
STATUTORY INSTRUMENTS

2001 No. 2128

The Air Navigation (Overseas Territories) Order 2001

PART IV

Aircraft Crew and Licensing

Composition of crew of aircraft

20.—(1) An aircraft shall not fly unless it carries a flight crew of the number and description required by the law of the country in which it is registered.

(2) An aircraft registered in the Territory shall carry a flight crew adequate in number and description to ensure the safety of the aircraft and of at least the number and description specified in the certificate of airworthiness issued or rendered valid under this Order or, if no certificate of airworthiness is required under this Order to be in force, the certificate of airworthiness, if any, last in force under this Order in respect of that aircraft.

- (a) (3) (a) A flying machine registered in the Territory and flying for the purpose of public transport having a maximum total weight authorised exceeding 5,700 kg shall carry not less than two pilots as members of the flight crew thereof.
- (b) (i) Subject to sub-paragraphs (ii) and (iii), an aeroplane registered in the Territory and flying for the purpose of public transport in circumstances where the aircraft commander is required to comply with the Instrument Flight Rules and having a maximum total weight authorised of 5,700 kg or less and powered by:
- (aa) one or more turbine jets;
 - (bb) one or more turbine propeller engines and provided with a means of pressurising the personnel compartments;
 - (cc) two or more turbine propeller engines and certificated to carry more than nine passengers;
 - (dd) two or more turbine propeller engines and certificated to carry fewer than 10 passengers and not provided with a means of pressurising the personnel compartments, unless it is equipped with an autopilot which has been approved by the Governor for the purposes of this article and which is serviceable on take-off; or
 - (ee) two or more piston engines, unless it is equipped with an autopilot which has been approved by the Governor for the purposes of this article and which is serviceable on take-off;

shall carry not less than two pilots as members of the flight crew thereof.

- (ii) An aeroplane described in sub-paragraphs (i)(dd) or (i)(ee) which is equipped with an approved autopilot shall not be required to carry two pilots notwithstanding that before take-off the approved autopilot is found to be unserviceable, if the aeroplane flies in accordance with arrangements approved by the Governor.

- (iii) An aeroplane described in sub-paragraphs (i)(cc), (dd) or (ee) which is flying under and in accordance with the terms of a police air operator's certificate shall not be required to carry two pilots.
- (c)
 - (i) Subject to sub-paragraphs (ii) and (iii), a helicopter registered in the Territory which has a maximum total weight authorised of 5,700 kg or less and a maximum approved seating configuration of nine or less which if flying for the purpose of public transport in circumstances where the aircraft commander is required to comply with the Instrument Flight Rules or which is flying by night with visual ground reference shall carry not less than two pilots as members of the flight crew thereof unless it is equipped with an autopilot with, at least, altitude hold and heading mode which is serviceable on take off.
 - (ii) A helicopter described in sub-paragraph (c)(i) which is equipped with an approved autopilot shall not be required to carry two pilots notwithstanding that before take-off the approved autopilot is found to be unserviceable, if the helicopter flies in accordance with arrangements approved by the Governor.
 - (iii) A helicopter described in sub-paragraph (c)(i) which is flying under and in accordance with the terms of a police air operator's certificate shall not be required to carry two pilots.
- (a) (4) (a) An aircraft registered in the Territory engaged on a flight for the purpose of public transport shall carry:
 - (i) a flight navigator as a member of the flight crew; or
 - (ii) navigational equipment suitable for the route to be flown;if on the route or any diversion therefrom, being a route or diversion planned before take-off, the aircraft is intended to be more than 500 nautical miles from the point of take-off measured along the route to be flown, and to pass over part of an area specified in Schedule 7 to this Order.
- (b) The flight navigator carried in compliance with this article shall be carried in addition to any person who is carried in accordance with this article to perform other duties.
- (5) An aircraft registered in the Territory which is required by article 15 of this Order to be equipped with radio communications apparatus shall carry a flight radiotelephony operator as a member of the flight crew.
- (6) The Governor may, in the interests of safety, direct the operator of an aircraft registered in the Territory that all or any aircraft operated by him, when flying in circumstances specified in the direction, shall carry, in addition to the flight crew required to be carried by the provisions of this article, such additional persons as members of the flight crew as he may specify in the direction.
 - (a) (7) (a) This paragraph applies to any flight for the purpose of public transport by an aircraft registered in the Territory:
 - (i) on which is carried 20 or more passengers; or
 - (ii) which may in accordance with its certificate of airworthiness carry more than 35 passengers and on which at least one passenger is carried.
 - (b) The crew of an aircraft on a flight to which this paragraph applies shall include cabin attendants carried for the purposes of performing in the interests of the safety of passengers, duties to be assigned by the operator or the commander of the aircraft but who shall not act as members of the flight crew.
 - (c) (i) Subject to sub-paragraph (ii), on a flight to which this paragraph applies, there shall be carried not less than one cabin attendant for every 50 or fraction of 50 passenger seats installed in the aircraft.

