is about to perform a safety-sensitive function;
 - (2) is performing a safety-sensitive function; or
 - (3) has completed a safety-sensitive function.
- (b) Subject to paragraph (d) of this Subsection, each employee who reports to a place of duty in Jamaica and who performs a safety-sensitive function directly or by contract for an employer shall be tested in accordance with this Schedule.
- (c) Each crew member who performs a safety-sensitive function directly or by contract for an employer certificated pursuant to the Twelfth Schedule shall be tested in accordance with this Schedule.
- (d) An employee is not required to be tested pursuant to this Schedule, where that employee is a resident of a foreign state and is under a contract for a term of 6 months or less or is a resident of a foreign State and is subject to a drug testing programme pursuant to the laws of that State.
- (e) No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater in his system.
- (f) No employee shall consume alcohol while performing a safety-sensitive function.
- (g) No employer shall knowingly allow an employee to perform or continue to perform a safety-sensitive function where –
- (1) that employee is reasonably suspected of having an alcohol concentration of 0.04 or greater in his system; or
 - (2) subject to Subsection 1.235, the employee has refused to submit to an alcohol test required by this Schedule;
- (h) Subject to paragraph (i) of this Subsection, no employer shall knowingly ask any employee to perform, nor may any employee perform for an employer, either directly or by contract, any safety-sensitive function –
- (1) while that employee has a prohibited drug, in his or her system; or
 - (2) where the employee has a verified positive drug test result, except in accordance with the provisions of this Part.
- (i) Subject to Subsection 1.235, an employee may return to duty and perform a safety-sensitive function for an employer where that employee has undergone a recognized drug rehabilitation programme and is assessed as fit to return to duty by a medical physician appointed by the employer.
- (j) The employer shall advise a person applying to perform a safety-sensitive function at the time of application that the person will be required to undergo pre-employment testing to determine the presence of a prohibited drug.
- (k) The employer shall advise each employee that he is subject to drug testing in accordance with this Schedule.
- (l) Each employer shall test each employee who performs a safety-sensitive function for evidence of a prohibited substance in accordance with this Schedule.

FIRST SCHEDULE, *contd.*

- (m) Each employer shall conduct the prohibited substance testing of each employee as required by this Schedule in accordance with the procedures set forth in the *Drug and Alcohol Testing Standards*.
- (n) All records relating to the results of testing under the provisions of this Subpart shall be maintained in confidence and shall be released only in accordance with the provisions of the *Drug and Alcohol Testing Standards*.
- (o) Records concerning drug tests confirmed positive by the laboratory shall be maintained for five (5) years.
- (p) Records of confirmed negative test results shall be maintained for two (2) years.
- (q) All records maintained pursuant to this Subpart are subject to examination by the Authority.

1.205 DRUG AND ALCOHOL TESTING

- (a) An employer shall require the individual to undergo testing for prohibited drug use –
 - (1) prior to the first time an individual performs, or performs under supervision while undergoing instruction, training or testing, a safety-sensitive function for an employer; or
 - (2) prior to an individual returning to performance of a safety-sensitive function after an absence of one year or more.
- (b) No employer shall allow an employee required to undergo pre-employment testing under paragraph (a) of this Subsection to perform a safety-sensitive function unless the employer has received a verified negative drug test report for the individual and that report is available on the employee's file.
- (c) An employer shall require an employee who performs a safety-sensitive function to undergo periodic testing for the presence of a prohibited drug in accordance with this Schedule.
- (d) An employer shall not use an employee in a safety-sensitive function where that employee fails to have the test conducted in the prescribed time period set out in this Subpart.
- (e) Each employer shall test an employee's specimen for the presence of a prohibited substance who performs a safety-sensitive function and who is reasonably suspected of using a prohibited substance in contravention of this Schedule.
- (f) Where an employee is required to be tested pursuant to paragraph (a) of this Subsection, one of the following persons shall concur in the decision to test an employee who is reasonably suspected of using a prohibited substance –
 - (1) the employee's direct supervisor;
 - (2) the company safety officer;
 - (3) where applicable, the company quality control officer; or
 - (4) a company medical officer.
- (g) The decision to test must be based on reasonable and articulated grounds that the employee is using a prohibited substance on the basis of specific observed physical, behavioural or performance indicators of probable drug or alcohol use, and preferably be made by a person who is trained in detection of the symptoms of possible drug and alcohol abuse.
- (h) Where an employee is required to be tested under this section by notice, that employee shall make him or herself available at the designated time and place for the drug or alcohol test as specified by the employer.
- (i) An employee who fails to present himself as required by paragraph (h) of this Subsection shall be deemed to have refused to submit to a drug or alcohol test.

