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STATUTORY INSTRUMENTS

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**2001 No. 2128**

**The Air Navigation (Overseas Territories) Order 2001**

**PART V**

*Operation of Aircraft*

**Operations manual**

- (a) **31.** (1) (a) Subject to sub-paragraph (b), this article shall apply to public transport aircraft registered in the Territory except aircraft used for the time being solely for flights not intended to exceed 60 minutes in duration, which are either:
- (i) flights solely for training persons to perform duties in an aircraft; or
  - (ii) flights intended to begin and end at the same aerodrome.
- (b) This article shall not apply to an aircraft flying or intended by the operator of the aircraft to fly solely under and in accordance with the terms of a police air operator's certificate.
- (a) (2) (a) The operator of every aircraft to which this article applies shall:
- (i) make available to each member of his operating staff an operations manual;
  - (ii) ensure that each copy of the operations manual is kept up to date; and
  - (iii) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to his duties on the flight.
- (b) (i) Subject to sub-paragraph (ii), each operations manual shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such including in particular information and instructions relating to the matters specified in Part A of Schedule 10 to this Order.
- (ii) The operations manual shall not be required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.
- (a) (3) (a) An aircraft to which this article applies shall not fly unless, not less than 30 days prior to such flight, the operator of the aircraft has furnished to the Governor a copy of the whole of the operations manual for the time being in effect in respect of the aircraft.
- (b) Subject to sub-paragraph (c), any amendments or additions to the operations manual shall be furnished to the Governor by the operator before or immediately after they come into effect.
- (c) Where an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to the Governor.
- (d) Without prejudice to the foregoing sub-paragraphs, the operator shall make such amendments or additions to the operations manual as the Governor may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

(4) For the purposes of this article, article 32, article 58 of and Schedule 10 to this Order, “operating staff” means the servants and agents employed by the operator, whether or not as members of the crew of the aircraft, to ensure that the flights of the aircraft are conducted in a safe manner, and includes an operator who himself performs those functions.

(5) If in the course of a flight on which the equipment specified in Scale O in paragraph 5 of Schedule 4 hereto is required to be provided the said equipment becomes unserviceable, the aircraft shall be operated on the remainder of that flight in accordance with any relevant instructions in the operations manual.

### **Police operations manual**

**32.**—(1) This article shall apply to aircraft flying, or intended by the operator, of the aircraft to fly, under and in accordance with the terms of a police air operator’s certificate.

(2) An aircraft to which this article applies shall not fly except under and in accordance with the terms of Part I and Part II of a police operations manual, Part I of which shall have been approved in respect of the aircraft by the Governor.

- (a) (3) (a) The operator of every aircraft to which this article applies shall:
  - (i) make available to each member of its operating staff a police operations manual;
  - (ii) ensure that each copy of the operations manual is kept up to date; and
  - (iii) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to his duties on the flight.
- (b) Each police operations manual shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such.

(4) The Governor may approve Part I of the police operations manual for the purposes of this article either absolutely or subject to such conditions as he thinks fit.

- (a) (5) (a) An aircraft to which this article applies shall not fly unless, not less than 30 days prior to such flight, the operator of the aircraft has furnished to the Governor a copy of Part II of the police operations manual for the time being in effect in respect of the aircraft.
- (b) Subject to sub-paragraph (c), any amendments or additions to Part II of the police operations manual shall be furnished to the Governor by the operator before or immediately after they come into effect.
- (c) Where an amendment or addition relates to the operation of an aircraft to which the police operations manual did not previously relate, that aircraft shall not fly in the service of the police authority under and in accordance with the terms of a police operator’s certificate until the amendment or addition has been furnished to the Governor.

(6) Without prejudice to the foregoing paragraphs, the operator shall make such amendments or additions to the police operations manual as the Governor may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

(7) For the purposes of this article “operating staff” has the meaning ascribed to it in article 31(4) of this Order.

### **Training manual**

**33.**—(1) Subject to paragraph (2), the operator of every aircraft registered in the Territory and flying for the purpose of public transport shall:

- (a) make a training manual available to every person appointed by the operator to give or to supervise the training, experience, practice or periodical tests required under article 34(3) of this Order; and
  - (b) ensure that each copy of that training manual is kept up to date.
- (2) This article shall not apply to aircraft flying, or intended by the operator of the aircraft to fly, solely under and in accordance with the terms of a police air operator's certificate.
- (3) Each training manual shall contain all such information and instructions as may be necessary to enable a person appointed by the operator to give or to supervise the training, experience, practice and periodical tests required under article 34(3) of this Order to perform his duties as such including in particular information and instruction relating to the matters specified in Part C of Schedule 10 to this Order.
- (a) (4) (a) An aircraft to which this article applies shall not fly unless not less than 30 days prior to such flight the operator of the aircraft has furnished to the Governor a copy of the whole of his training manual relating to the crew of that aircraft.
  - (b) Subject to sub-paragraph (c), any amendments or additions to the training manual shall be furnished to the Governor by the operator before or immediately after they come into effect.
  - (c) Where an amendment or addition relates to training, experience, practice or periodical tests on an aircraft to which the training manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to the Governor.
  - (d) Without prejudice to the foregoing sub-paragraphs, the operator shall make such amendments or additions to the training manual as the Governor may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

#### **Public transport-operator's responsibilities**

**34.—**(1) The operator of an aircraft registered in the Territory shall not permit the aircraft to fly for the purpose of public transport without first:

- (a) designating from among the flight crew a pilot to be the commander of the aircraft for the flight;
  - (b) satisfying himself by every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion therefrom are adequate for the safe navigation of the aircraft; and
  - (c) subject to sub-paragraph (2) hereof, satisfying himself by every reasonable means that every place (whether or not an aerodrome) at which it is intended to take off or land and any alternate place (whether or not an aerodrome) at which a landing may be made are suitable for the purpose and in particular that they will be adequately manned and equipped at the time at which it is reasonably estimated such a take-off or landing will be made (including such manning and equipment as is specified in regulation 16 in Schedule 14 to this Order) to ensure so far as practicable the safety of the aircraft and its passengers.
- (2) Without prejudice to any conditions imposed pursuant to article 6 of this Order, the operator of an aircraft shall not be required for the purposes of this article to satisfy himself as to the adequacy of fire-fighting, search, rescue or other services which are required only after the occurrence of an accident.
- (3) The operator of an aircraft registered in the Territory shall not permit any person to be a member of the crew thereof during any flight for the purpose of public transport (except a flight for the sole purpose of training persons to perform duties in aircraft) unless:

- (a) such person has had the training, experience, practice and periodical tests specified in Part B of Schedule 10 to this Order in respect of the duties which he is to perform; and
  - (b) the operator has satisfied himself that such person is competent to perform his duties, and in particular to use the equipment provided in the aircraft for that purpose.
- (4) The operator shall maintain, preserve, produce and furnish information respecting records relating to the matters specified in paragraph (3) in accordance with Part B of the said Schedule 10.
- (5) The operator of an aircraft registered in the Territory shall not permit any member of the flight crew thereof, during any flight for the purpose of the public transport of passengers, to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely affect the flight characteristics of the aircraft.