- (ii) The number of cabin attendants calculated in accordance with sub-paragraph (i) need not be carried if the Governor has granted written permission to the operator to carry a lesser number on that flight and the operator carries the number specified in that permission and complies with any other terms and conditions subject to which such permission is granted.

(8) The Governor may, in the interests of safety, direct the operator of any aircraft registered in the Territory that all or any aircraft operated by him when flying in circumstances specified in the direction shall carry, in addition to the cabin attendants required to be carried therein by the foregoing provisions of this article, such additional persons as cabin attendants as he may specify in the direction.

Members of flight crew—requirements for licence

21.—(1) Subject to the provisions of this article, a person shall not act as a member of the flight crew of an aircraft registered in the Territory unless he is the holder of an appropriate licence granted or rendered valid under this Order.

(2) A person may within the Territory, without being the holder of such a licence:

- (a) act as a flight radiotelephony operator if
 - (i) he does so as the pilot of a glider not flying for the purpose of public transport or aerial work and he does not communicate by radiotelephony with any air traffic control unit; or
 - (ii) he does so as a person being trained in an aircraft registered in the Territory to perform duties as a member of the flight crew of an aircraft; and
 - (aa) he is authorised to operate the radiotelephony station by the holder of the licence granted in respect of that station under any enactment;
 - (bb) messages are transmitted only for the purposes of instruction, or of the safety or navigation of the aircraft;
 - (cc) messages are transmitted only on a frequency exceeding 60 MHz assigned by the Governor for the purposes of this sub-paragraph;
 - (dd) the operation of the transmitter requires the use only of external switches; and
 - (ee) the stability of the frequency radiated is maintained automatically by the transmitter;
- (b) subject to article 25(2) of this Order, act as pilot in command of an aircraft for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence if:
 - (i) he is at least 16 years of age;
 - (ii) he is the holder of a valid medical certificate to the effect that he is fit so to act issued by a person approved by the Governor;
 - (iii) he complies with any conditions subject to which that medical certificate was issued;
 - (iv) no other person is carried in the aircraft;
 - (v) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests; and
 - (vi) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order, being a licence which includes a flying instructor's rating

- or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown;
- (c) subject to article 25(2) of this Order, act as pilot of an aircraft in respect of which the flight crew required to be carried by or under this Order does not exceed one pilot for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence if:
- (i) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests;
 - (ii) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order, being a licence which includes a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown; and
 - (iii) the aircraft is fitted with dual controls and he is accompanied in the aircraft by the said instructor who is seated at the other set of controls or the aircraft is fitted with controls designed for and capable of use by two persons and he is accompanied in the aircraft by the said instructor who is seated so as to be able to use the controls;
- (d) subject to article 25 (2) of this Order, act as pilot in command of a helicopter or gyroplane at night if:
- (i) he is the holder of an appropriate licence granted or rendered valid under this Order in all respects save that the licence does not include an instrument rating and he has not within the immediately preceding 13 months carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12°C below the horizon;
 - (ii) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order being a licence which includes a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of helicopter or gyroplane being flown by night;
 - (iii) no person other than that specified in sub-paragraph (ii) above is carried and
 - (iv) the helicopter or gyroplane is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests;
- (e) subject to article 25(2) of this Order, act as pilot in command of a balloon if:
- (i) he is the holder of an appropriate licence granted or rendered valid under this Order in all respects save that he has not within the immediately preceding 13 months carried out as pilot in command 5 flights each of not less than 5 minutes duration;
 - (ii) he so acts in accordance with instructions given by a person authorised by the Governor to supervise flying in the type of balloon being flown;
 - (iii) no person other than that specified in sub-paragraph (ii) above is carried; and
 - (iv) the balloon is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests.
- (3) Subject as aforesaid, a person shall not act as a member of the flight crew required by or under this Order to be carried in an aircraft registered in a country other than the Territory unless:
- (a) in the case of an aircraft flying for the purpose of public transport or aerial work, he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or the State of the operator; or