1.210 TESTING PROCEDURE

- (a) Subject to paragraph (d) of this Subsection, wherever the performance of an employee's safety-sensitive duties may have contributed to, or have been a factor in, any accident or reportable aviation incident, the employer shall ensure that the employee is tested for the presence of a prohibited substance in the employee's system as soon as practicable, but in all cases, within the 24 hour-period immediately after the occurrence.

FIRST SCHEDULE, *contd.*

- (b) A decision not to administer a test under this Subsection must be based on a determination, using the best information available at the time of the determination, that the employee's performance could not have contributed to the accident.
- (c) The Authority may direct that any employee in a safety-sensitive function undergo an immediate test for the presence of a prohibited substance following an accident or reportable incident.
- (d) An employer is not required to direct an employee to submit to a test for the presence of a prohibited substance where that employee has been directed to take a test by the Authority pursuant to paragraph (c) of this Subsection.
- (e) Where an employee is required to be tested under this Subsection by notice, that employee shall make himself available, at the designated time and place, for the drug or alcohol test as specified by the Authority or the employer.
- (f) An employee who fails to present himself as required by paragraph (e) of this Subsection shall be deemed to have refused to submit to a drug or alcohol test.

1.215 RETURN TO DUTY

Each employer shall ensure that before an employee is returned to duty to perform a safety-sensitive function after refusing to submit to a drug test required by this Subpart, or who has received a verified positive drug test result on a test conducted under this Subpart, the employee shall first have submitted to a subsequent drug test, where the findings are negative.

1.220 FOLLOW-UP TESTING

- (a) Each employer shall implement a programme of unannounced follow-up testing of each employee who has been hired to perform or who has been returned to the performance of a safety-sensitive function where that employee –
 - (1) has refused to submit to a drug test required by this Subpart; or
 - (2) has a verified positive drug test result on a test conducted under this Subpart.
- (b) An unannounced follow-up testing shall consist of at least three tests in the first twelve months following the employee's return to duty.
- (c) Where an employee is required to be tested under this Subsection by notice, that employee shall make himself available at the designated time and place for the drug test as specified by the employer.

1.225 TEN OR MORE EMPLOYEES

- (a) Subject to paragraph (b) of this Subsection, each employer with ten or more employees in safety sensitive functions shall establish a random drug testing programme, approved by the Authority.
- (b) An employer is not required to include employees who do not hold a licence issued pursuant to the Eighth Schedule in its random drug testing programme where that employee is subject to random testing by another employer in accordance with this Subpart.
- (c) Where an employer is exempted by paragraph (b) of this Subsection from including an employee in its random testing programme, the employer must have a file available on each exempt employee that establishes that the employee is subject to another employer's programme and the date and results of the last random test.
- (d) Where an employee fails to provide the information required by paragraph (c) of this Subsection on the request of an employer, that employee shall be subject to random testing pursuant to paragraph (a) of this Subsection.

1.230 ENFORCEMENT

- (a) An employer shall immediately notify the Authority of any employee who holds a civil aviation document issued under the provisions of the Eighth Schedule who has refused to submit to a drug or alcohol test required under this Subpart.
- (b) A refusal by the holder of a certificate issued under the Eighth Schedule to take a drug or an alcohol test under the provisions of this Subpart is grounds for –

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- (1) denial of an application for renewal of any certificate, rating or authorization which has been issued under the Eighth Schedule for a period of up to one (1) year after the date of such refusal; and
 - (2) suspension or cancellation of any certificate, rating or authorization issued under the Eighth Schedule.
- (c) A suspension issued pursuant to subparagraph (b) (2) of this Subsection shall state the condition for reinstatement of the certificate, rating or authorization.

1.235 PERMANENT DISQUALIFICATION

- (a) An employee who has verified positive drug test results or alcohol tests on two consecutive drug tests required by this Schedule shall be permanently precluded from performing any safety-sensitive function for an employer.
- (b) An employee who has engaged in prohibited drug or alcohol use during the performance of a safety-sensitive function shall be permanently precluded from performing any safety-sensitive function for an employer.

1.240 BREATHALYZER TESTING

- (a) Where an employee is required to provide a breath test sample pursuant to Subsections 1.210 or 1.215, the test may be conducted by a member of the Jamaica Constabulary Force.
- (b) Where an employee is tested pursuant to paragraph (a) of this Subsection, the Jamaica Constabulary Force shall make available a copy of the results of the tests to the Authority and the employee.
- (c) An employee tested pursuant to paragraph (a) of this Subsection shall provide his employer with a copy of the results of the test prior to returning to duty.