### **Loading-public transport aircraft and suspended loads**

**35.—(1)** The operator of an aircraft registered in the Territory shall not cause or permit it to be loaded for a flight for the purpose of public transport, or any load to be suspended therefrom, except under the supervision of a person whom he has caused to be furnished with written instructions as to the distribution and securing of the load so as to ensure that:

- (a) the load may safely be carried on the flight; and
  - (b) any conditions subject to which the certificate of airworthiness in force in respect of the aircraft was issued or rendered valid, being conditions relating to the loading of the aircraft, are complied with.
- (a) (2) (a) Subject to sub-paragraph (b), the instruction shall indicate the weight of the aircraft prepared for service, that is to say the aggregate of the weight of the aircraft (shown in the weight schedule referred to in article 18 of this Order) and the weight of such additional items in or on the aircraft as the operator thinks fit to include; and the instructions shall indicate the additional items included in the weight of the aircraft prepared for service, and show the position of the centre of gravity of the aircraft at that weight.
- (b) Sub-paragraph (a) shall not apply in relation to a flight if:
- (i) the aircraft's maximum total weight authorised does not exceed 1150 kg;
  - (ii) the aircraft's maximum total weight authorised does not exceed 2730 kg and the flight is intended not to exceed 60 minutes in duration and is either:
    - (aa) a flight solely for training persons to perform duties in an aircraft; or
    - (bb) a flight intended to begin and end at the same aerodrome; or
  - (iii) the aircraft is a helicopter the maximum total weight authorised of which does not exceed 3000 kg, and the total seating capacity of which does not exceed five persons.
- (3) The operator of an aircraft shall not cause or permit it to be loaded in contravention of the instructions referred to in paragraph (1).
- (a) (4) (a) Subject to sub-paragraph (b), the person supervising the loading of the aircraft shall, before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the requirements specified in regulation 2 in Schedule 14 to this Order, and shall (unless he is himself the commander of the aircraft) submit the load sheet for examination by the commander of the aircraft who shall sign his name thereon.
  - (b) The requirements of sub-paragraph (a) shall not apply if:
    - (i) the load and the distributing and securing thereof upon the next intended flight are to be unchanged from the previous flight and the commander of the aircraft makes and signs an endorsement to that effect upon the load sheet for the previous flight,

indicating the date of the endorsement, the place of departure upon the next intended flight and the next intended place of destination; or

(ii) paragraph (2)(a) does not apply in relation to the flight.

(a) (5) (a) Subject to sub-paragraph (b), one copy of the load sheet shall be carried in the aircraft when article 76 of this Order so requires until the flights to which it relates have been completed and one copy of that load sheet and of the instructions referred to in this article shall be preserved by the operator until the expiration of a period of six months thereafter and shall not be carried in the aircraft.

(b) In the case of an aeroplane of which the maximum total weight authorised does not exceed 2730 kg, or a helicopter, if it is not reasonably practicable for the copy of the load sheet to be kept on the ground it may be carried in the aeroplane or helicopter, as the case may be, in a container approved by the Governor for that purpose.

(6) The operator of an aircraft registered in the Territory and flying for the purpose of the public transport of passengers shall not cause or permit baggage to be carried in the passenger compartment of the aircraft unless such baggage can be properly secured and, in the case of an aircraft capable of seating more than 30 passengers, such baggage (other than baggage carried in accordance with a permission issued pursuant to article 45(2)(d) of this Order) shall not exceed the capacity of the spaces in the passenger compartment approved by the Governor for the purpose of stowing baggage.

### **Public transport-operating conditions**

**36.**—(1) An aircraft registered in the Territory shall not fly for the purpose of public transport, except for the sole purpose of training persons to perform duties in aircraft unless the relevant requirements specified in regulations 3 to 13 inclusive in Schedule 14 to this Order in respect of its weight and related performance and flight in specified meteorological conditions or at night are complied with.

(a) (2) (a) The assessment of the ability of an aircraft to comply with paragraph (1) shall be based on the information as to its performance contained in the certificate of airworthiness relating to the aircraft.

(b) In the event of the information given therein being insufficient for that purpose such assessment shall be based on the best information available to the commander of the aircraft.

(3) A flying machine registered in the Territory when flying over water for the purpose of public transport shall fly, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the aircraft:

(a) if it has one engine only, in the event of the failure of that engine; or

(b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness relating to the aircraft;

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(a) (4) (a) Without prejudice to paragraph (3), an aeroplane in respect of which there is in force under this Order a certificate of airworthiness designating the aeroplane as being of performance group X shall not fly over water for the purpose of public transport so as to be more than 60 minutes flying time from the nearest shore, unless the aeroplane has more than 2 power units.

(b) For the purposes of this paragraph, flying time shall be calculated at normal cruising speed with one power unit inoperative.

(a) (5) (a) Without prejudice to paragraph (3), a helicopter in respect of which there is in force under this Order a certificate of airworthiness designating the helicopter as being

of performance group B (in this paragraph call ‘a group B helicopter’) shall not fly over water for the purpose of public transport so as to be more than 20 seconds flying time from a point from which it can make an autorotative descent to land suitable for an emergency landing (in this paragraph called ‘the specified circumstances’) unless it is equipped with apparatus approved by the Governor enabling it to land safely on water (in this paragraph called “the required apparatus”).

- (b) Without prejudice to paragraph (3), a group B helicopter equipped with the required apparatus, which is flying under and in accordance with the terms of an air operator’s certificate but not under and in accordance with the terms of a police air operator’s certificate, shall not fly in the specified circumstances on any flight for more than three minutes except with the permission in writing of the Governor and in accordance with any conditions subject to which that permission may have been granted.
- (c) Without prejudice to paragraph (3), a group B helicopter equipped with the required apparatus which is flying under and in accordance with the terms of a police air operator’s certificate on which is carried any passenger who is not a permitted passenger, shall not fly in the specified circumstances on any flight for more than 20 minutes.
- (d) Without prejudice to paragraph (3), a group B helicopter equipped with the required apparatus which is flying under and in accordance with the terms of a police air operator’s certificate on which no passenger is carried other than a permitted passenger, shall not fly over water on any flight for more than 10 minutes so as to be more than 5 minutes from a point from which it can make an autorotative descent to land suitable for an emergency landing.
- (e) For the purposes of this paragraph flying time shall be calculated on the assumption that a helicopter is flying in still air at the speed specified in the certificate of airworthiness in force in respect of the helicopter as the speed for compliance with regulations governing flights over water.
- (a) (6) (a) Without prejudice to paragraph (3), a helicopter in respect of which there is in force under this Order a certificate of airworthiness designating the helicopter as being of performance group A2 (in this paragraph called ‘a group A2 helicopter’), which is flying under and in accordance with the terms of an air operator’s certificate but not under and in accordance with the terms of a police air operator’s certificate, shall not fly over water for the purpose of public transport for more than 15 minutes during any flight unless it is equipped with apparatus approved by the Governor enabling it to land safely on water (in this paragraph called “the required apparatus”).
- (b) Without prejudice to paragraph (3), a group A2 helicopter not equipped with the required apparatus which is flying under and in accordance with the terms of a police air operator’s certificate on which any passenger is carried who is not a permitted passenger shall not fly over any water on any flight for more than 15 minutes.