- (b) in the case of any other aircraft, he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or under this Order, and the Governor does not in the particular case give a direction to the contrary.
- (4) For the purposes of this Part of this Order a licence granted under the law of a Contracting State other than the Territory, purporting to authorise the holder thereof to act as a member of the flight crew of an aircraft, not being a licence purporting to authorise him to act as a student pilot only, shall, unless the Governor in the particular case gives a direction to the contrary, be deemed to be a licence rendered valid under this Order but does not entitle the holder:
- (a) to act as a member of the flight crew of any aircraft flying for the purpose of public transport or aerial work or on any flight in respect of which he receives remuneration for his services as a member of the flight crew; or
 - (b) in the case of a pilot's licence, to act as pilot of any aircraft flying in controlled airspace in circumstances requiring compliance with the Instrument Flight Rules or to give any instruction in flying.
- (5) (a) Notwithstanding the provisions of paragraph (1), a person may, unless the certificate of airworthiness in force in respect of the aircraft otherwise requires, act as pilot of an aircraft registered in the Territory for the purpose of undergoing training or tests for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating therein without being the holder of an appropriate licence, if the conditions specified in sub-paragraph (b) are complied with.
- (b) (i) No other person shall be carried in the aircraft or in an aircraft being towed thereby except:
 - (aa) a person carried as a member of the flight crew in compliance with this Order;
 - (bb) a person authorised by the Governor to witness the aforesaid training or tests or to conduct the aforesaid tests; or
 - (cc) if the pilot in command of the aircraft is the holder of an appropriate licence, a person carried for the purpose of being trained or tested as a member of the flight crew of an aircraft.
 - (ii) The person acting as the pilot of the aircraft without being the holder of an appropriate licence either:
 - (aa) within the period of six months immediately preceding was serving as a qualified pilot of an aircraft in any of Her Majesty's naval, military or air forces, and his physical condition has not, so far as he is aware, so deteriorated during that period as to render him unfit for the licence for which he intends to qualify; or
 - (bb) holds a pilot's, a flight navigator's or a flight engineer's licence granted under article 22 of this Order and the purpose of the training or test is to enable him to qualify under this Order for the grant of a pilot's licence or for the inclusion of an additional type in the aircraft rating in his licence and he acts under the supervision of a person who is the holder of an appropriate licence.
- (6) Notwithstanding paragraph (1), a person may act as a member of the flight crew (otherwise than as a pilot) of an aircraft registered in the Territory for the purposes of undergoing training or tests for the grant or renewal of a flight navigator's or a flight engineer's licence or for the inclusion, renewal or extension of a rating therein, without being the holder of an appropriate licence if he acts under the supervision and in the presence of another person who is the holder of the type of licence or rating for which the person undergoing the training or tests is being trained or tested.

(7) Notwithstanding paragraph (1), a person may act as a member of the flight crew of an aircraft registered in the Territory without being the holder of an appropriate licence if, in so doing, he is acting in the course of his duty as a member of any of Her Majesty's naval, military or air forces.

(8) An appropriate licence for the purposes of this article means a licence which entitles the holder to perform the functions which he undertakes in relation to the aircraft concerned and the flight on which it is engaged.

(9) This article shall not require a licence to be held by a person by reason of his acting as a member of the flight crew of a glider unless:

- (a) he acts as a flight radiotelephony operator otherwise than in accordance with paragraph (2)(a)(i); or
- (b) the flight is for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.

(10) Notwithstanding anything in this article:

- (a) the holder of a licence granted or rendered valid under this Order, being a licence endorsed to the effect that the holder does not satisfy in full the relevant international standard, shall not act as a member of the flight crew of an aircraft registered in the Territory in or over the territory of a Contracting State other than the Territory except in accordance with permission granted by the competent authorities of that State.
- (b) the holder of a licence granted or rendered valid under the law of a Contracting State other than the Territory, being a licence endorsed as aforesaid, shall not act as a member of the flight crew of any aircraft in or over the Territory except in accordance with permission granted by the Governor, whether or not the licence is or is deemed to be rendered valid under this Order.

Grant, renewal and effect of flight crew licences

- (a) **22.** (1) (a) Subject to sub-paragraph (d), the Governor shall grant licences, subject to such conditions as he thinks fit, of any of the classes specified in Part A of Schedule 8 to this Order authorising the holder to act as a member of the flight crew of an aircraft registered in the Territory, upon his being satisfied that the applicant is a fit person to hold the licence, and is qualified by reason of his knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the licence relates, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests (including in particular medical examinations) and undertake such courses of training as the Governor may require of him.
- (b) A licence granted under this article shall not be valid unless it bears thereon the ordinary signature of the holder in ink.
- (c) Subject to article 81 of this Order, a licence shall remain in force for the period indicated in the licence, not exceeding the period specified in respect of a licence of that class in the said Schedule, and may be renewed by the Governor from time to time upon his being satisfied that the applicant is a fit person and qualified as aforesaid. If no period is indicated in the licence it shall remain in force, subject as aforesaid, for the lifetime of the holder.
- (d) A licence of any class shall not be granted to any person who is under the minimum age specified for that class of licence in Part A of the said Schedule.

(2) The Governor may include in a licence a rating, subject to such conditions as he thinks fit, of any of the classes specified in Part B of the said Schedule, upon his being satisfied that the applicant

is qualified as aforesaid to act in the capacity to which the rating relates, and such rating shall be deemed to form part of the licence.

(3) Subject to any conditions of the licence and to the provisions of this Order, a licence of any class shall entitle the holder to perform the functions specified in respect of that licence in Part A of the said Schedule under the heading 'Privileges' and a rating of any class shall entitle the holder of the licence in which such rating is included to perform the functions specified in respect of that rating in Part B of the said Schedule.

Maintenance of privileges of aircraft ratings in licences

- (a) **23.** (1) (a) Subject to sub-paragraphs (b) and (c), the holder of a pilot's licence or a flight engineer's licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the licence bears a valid certificate of test or a valid certificate of experience in respect of the rating, which certificate shall in either case be appropriate to the functions he is to perform on that flight in accordance with Part C of Schedule 8 to this Order and shall otherwise comply with that Part.
- (b) The holder of a Private Pilot's Licence (Balloons and Airships) shall be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight when the licence does not bear such a certificate.
- (c) The holder of a Private Pilot's Licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the certificate of test or certificate of experience required by sub-paragraph (a) is included in the personal flying log book required to be kept by him under article 28 of this Order.

(2) The holder of a flight navigator's licence shall not be entitled to perform functions on a flight to which article 20(4) of this Order applies unless the licence bears a valid certificate of experience which certificate shall be appropriate to the functions he is to perform on that flight in accordance with Part C of the said Schedule and shall otherwise comply with that Part.

Maintenance of privileges of other ratings in licences

24. A person shall not be entitled to perform the functions to which an instrument rating (aeroplanes), an instrument rating (helicopters), a flying instructor's rating, an assistant flying instructor's rating, or an instrument meteorological conditions rating (aeroplanes) relates unless his licence bears a valid certificate of test, which certificate shall be appropriate to the functions to which the rating relates in accordance with Part C of Schedule 8 to this Order and shall otherwise comply with that Part.

Medical requirements for licence holders

- (a) **25.** (1) (a) The holder of a licence granted under article 22, other than a Flight Radiotelephony Operator's Licence, shall not be entitled to perform any of the functions to which his licence relates unless it includes an appropriate valid medical certificate.
- (b) Every applicant for or holder of a licence granted under article 22 shall upon such occasions as the Governor may require submit himself to medical examination by a person approved by the Governor, either generally or in a particular case or class of cases, who shall make a report to the Governor in such form as the Governor may require.
- (c) On the basis of such medical examination, the Governor or any person approved by him as competent to do so may issue a medical certificate subject to such conditions as he thinks fit to the effect that he has assessed the holder of the licence as fit to perform the functions to which the licence relates, and the certificate shall, without prejudice to paragraph (2)

of this article, be valid for such period as is therein specified and shall be deemed to form part of the licence.

- (a) (2) (a) A person shall not be entitled to act as a member of the flight crew of an aircraft registered in the Territory if he knows or suspects that his physical or mental condition renders him temporarily or permanently unfit to perform such functions or to act in such capacity.
- (b) Every holder of a medical certificate issued under this article who:
- (i) suffers any personal injury involving incapacity to undertake his functions as a member of the flight crew;
 - (ii) suffers any illness involving incapacity to undertake those functions throughout a period of 21 days or more; or
 - (iii) in the case of a woman, has reason to believe that she is pregnant;

shall inform the Governor in writing of such injury, illness or pregnancy, as soon as possible in the case of injury or pregnancy, and as soon as the period of 21 days has expired in the case of illness. The medical certificate shall be deemed to be suspended upon the occurrence of such injury or the expiry of such period of illness or the confirmation of the pregnancy, and

- (aa) in the case of injury or illness the suspension shall cease upon the holder being medically examined under arrangements made by the Governor and pronounced fit to resume his functions as a member of the flight crew or upon the Governor exempting, subject to such conditions as he thinks fit, the holder from the requirement of a medical examination; and
- (bb) in the case of pregnancy, the suspension may be lifted by the Governor for such period and subject to such conditions as he thinks fit and shall cease upon the holder being medically examined under arrangements made by the Governor after the pregnancy has ended and pronounced fit to resume her functions as a member of the flight crew.