(7) Notwithstanding the provisions of paragraph (1), a helicopter in respect of which there is in force under this Order a certificate of airworthiness designating the helicopter as being of performance group A or performance group A (Restricted) may fly for the purpose of public transport in accordance with the weight and related performance requirements prescribed for helicopters designated as being of:

- (a) performance group A (Restricted) in the case of a helicopter designated as being of performance group A if:
  - (i) the maximum total weight authorised of the helicopter is less the 5700 kg; and
  - (ii) the total number of passengers carried on the helicopter does not exceed 15; or
- (b) performance group B if:
  - (i) the maximum total weight authorised of the helicopter is less than 2730 kg; and

- (ii) the total number of passengers carried does not exceed 9.
- (8) For the purposes of this article a “permitted passenger” means:
  - (a) a police officer;
  - (b) an employee of the police authority;
  - (c) a medical attendant;
  - (d) the holder of a valid pilot’s licence who intends to act as a member of the flight crew of an aircraft flying under and in accordance with the terms of a police air operator’s certificate and who is being carried for the purpose of training or familiarisation; or
  - (e) such other person being carried for purposes connected with police operations as may be permitted in writing by the Governor.

**Public transport operations at night or in instrument meteorological conditions by single engined aeroplanes not registered in the Territory**

37. An aeroplane which is not registered in the Territory and is powered by one engine only shall not fly for the purpose of public transport at night or when the cloud ceiling or visibility prevailing at the aerodrome of departure and forecast for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome are less than 1,000 feet and 1 nautical mile respectively.

**Public transport aircraft registered in the Territory— aerodrome operating minima**

- 38.—(1) This article shall apply to public transport aircraft registered in the Territory.
- (a) (2) (a) Subject to sub-paragraph (b), the operator of every aircraft to which this article applies shall establish and include in the operations manual or the police operations manual relating to the aircraft the particulars (in this sub-paragraph called “the said particulars”) of the aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every alternate aerodrome.
  - (b) in relation to any flight wherein:
    - (i) neither an operations manual nor a police operations manual is required pursuant to article 31(2)(a) or 32(3)(a) respectively of this Order; or
    - (ii) it is not practicable to include the said particulars in the operations manual or the police operations manual;the operator of the said aircraft shall, prior to the commencement of the flight, cause to be furnished in writing to the commander of the aircraft the said particulars calculated in accordance with the required data and instructions (as defined in sub-paragraph (c)(i)) and the operator shall cause a copy of the said particulars to be retained outside the aircraft for a minimum period of three months.
  - (c) (i) The operator of every aircraft to which this article applies for which an operations manual or a police operations manual is required pursuant to article 31(2)(a) or 32(3)(a) respectively of this Order, shall include in that operations manual such data and instructions (in this article called “the required data and instructions”) as will enable the commander of the aircraft to calculate the aerodrome operating minima appropriate to aerodromes the use of which cannot reasonably have been foreseen by the operator prior to the commencement of the flight.
  - (ii) The operator of every such aircraft to which this article applies for which neither an operations manual nor a police operations manual is required pursuant to article 31(2)(a) or 32(3)(a) respectively of this Order shall, prior to the commencement

of the flight, cause to be furnished in writing to the commander of the aircraft the required data and instructions, and the operator shall cause a copy of the required data and instructions to be retained outside the aircraft for a minimum period of three months.

(3) The specified aerodrome operating minima shall not permit a landing or take-off in circumstances where the relevant aerodrome operating minima declared by the competent authority would prohibit it, unless that authority otherwise permits in writing.

(4) In establishing aerodrome operating minima for the purposes of this article the operator of the aircraft shall take into account the following matters:

- (a) the type and performance and handling characteristics of the aircraft and any relevant conditions in its certificate of airworthiness;
- (b) the composition of its crew;
- (c) the physical characteristics of the relevant aerodrome and its surroundings;
- (d) the dimensions of the runways which may be selected for use; and
- (e) whether or not there are in use at the relevant aerodrome any aids, visual or otherwise, to assist aircraft in approach, landing or take-off, being aids which the crew of the aircraft are trained and equipped to use; the nature of any such aids that are in use; and the procedures for approach, landing and take-off which may be adopted according to the existence or absence of such aids;

and shall establish in relation to each runway which may be selected for use such aerodrome operating minima as are appropriate to each set of circumstances which can reasonably be expected.

(5) An aircraft to which this article applies shall not commence a flight at a time when:

- (a) the cloud ceiling or the runway visual range at the aerodrome of departure is less than the relevant minimum specified for take-off; or
- (b) according to the information available to the commander of the aircraft it would not be able, without contravening paragraphs (6) or (7), to land at the aerodrome of intended destination at the estimated time of arrival there and at any alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.

(6) An aircraft to which article 31 of this Order applies, when making a descent to an aerodrome, shall not descend from a height of 1000 ft or more above the aerodrome to a height less than 1000 ft above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(7) An aircraft to which this article applies, when making a descent to an aerodrome, shall not:

- (a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height;

unless in either case from such height the specified visual reference for landing is established and is maintained.

(8) If, according to the information available, an aircraft would as regards any flight be required by the Rules of the Air to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the commander of the aircraft shall select prior to take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(9) In this article “specified” in relation to aerodrome operating minima means such particulars of aerodrome operating minima as have been specified by the operator in, or are ascertainable by reference to, the operations manual relating to that aircraft, or furnished in writing to the commander of the aircraft by the operator pursuant to sub-paragraphs (2)(b) or (2)(c)(ii).



### **Public transport aircraft not registered in the Territory—aerodrome operating minima**

**39.**—(1) This article shall apply to public transport aircraft registered in a country other than the Territory.

(2) An aircraft to which this article applies shall not fly in or over the Territory unless the operator thereof has made available to the flight crew aerodrome operating minima which comply with paragraph (3) in respect of every aerodrome at which it is intended to land or take off and every alternate aerodrome.

(3) The aerodrome operating minima provided in accordance with paragraph (2) shall be no less restrictive than either:

- (a) minima calculated in accordance with the notified method for calculating aerodrome operating minima; or
- (b) minima which comply with the law of the country in which the aircraft is registered,

whichever, are the more restrictive.

- (a) (4) (a) An aircraft to which this article applies shall not:
  - (i) conduct a Category II, Category IIIA or Category IIIB approach and landing; or
  - (ii) takeoff when the relevant runway visual range is less than 150 metres, otherwise than under and in accordance with the terms of an approval granted by the Governor.
- (b) An approval granted pursuant to sub-paragraph (a) shall be in writing and may be granted subject to such conditions as the Governor thinks fit.

(5) An aircraft to which this article applies shall not take off or land at an aerodrome in the Territory in contravention of the specified aerodrome operating minima.