Miscellaneous licensing provisions

26.—(1) A person who, on the last occasion when he took a test for the purposes of articles 23 or 24, failed that test shall not be entitled to fly in the capacity for which that test would have qualified him had he passed it.

(2) Nothing in this Order shall prohibit the holder of a pilot's licence from acting as pilot of an aircraft certificated for single pilot operation when, with the permission of the Governor he is testing any person for the purposes of articles 22(1), 22(2), 23 or 24, notwithstanding that the type of aircraft in which the test is conducted is not specified in an aircraft rating included in his licence or that the licence or personal flying log book, as the case may be, does not include a valid certificate of test, experience or revalidation in respect of the type of aircraft.

(3) Where any provision of Part C of Schedule 8 or Part B of Schedule 10 to this Order permits a test to be conducted in a flight simulator approved by the Governor, that approval may be granted subject to such conditions as the Governor thinks fit.

(4) Without prejudice to any other provision of this Order the Governor may, for the purpose of this Part of this Order, either absolutely or subject to such conditions as he thinks fit:

- (a) approve any course of training or instruction;
- (b) authorise a person to conduct such examinations or tests as he may specify; and
- (c) approve a person to provide any course of training or instruction.

Validation of Licences

27. The Governor may issue a certificate of validation rendering valid for the purpose of this Order any flight crew licence granted under the law of any country other than the Territory. A certificate of validation may be issued subject to such conditions and for such periods as the Governor thinks fit.

Personal flying log book

28.—(1) Every member of the flight crew of an aircraft registered in the Territory and every person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under this Order shall keep a personal flying log book in which the following particulars shall be recorded:

- (a) the name and address of the holder of the log book;
- (b) particulars of the holder's licence (if any) to act as a member of the flight crew of an aircraft; and
- (c) the name and address of his employer (if any).

(2) Particulars of each flight during which the holder of the log book acted either as a member of the flight crew of an aircraft or for the purpose of qualifying for the grant or renewal of a licence under this Order, as the case may be, shall be recorded in the log book at the end of each flight or as soon thereafter as is reasonably practicable, including:

- (a) the date, the places at which the holder embarked on and disembarked from the aircraft and the time spent during the course of a flight when he was acting in either capacity;
- (b) the type and registration marks of the aircraft;
- (c) the capacity in which the holder acted in flight;
- (d) particulars of any special condition under which the flight was conducted, including night flying and instrument flying; and
- (e) particulars of any test or examination undertaken whilst in flight.

(3) For the purposes of this article, a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

(4) Particulars of any test or examination undertaken whilst in a flight simulator shall be recorded in the log book, including:

- (a) the date of the test or examination;
- (b) the type of simulator;
- (c) the capacity in which the holder acted; and
- (d) the nature of the test or examination.

Instruction in flying

29.—(1) A person shall not give any instruction in flying to which this article applies unless:

- (a) he holds a licence, granted or rendered valid under this Order entitling him to act as pilot in command of the aircraft for the purpose and in the circumstances under which the instruction is to be given; and
- (b) his licence includes an instructor's rating or an assistant flying instructor's rating entitling the holder to give the instruction.

(2) Subject to paragraph (3), this article applies to instruction in flying given to any person flying or about to fly a flying machine or glider for the purpose of becoming qualified for:

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) the grant of a pilot's licence; and
- (b) the inclusion or variation of any rating in his licence.

(3) This article shall not apply to any instruction in flying given to a person for the purpose of becoming qualified for the inclusion in his licence of an aircraft rating entitling him to act as pilot of a multi-engined aircraft, or an aircraft of any class appearing in column 4 of the Table in Part A of Schedule 2 to this Order, if that person has previously been entitled under this Order or qualified in any of Her Majesty's naval, military or air forces, to act as pilot of multi-engined aircraft or an aircraft of that class, as the case may be.

Glider pilot-minimum age

30. A person under the age of 16 years shall not act as pilot in command of a glider.