(6) Without prejudice to the provisions of paragraphs (4) and (5), an aircraft to which this article applies, when making a descent to an aerodrome, shall not descend from a height of 1000 feet or more above the aerodrome to a height of less than 1000 feet above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(7) Without prejudice to the provisions of paragraphs (4) and (5), an aircraft to which this article applies, when making a descent to an aerodrome, shall not:

- (a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height, unless in either case from such height the specified visual reference for landing is established and is maintained.

(8) In this article:

- (a) “specified” means specified by the operator in the aerodrome operating minima made available to the flight crew pursuant to paragraph (2);
- (b) “a Category II approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with:
  - (i) a decision height lower than 200 feet but not less than 100 feet; and
  - (ii) a runway visual range of not less than 300 metres;
- (c) “a Category IIIA approach and landing” means landing following a precision approach using an Instrument Landing System or Microwave Landing System with:
  - (i) a decision height lower than 100 feet; and
  - (ii) a runway visual range of not less than 200 metres; and
- (d) “a Category IIIB approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with:

- (i) a decision height lower than 50 feet or no decision height; and
- (ii) a runway visual range less than 200 metre but not less than 75 metres.

#### **Non-public transport aircraft—aerodrome operating minima**

**40.**—(1) This article shall apply to any aircraft which is not a public transport aircraft.

(2) An aircraft to which this article applies when making a descent at an aerodrome to a runway in respect of which there is a notified instrument approach procedure shall not descend from a height of 1000 ft or more above the aerodrome to a height less than 1000 ft above the aerodrome if the relevant runway visual range for that runway is at the time less than the specified minimum for landing.

(3) An aircraft to which this article applies when making a descent to a runway in respect of which there is a notified instrument approach procedure shall not:

- (a) continue an approach to landing on such a runway by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height;

unless in either case from such height the specified visual reference for landing is established and is maintained.

(4) In this article “specified” in relation to aerodrome operating minima means such particulars of aerodrome operating minima as have been notified in respect of the aerodrome or if the relevant minima have not been notified such minima as are ascertainable by reference to the notified method for calculating aerodrome operating minima.

#### **Pilots to remain at controls**

- (a) **41.** (1) (a) The commander of a flying machine or glider registered in the Territory shall cause one pilot to remain at the controls at all times while it is in flight.
- (b) If the flying machine or glider is required by or under this Order to carry two pilots, the commander shall cause both pilots to remain at the controls during take-off and landing.
- (c) If the flying machine or glider carries two or more pilots (whether or not it is required to do so) and is engaged on a flight for the purpose of the public transport of passengers, the commander shall remain at the controls during take-off and landing.

(2) Each pilot at the controls shall be secured in his seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness except that during take-off and landing a safety harness shall be worn if it is required by article 14 of this Order to be provided.

#### **Wearing of survival suits by crew**

**42.**—(1) Subject to paragraph (2), each member of the crew of an aircraft registered in the Territory shall wear a survival suit if such a suit is required by article 14 of this Order to be carried.

(2) This article shall not apply to any member of the crew of such an aircraft flying under and in accordance with the terms of a police air operator’s certificate.

#### **Pre-flight action by commander of aircraft**

**43.** The commander of an aircraft registered in the Territory shall reasonably satisfy himself before the aircraft takes off:

- (a) that the flight can safely be made, taking into account the latest information available as to the route and aerodrome to be used, the weather reports and forecasts available and any

alternative course of action which can be adopted in case the flight cannot be completed as planned;

- (b) (i) that the equipment (including radio apparatus) required by or under this Order to be carried in the circumstances of the intended flight is carried and is in a fit condition for use; or
- (ii) that the flight may commence under and in accordance with the terms of a permission granted to the operator pursuant to article 16 of this Order;
- (c) that the aircraft is in every way fit for the intended flight, and that where a certificate of maintenance review is required by article 10(1) of this Order to be in force, it is in force and will not cease to be in force during the intended flight;
- (d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;
- (e) in the case of a flying machine or airship, that sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies, and, in the case of a flight for the purpose of public transport, that the instructions in the operations manual relating to fuel, oil and engine coolant have been complied with;
- (f) in the case of an airship or balloon, that sufficient ballast is carried for the intended flight;
- (g) in the case of a flying machine, that having regard to the performance of the flying machine in the conditions to be expected on the intended flight, and to any obstructions at the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height thereafter and making a safe landing at the place of intended destination; and
- (h) that any pre-flight check system established by the operator and set forth in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft.

#### **Passenger briefing by commander**

44.—(1) Subject to paragraph (2), the commander of an aircraft registered in the Territory shall take all reasonable steps to ensure:

- (a) before the aircraft takes off on any flight, that all passengers are made familiar with the position and method of use of emergency exits, safety belts (with diagonal shoulder strap where required to be carried), safety harnesses and (where required to be carried) oxygen equipment, lifejackets and the floor path lighting system and all other devices required by or under this Order and intended for use by passengers individually in the case of an emergency occurring to the aircraft; and
- (b) that in an emergency during a flight, all passengers are instructed in the emergency action which they should take.

(2) This article shall not apply to the commander of an aircraft registered in the Territory in relation to a flight under and in accordance with the terms of a police air operator's certificate.

#### **Public transport of passengers—additional duties of commander**

45.—(1) This article applies to flights for the purpose of the public transport of passengers by aircraft registered in the Territory other than flights under and in accordance with the terms of a police air operator's certificate.

(2) In relation to every flight to which this article applies the commander of the aircraft shall:

- (a) (i) subject to sub-paragraph (iii), if the aircraft is not a seaplane but is intended in the course of the flight to reach a point more than 30 minutes flying time (while flying in

still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water) from the nearest land, take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers;

(ii) subject to sub-paragraph (iii), if the aircraft is not a seaplane but is required by article 20(7) of this Order to carry cabin attendants, take all reasonable steps to ensure that, before the aircraft takes off on a flight:

(aa) which is intended to proceed beyond gliding distance from land; or

(bb) on which in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the aircraft would be forced to land onto water;

all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers;

(iii) where the only requirement to give such a demonstration arises because it is reasonably possible that the aircraft would be forced to land onto water at one or more of the likely alternate destinations the demonstration need not be given until after the decision has been taken to divert to such a destination;

(b) if the aircraft is a seaplane, take all reasonable steps to ensure that before the aircraft takes off all passengers are given a demonstration of the method of use of the equipment referred to in the preceding sub-paragraph;

(c) before the aircraft takes off, and before it lands, take all reasonable steps to ensure that the crew of the aircraft are properly secured in their seats and that any persons carried in compliance with article 20(7) of this Order are properly secured in seats which shall be in a passenger compartment and which shall be so situated that those persons can readily assist passengers;

(d) from the moment when, after the embarkation of its passengers for the purpose of taking off, it first moves until after it has taken off, and before it lands until it comes to rest for the purpose of the disembarkation of its passengers, and whenever by reason of turbulent air or any emergency occurring during the flight he considers the precaution necessary:

(i) take all reasonable steps to ensure that all passengers of 2 years of age or more are properly secured in their seats by safety belts (with diagonal shoulder strap, where required to be carried) or safety harnesses and that all passengers under the age of 2 years are properly secured by means of a child restraint device; and

(ii) take all reasonable steps to ensure that those items of baggage in the passenger compartment which he reasonably considers ought by virtue of their size, weight or nature to be properly secured are properly secured and, in the case of an aircraft capable of seating more than 30 passengers, that such baggage is either stowed in the passenger compartment stowage spaces approved by the Governor for the purpose or carried in accordance with the terms of a written permission granted by the Governor which permission may be granted subject to such conditions as the Governor thinks fit;

(e) in the case of aircraft in respect of which a certificate of airworthiness was first issued (whether in the Territory or elsewhere) on or after 1st January 1989 except in a case where a pressure greater than 700 hectopascals is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that:

- (i) before the aircraft reaches flight level 100 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 14 of this Order is demonstrated to all passengers;
  - (ii) when flying above flight level 120 all passengers and cabin attendants are recommended to use oxygen; and
  - (iii) during any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft.
- (f) in the case of aircraft in respect of which a certificate of airworthiness was first issued (whether in the Territory or elsewhere) prior to 1st January 1989, except in the case where a pressure greater than 700 hectopascals is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that:
- (i) (aa) before the aircraft reaches flight level 130 of the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 14 of this Order is demonstrated to all passengers;
  - (bb) when flying above flight level 130 all passengers and cabin attendants are recommended to use oxygen; and
  - (cc) during any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft; or
- (ii) he complies instead with the provisions of sub-paragraph (e).

### **Operation of radio in aircraft**

**46.—(1)** The radio station in an aircraft shall not be operated, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station under the law of the country in which the aircraft is registered or the State of the operator and by a person duly licensed or otherwise permitted to operate the radio station under that law.

- (a) (2) (a) Subject to sub-paragraph (b), whenever an aircraft is in flight in such circumstances that it is required by or under this Order to be equipped with radio communications apparatus, a continuous radio watch shall be maintained by a member of the flight crew listening to the signals transmitted upon the frequency notified, or designated by a message received from an appropriate aeronautical radio station, for use by that aircraft.
  - (b) (i) The radio watch may be discontinued or continued on another frequency to the extent that a message as aforesaid so permits.
  - (ii) The watch may be kept by a device installed in the aircraft if:
    - (aa) the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and
    - (bb) that station is notified, or in the case of a station situated in a country other than the Territory, otherwise designated as transmitting a signal suitable for that purpose.
- (3) Whenever an aircraft is in flight in such circumstances that it is required by or under this Order to be equipped with radio or radio navigation equipment a member of the flight crew shall operate that equipment in such a manner as he may be instructed by the appropriate air traffic control unit or as may be notified in relation to any notified airspace in which the aircraft is flying.
- (4) The radio station in an aircraft shall not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions shall not be made except as follows:

- (a) emissions of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying;
- (b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;
- (c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice; and
- (d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in paragraph (1).

(5) In any flying machine registered in the Territory which is engaged on a flight for the purpose of public transport the pilot and the flight engineer (if any) shall not make use of a hand-held microphone (whether for the purpose of radio communication or of intercommunication within the aircraft) whilst the aircraft is flying in controlled airspace below flight level 150 or is taking off or landing.

#### **Minimum navigation performance**

**47.**—(1) An aircraft registered in the Territory shall not fly in North Atlantic Minimum Navigation Performance Specification airspace unless it is equipped with navigation systems which enable the aircraft to maintain the navigation performance capability specified in regulation 19(1) in Schedule 14 to this Order.

(2) The equipment required by paragraph (1) shall be approved by the Governor, installed and maintained in a manner approved by the Governor and shall, while the aircraft is flying in the said airspace, be operated in accordance with procedures approved by the Governor.

(3) An approval granted by the Governor for the purposes of this article shall be in writing and may be subject to such conditions as the Governor thinks fit.

#### **Height keeping performance—aircraft registered in the Territory**

**48.**—(1) Unless otherwise authorised by the appropriate air traffic control unit, an aircraft registered in the Territory shall not fly in reduced vertical separation minimum airspace notified for the purpose of this article, unless it is equipped with height keeping systems which enable the aircraft to maintain the height keeping performance capability specified in regulation 19(2) in Schedule 14 to this Order.

(2) The equipment required by paragraph (1) shall be approved by the Governor, installed and maintained in a manner approved by the Governor and shall, while the aircraft is flying in the said airspace, be operated in accordance with procedures approved by the Governor.

(3) An approval granted by the Governor for the purposes of this article shall be in writing and may be subject to such conditions as the Governor thinks fit.

#### **Height keeping performance—aircraft not registered in the Territory**

**49.** Unless otherwise authorised by the appropriate air traffic control unit an aircraft registered elsewhere than in the Territory shall not fly in Territory reduced vertical separation minimum airspace unless:

- (a) it is so equipped with height keeping systems as to comply with the law of the country in which the aircraft is registered insofar as that law requires it to be so equipped when flying in any specified areas; and
- (b) the said equipment is capable of being operated so as to enable the aircraft to maintain the height keeping performance notified in respect of the airspace in which the aircraft is flying, and it is so operated.

### **Area navigation equipment—aircraft registered in the Territory**

**50.**—(1) An aircraft registered in the Territory shall not fly in controlled airspace notified for the purposes of this paragraph as an area navigation route or area unless:

- (a) it is equipped with area navigation equipment which is approved by the Governor in relation to the purpose for which it is to be used, and which is installed and maintained in a manner approved by the Governor; and
- (b) the said equipment is capable of being operated so as to enable the aircraft to maintain the navigation accuracy notified in respect of the airspace in which the aircraft is flying, and it is so operated.

(2) An aircraft registered in the Territory shall not, when flying in controlled airspace notified for the purposes of this paragraph, not being an area navigation route or area, be navigated by means of area navigation equipment unless:

- (a) the said equipment is approved by the Governor in relation to the purpose for which it is to be used, and is installed and maintained in a manner approved by the Governor; and
- (b) the said equipment is capable of being operated so as to enable the aircraft to maintain the navigation accuracy notified in respect of the airspace in which the aircraft is flying, and it is so operated.

- (a) (3) (a) For the purposes of this article, an approval shall be in writing and may be subject to such conditions as the Governor thinks fit.
- (b) An approval may be granted in respect of any aircraft or specified class or category of aircraft or in respect of a specified type or types of equipment.

### **Area navigation equipment—aircraft not registered in the Territory**

**51.**—(1) An aircraft registered elsewhere than in the Territory shall not fly in controlled airspace notified for the purposes of paragraph (1) of article 50 unless:

- (a) it is so equipped with area navigation equipment as to comply with the law of the country in which the aircraft is registered insofar as that law requires it to be equipped when flying within any specified areas; and
- (b) the said equipment is capable of being operated so as to enable the aircraft to maintain the navigation accuracy notified in respect of the airspace in which the aircraft is flying, and it is so operated.

(2) An aircraft registered elsewhere than in the Territory shall not, when flying in controlled airspace notified for the purposes of paragraph (2) of article 50, be navigated by means of area navigation equipment unless:

- (a) the said equipment complies with the law of the country in which the aircraft is registered insofar as that law requires it to be so equipped when flying within any specified areas; and
- (b) the said equipment is capable of being operated so as to enable the aircraft to maintain the navigation accuracy notified in respect of the airspace in which the aircraft is flying, and it is so operated.

### **Use of airborne collision avoidance system**

**52.** On any flight on which an airborne collision avoidance system is required by paragraph 1 of Schedule 5 to this Order to be carried in an aeroplane, the system shall be operated:

- (a) in the case of an aircraft to which article 31 applies, in accordance with procedures contained in the Operations Manual for the aircraft;

- (b) in the case of an aircraft registered in the Territory to which article 31 does not apply, in accordance with procedures which are suitable having regard to the purposes of the equipment; or
- (c) in the case of an aircraft which is registered elsewhere than in the Territory, in accordance with any procedures with which it is required to comply under the law of the country in which the aircraft is registered.

### **Use of flight recording systems and preservation of records**

**53.**—(1) On any flight on which a flight data recorder, a cockpit voice recorder or a combined cockpit voice recorder/flight data recorder is required by paragraph 4(4), (5), (6) or (7) of Schedule 4 to this Order to be carried in an aeroplane, it shall always be in use from the beginning of the take-off run to the end of the landing run.

- (2) The operator of the aeroplane shall at all times, subject to article 80 of this Order, preserve:
  - (a) the last 25 hours of recording made by any flight data recorder required by or under this Order to be carried in an aeroplane; and
  - (b) a record of not less than one representative flight, that is to say, a recording of a flight made within the last 12 months which includes a take-off, climb, cruise, descent, approach to landing and landing, together with a means of identifying the record with the flight to which it relates;

and shall preserve such records for such period as the Governor may in a particular case direct.

(3) On any flight on which a cockpit voice recorder, a flight data recorder or a combined cockpit voice recorder/flight data recorder is required by paragraph 4(16) of Schedule 4 to this Order to be carried in a helicopter, it shall always be in use from the time the rotors first turn for the purpose of taking off until the rotors are next stopped.

- (4) The operator of the helicopter shall at all times, subject to article 80 of this Order, preserve:
  - (a) the last 8 hours of recording made by any flight data recorder specified at sub-paragraph (i) or (ii) of Scale SS of paragraph 5 of Schedule 4 to this Order and required by or under this Order to be carried in the helicopter;
  - (b) in the case of a combined cockpit voice recorder/flight data recorder specified at sub-paragraph (iii) of the said Scale SS and required by or under this Order to be carried in a helicopter either:
    - (i) the last 8 hours of recording; or
    - (ii) the last 5 hours of recording or the duration of the last flight, whichever is the greater, together with an additional period of recording for either:
      - (aa) the period immediately preceding the last 5 hours of recording or the duration of the last flight, whichever is the greater; or
      - (bb) such period or periods as the Governor may permit in any particular case or class of cases or generally.

(5) The additional recording retained pursuant to sub-paragraphs (b)(ii)(aa) and (bb) of paragraph (4) shall, together with the recording required to be retained pursuant to sub-paragraph (b)(ii) of paragraph (4), total a period of 8 hours and shall be retained in accordance with arrangements approved by the Governor.

(6) An approval granted by the Governor for the purposes of this article shall be in writing and may be subject to such conditions as the Governor thinks fit.



### **Towing of gliders**

**54.**—(1) An aircraft in flight shall not tow a glider unless the certificate of airworthiness issued or rendered valid in respect of the towing aircraft under the law of the country in which that aircraft is registered includes an express provision that it may be used for that purpose.

(2) The length of the combination of towing aircraft, tow rope and glider in flight shall not exceed 150 metres.

(3) The commander of an aircraft which is about to tow a glider shall satisfy himself, before the towing aircraft takes off:

- (a) that the tow rope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of safely taking off, reaching and maintaining a safe height at which to separate the combination and that thereafter the towing aircraft can make a safe landing at the place of intended destination;
- (b) that signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely; and
- (c) that emergency signals have been agreed between the commander of the towing aircraft and the commander of the glider, to be used, respectively, by the commander of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the commander of the glider to indicate that the tow cannot be released.

(4) The glider shall be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

### **Towing, picking up and raising of persons and articles**

**55.**—(1) Subject to the provisions of this article, an aircraft in flight shall not, by means external to the aircraft, tow any article, other than a glider, or pick up or raise any person, animal or article, unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered includes an express provision that it may be used for that purpose.

(2) An aircraft shall not launch or pick up tow ropes, banners or similar articles other than at an aerodrome.

(3) An aircraft in flight shall not tow any article, other than a glider, at night or when flight visibility is less than one nautical mile.

(4) The length of the combination of towing aircraft, tow rope, and article in tow, shall not exceed 150 metres.

(5) A helicopter shall not fly at any height over a congested area of a city, town or settlement at any time when any article, person or animal is suspended from the helicopter.

(6) A passenger shall not be carried in a helicopter at any time when an article, person or animal is suspended therefrom, other than a passenger who has duties to perform in connection with the article, person or animal or a passenger who has been picked up or raised by means external to the helicopter or a passenger who it is intended shall be lowered to the surface by such means.

(7) Nothing in this article shall:

- (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by or under this Order to be towed or displayed by an aircraft in flight;

- (b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;
- (c) apply to any aircraft while it is flying in accordance with the “B Conditions” set forth in Part A of Schedule 3 to this Order; or
- (d) be taken to permit the towing or picking up of a glider otherwise than in accordance with article 54 of this Order.

### **Dropping of articles and animals**

56.—(1) Articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Subject to paragraph (3), except under and in accordance with the terms of an aerial application certificate granted under article 58 of this Order, articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, to the surface from an aircraft flying over the Territory.

(3) Paragraph (2) shall not apply to the dropping of articles by, or with the authority of, the commander of the aircraft in any of the following circumstances:

- (a) the dropping of articles for the purpose of saving life;
- (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
- (c) the dropping of ballast in the form of fine sand or water;
- (d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of this Order;
- (e) the dropping at an aerodrome of tow ropes, banners, or similar articles towed by aircraft;
- (f) the dropping of articles for the purposes of public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the Governor and in accordance with any conditions subject to which that permission may have been given; or
- (g) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind drift indicators are dropped with the permission of the Governor and in accordance with any conditions subject to which that permission may have been given.

(4) For the purpose of this article “dropping” includes projecting and lowering.

(5) Nothing in this article shall prohibit the lowering of any article or animal from a helicopter to the surface, if the certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered includes an express provision that it may be used for that purpose.

### **Dropping of persons**

57.—(1) A person shall not drop, be dropped or permitted to drop to the surface or jump from an aircraft flying over the Territory except under and in accordance with the terms of either a police air operator’s certificate or a written permission granted by the Governor under this article.

(2) For the purposes of this article “dropping” includes projecting and lowering.

(3) Notwithstanding the grant of a police air operator’s certificate or a permission under paragraph (1), a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(4) An aircraft shall not be used for the purpose of dropping persons unless:

- (a) the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered includes an express provision that it may be used for that purpose and the aircraft is operated in accordance with a written permission granted by the Governor under this article; or
  - (b) the aircraft is operated under and in accordance with the terms of a police air operator's certificate.
- (5) (a) Every applicant for and holder of a permission shall make available to the Governor if requested to do so a parachuting manual and shall make such amendments or additions to such manual as the Governor may require.
- (b) (i) The holder of a permission shall make the manual available to every employee or person who is or may engage in parachuting activities conducted by him.
  - (ii) The manual shall contain all such information and instruction as may be necessary to enable such employees or persons to perform their duties.
- (6) Nothing in this article shall apply to the descent of persons by parachute from an aircraft in an emergency.
- (7) Nothing in this article shall prohibit the lowering of any person in an emergency or for the purpose of saving life.
- (8) Nothing in this article shall prohibit the lowering of any person from a helicopter to the surface if the certificate or airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered includes an express provision that it may be used for that purpose.

### **Issue of aerial application certificates**

**58.**—(1) An aircraft shall not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes, otherwise than under and in accordance with the terms of an aerial application certificate granted to the operator of the aircraft under paragraph (2).

- (a) (2) (a) The Governor shall grant an aerial application certificate if he is satisfied that the applicant is a fit person to hold the certificate and is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing and other arrangements, to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in paragraph (1).
  - (b) A certificate may be granted subject to such conditions as the Governor thinks fit including, without prejudice to the generality of the foregoing, conditions for ensuring that the aircraft and any article dropped from it do not endanger persons or property in the aircraft or elsewhere, and shall, subject to article 81 of this Order, remain in force for the period specified in the certificate.
- (3) Every applicant for and holder of an aerial application certificate shall make available to the Governor upon application and to every member of his operating staff upon the certificate being granted, an aerial application manual which shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such. The holder of a certificate shall make such amendments of or additions to the manual as the Governor may require.
- (4) For the purposes of this article “operating staff” has the meaning ascribed to it in article 31(4) of this Order.

### **Carriage of weapons and of munitions of war**

**59.**—(1) Subject to paragraph (4) an aircraft shall not carry any munition of war unless:

- (a) such munition of war is carried with the written permission of the Governor and in accordance with any conditions relating thereto;
  - (b) subject to sub-paragraph (c), the commander of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any such munition of war on board or suspended beneath the aircraft and any conditions of the permission of the Governor; and
  - (c) in the case of an aircraft which is flying under and in accordance with the terms of a police air operator's certificate the commander of the aircraft is informed of the matters referred to in sub-paragraph (b) but he need not be so informed in writing.
- (a) (2) (a) Notwithstanding paragraph (1) it shall, subject to sub-paragraph (b), be unlawful for an aircraft to carry any sporting weapon or munition of war in any compartment or apparatus to which passengers have access;
- (b) sub-paragraph (a) shall not apply to an aircraft which is flying under and in accordance with the terms of a police air operator's certificate.
- (a) (3) (a) Subject to sub-paragraph (b), it shall be unlawful for a person to carry or have in his possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage thereon any sporting weapon or munition of war unless:
- (i) the sporting weapon or munition of war:
    - (aa) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereby;
    - (bb) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and
    - (cc) in the case of a firearm, is unloaded.
  - (ii) particulars of the sporting weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences; and
  - (iii) without prejudice to paragraph (1) the operator consents to the carriage of such sporting weapon or munition of war by the aircraft.
- (b) Sub-paragraph (a) shall not apply to or in relation to an aircraft which is flying under and in accordance with the terms of a police air operator's certificate.
- (4) Nothing in this article shall apply to any sporting weapon or munition of war taken or carried on board an aircraft registered in a country other than the Territory if the sporting weapon or munition of war, as the case may be, may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.
- (5) For the purposes of this article:
- (a) "munition of war" means:
    - (i) any weapon or ammunition;
    - (ii) any article containing an explosive, noxious liquid or gas; or
    - (iii) any other thing;
 which is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article.
  - (b) "sporting weapon" means:
    - (i) any weapon or ammunition;
    - (ii) any article containing an explosive, noxious liquid or gas; or

(iii) any other thing, including parts, whether components or accessories, for such weapon, ammunition or article;

which is not a munition of war.

### **Carriage of dangerous goods**

**60.**—(1) It shall be an offence to contravene or permit the contravention of or fail to comply with any of the regulations set out in Schedule 15 to this Order.

(2) The Governor may, with the approval of the Secretary of State, make regulations which supplement, amend or replace the regulations set out in the said Schedule 15, and which prescribe:

- (a) the classification of certain articles and substances as dangerous goods;
- (b) the categories of dangerous goods which an aircraft may not carry;
- (c) the conditions which apply to the loading on, suspension beneath and carriage by an aircraft of dangerous goods;
- (d) the manner in which dangerous goods must be packed, marked, labelled and consigned before being loaded on, suspended beneath or carried by an aircraft;
- (e) any other provisions for securing the safety of aircraft and any apparatus attached thereto and the safety of persons and property on the surface in relation to the loading on, suspension beneath or carriage by an aircraft of dangerous goods;
- (f) the persons to whom information about the carriage of dangerous goods must be provided;
- (g) the documents relating to the carriage by an aircraft of dangerous goods which must be produced to the Governor or an authorised person on request;
- (h) the powers to be conferred on an authorised person relating to the enforcement of the regulations made hereunder.

(3) The provisions of paragraph (1) of this article shall be without prejudice to any other provisions of this Order; and the provisions of paragraph (1) of this article, of Schedule 15 to this Order and of any regulations supplementing, amending or replacing the regulations set out in the said Schedule 15 shall be additional to and not in derogation from the provisions of Article 59 of this Order.

### **Method of carriage of persons**

- (a) **61.** (1) (a) Subject to paragraphs (2) and (3), a person shall not be in or on any part of an aircraft in flight which is not a part designed for the accommodation of persons and in particular a person shall not be on the wings or undercarriage of an aircraft.
- (b) A person shall not be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight.

(2) A person may have temporary access to:

- (a) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods therein; and
- (b) any part of an aircraft in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.

(3) This article shall not apply to a passenger in a helicopter flying under and in accordance with a police air operator's certificate who is disembarking in accordance with a procedure contained in the police operations manual for the helicopter.

## Exits and break-in markings

62.—(1) Subject to paragraph (5)(b), this article shall apply to every public transport aircraft registered in the Territory.

- (a) (2) (a) Whenever an aircraft to which this article applies is carrying passengers, every exit therefrom and every internal door in the aircraft shall be in working order, and, subject to sub-paragraph (b), during take-off and landing and during any emergency, every such exit and door shall be kept free from obstruction and shall not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers.
- (b) (i) An exit may be obstructed by cargo if it is an exit which, in accordance with arrangements approved by the Governor either generally or in relation to a class of aircraft or a particular aircraft, is not required for use by passengers.
- (ii) A door between the flight crew compartment and any adjacent compartment to which passengers have access may be locked or bolted if the commander of the aircraft so determines, for the purpose of preventing access by passengers to the flight crew compartment.
- (iii) Nothing in this paragraph shall apply to any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aircraft in an emergency if it is not in working order.

(3) Every exit from the aircraft shall be marked with the words “Exit” or “Emergency Exit” in capital letters.

- (a) (4) (a) Every exit from the aircraft shall be marked with instructions in English and with diagrams to indicate the correct method of opening the exit.
- (b) The markings shall be placed on or near the inside surface of the door or other closure of the exit and, if it is openable from the outside of the aircraft, on or near the exterior surface.
- (a) (i) Every aircraft to which this article applies, being an aircraft of which the maximum total weight authorised exceeds 3,600 kg, shall be marked upon the exterior surface of its fuselage with markings to show the areas (in this paragraph referred to as “break-in areas”) which can, for purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aircraft.
- (ii) The break-in areas shall be rectangular in shape and shall be marked by right-angled corner markings, each arm of which shall be 10 centimetres in length along its outer edge and 2.5 centimetres in width.
- (iii) The words “Cut Here in Emergency” shall be marked across the centre of each break-in area in capital letters.

(b) This paragraph shall not apply to helicopters.

(6) On every flight by an aircraft to which this article applies, being an aircraft of which the maximum total weight authorised exceeds 5,700 kg, every exit from such an aircraft intended to be used by passengers in an emergency shall be marked upon the exterior of the aircraft by a band not less than 5 centimetres in width outlining the exit.

(7) The markings required by this article shall:

- (a) be painted, or affixed by other equally permanent means;
- (b) except in the case of the markings required by paragraph (6), be red in colour, and in any case in which the colour of the adjacent background is such as to render red markings not readily visible, be outlined in white or some other contrasting colour in such a manner as to render them readily visible;
- (c) in the case of the markings required by paragraph (6), be of a colour clearly contrasting with the background on which it appears; and

- (d) be kept at all times clean and unobscured.
- (a) (8) (a) Subject to compliance with sub-paragraph (b), if one, but not more than one, exit from an aircraft becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this article shall prevent that aircraft from carrying passengers until it next lands at a place where the exit can be repaired or replaced.
- (b) On any flight pursuant to this paragraph:
  - (i) the number of passengers carried and the position of the seats which they occupy shall be in accordance with arrangements approved by the Governor either in relation to the particular aircraft or to a class of aircraft; and
  - (ii) in accordance with arrangements so approved, the exit shall be fastened by locking or otherwise, the words “Exit” or “Emergency Exit” shall be covered, and the exit shall be marked by a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words “No Exit” in red letters.

#### **Endangering safety of an aircraft**

**63.** A person shall not recklessly or negligently act in a manner likely to endanger an aircraft, or any person therein.

#### **Endangering safety of any person or property**

**64.** A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property.

#### **Drunkenness in aircraft**

**65.—(1)** A person shall not enter any aircraft when drunk, or be drunk in any aircraft.

(2) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of drink or a drug to such an extent as to impair his capacity so to act.

#### **Smoking in aircraft**

**66.—(1)** Notices indicating when smoking is prohibited shall be exhibited in every aircraft registered in the Territory so as to be visible from each passenger seat therein.

(2) A person shall not smoke in any compartment of an aircraft registered in the Territory at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the commander of the aircraft.

#### **Authority of commander and members of the crew of an aircraft**

**67.** Every person in an aircraft shall obey all lawful commands which the commander of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

#### **Acting in a disruptive manner**

**68.** No person shall while in an aircraft:

- (a) use any threatening, abusive or insulting words towards a member of the crew of the aircraft;

- (b) behave in a threatening, abusive, insulting or disorderly manner towards a member of the crew of the aircraft; or
- (c) intentionally interfere with the performance by a member of the crew of the aircraft or his duties.

### **Stowaways**

**69.** A person shall not secrete himself for the purpose of being carried in an aircraft without the consent of either the operator or the commander thereof or of any other person entitled to give consent to his being carried in the aircraft.

### **Flying Displays**

**70.**—(1) No person shall act as the organiser of a flying display (in this article referred to as “the flying display director”) unless he has obtained the permission in writing of the Governor under paragraph (4) for that flying display and complies with any conditions therein specified.

- (a) (2) (a) The commander of an aircraft intending to participate in a flying display shall take all reasonable steps to satisfy himself before he participates that:
    - (i) the flying display director has been granted an appropriate permission under paragraph (4);
    - (ii) the flight can comply with any relevant conditions subject to which that permission may have been granted; and
    - (iii) the pilot has been granted an appropriate pilot display authorisation.
  - (b) The commander of an aircraft participating in a flying display for which a permission has been granted shall comply with any conditions subject to which that permission may have been granted.
  - (c) No person shall act as pilot of an aircraft participating in a flying display unless he holds an appropriate pilot display authorisation and he complies with any conditions subject to which the authorisation may have been given.
- (3) The flying display director shall not permit any person to act as pilot of an aircraft which participates in a flying display unless such person holds an appropriate pilot display authorisation.
- (a) (4) (a) The Governor shall grant a permission required by virtue of paragraph (1) if he is satisfied that the applicant is a fit and competent person, having regard in particular to his previous conduct and experience, his organisation, staffing and other arrangements, to safely organise the proposed flying display.
  - (b) The permission may be granted subject to such conditions, which may include conditions in respect of military aircraft, as the Governor thinks fit and shall, subject to article 81 of this Order, remain in force for the period specified in the permission.
- (5) The Governor shall, for the purpose of this article, either unconditionally or subject to such conditions as he thinks fit:
- (a) grant a display authorisation authorising the holder to act as pilot of an aircraft taking part in a flying display upon his being satisfied that the applicant is a fit person to hold the authorisation and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness to fly in accordance therewith and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests as the Governor may require; and
  - (b) authorise a person to conduct such examinations or tests as he may specify.



(6) A pilot display authorisation granted in accordance with this article shall, subject to article 81 of this Order, remain in force for the period indicated in the pilot display authorisation.

(7) For the purposes of this article, an appropriate pilot display authorisation shall mean such an authorisation which is valid and appropriate to the intended flight and which has been granted by the Governor pursuant to paragraph (5)(a).

(8) Paragraph (1) shall not apply to either:

(a) a flying display which takes place at an aerodrome in the occupation of the Ministry of Defence or of any visiting force or any other premises in the occupation or under the control of the Ministry of Defence; or

(b) a flying display at which the only participating aircraft are military aircraft.

(9) The flying display director shall not permit any military aircraft to participate in a flying display unless he complies with any conditions specified in respect of military aircraft subject to which permission for the flying display may have been granted.

(10) Nothing in this article shall apply to an aircraft race or contest or to an aircraft taking part in such a race or contest or to the commander or pilot thereof whether or not such race or contest is held in association with a flying display.