
STATUTORY INSTRUMENTS

2007 No. 3468

CIVIL AVIATION

The Air Navigation (Overseas Territories) Order 2007

Made - - - - - *12th December 2007*

Laid before Parliament *19th December 2007*

Coming into force - - *9th January 2008*

Her Majesty, in exercise of the powers conferred on Her by sections 8, 41, 57, 58, 59 and 61 of the Civil Aviation Act 1949(1) as extended to certain territories by the Civil Aviation Act 1949 (Overseas Territories) Order 1969(2), as amended by the Civil Aviation Act 1982 (Overseas Territories) Order 2001(3), and of the powers conferred on Her by section 61 of the Civil Aviation Act 1982(4), as extended to certain territories by the Civil Aviation Act 1982 (Overseas Territories) Order 2001, is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and Commencement

1. This Order may be cited as the Air Navigation (Overseas Territories) Order 2007 and comes into force on 9th January 2008.

Revocation

2. The Orders specified in Schedule 1 to this Order are hereby revoked.

PART I

REGISTRATION AND MARKING OF AIRCRAFT

Aircraft to be registered

- 3.—(1) An aircraft shall not fly in or over the Territory unless it is registered in—
- (a) some part of the Commonwealth;
 - (b) a Contracting State; or

(1) 1949c. 67.
(2) S.I. 1969/592.
(3) S.I. 2001/1452
(4) 1982c. 16

- (c) some other country in relation to which there is in force an agreement between Her Majesty's Government in the United Kingdom and the Government of that country which makes provision for the flight over the Territory of aircraft registered in that country.
- (2) Any aircraft may fly unregistered on any flight which—
 - (a) begins and ends in the Territory without passing over any other country; and
 - (b) is in accordance with the conditions of a permit to fly issued by the Governor under the provisions of article 9.
- (3) Paragraph (1) does not apply to any kite or captive balloon.
- (4) If an aircraft flies over the Territory in contravention of paragraph (1) in such manner or circumstances that if the aircraft had been registered in the Territory an offence against this Order or any regulations made hereunder would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

Registration of aircraft in the Territory

4.—(1) The Governor is the authority for the registration of aircraft in the Territory and is responsible for maintaining the register and may record therein the particulars referred to in paragraph (7) in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.

(2) Subject to the provisions of this article, an aircraft shall not be registered or continue to be registered in the Territory if it appears to the Governor that—

- (a) the aircraft is registered outside the Territory and that such registration does not cease by operation of law upon the aircraft being registered in the Territory;
- (b) an unqualified person holds any legal or beneficial interest by way of ownership in the aircraft or any share therein;
- (c) the aircraft could more suitably be registered in some other part of the Commonwealth; or
- (d) it would be inexpedient in the public interest for the aircraft to be or to continue to be registered in the Territory.

(3) The following persons and no others are qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the Territory or a share therein—

- (a) the Crown in right of Her Majesty's Government in the United Kingdom or in right of the Government of the Territory;
- (b) Commonwealth citizens;
- (c) British protected persons;
- (d) bodies incorporated in some part of the Commonwealth and having their principal place of business in any part of the Commonwealth.

(4) If an unqualified person—

- (a) residing or having a place of business in the Territory holds a legal or beneficial interest by way of ownership in an aircraft, or a share therein, the Governor, upon being satisfied that the aircraft may otherwise be properly so registered, may register the aircraft in the Territory;
- (b) has registered an aircraft under this paragraph, he shall not cause or permit the aircraft, while it is so registered, to be used for the purpose of commercial air transport or aerial work.

(5) If an aircraft is chartered by demise to a qualified person the Governor may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest therein, register the aircraft in the Territory in the name of the charterer by demise upon being satisfied that the aircraft may

otherwise be properly so registered, and subject to the provisions of this article the aircraft may remain so registered during the continuation of the charter.

(6) Application for the registration of an aircraft in the Territory shall be made in writing to the Governor, and shall –

- (a) include or be accompanied by such particulars and evidence relating to the aircraft and the ownership and chartering thereof as he may require to enable him to determine whether the aircraft may properly be registered in the Territory and to issue the certificate referred to in paragraph (8); and
- (b) include the proper description of the aircraft according to column 4 of the general classification of aircraft set forth in Schedule 2.

(7) Upon receiving an application for the registration of an aircraft in the Territory and being satisfied that the aircraft may properly be so registered the Governor shall register the aircraft, wherever it may be, and shall include in the register those particulars that he shall specify.

(8) The Governor shall furnish to the person in whose name the aircraft is registered (in this article referred to as ‘the registered owner’) a certificate of registration, which shall include the specified particulars and the date on which the certificate was issued.

(9) Subject to paragraphs (4) and (5), if at any time after an aircraft has been registered in the Territory an unqualified person becomes entitled to a legal or beneficial interest by way of ownership in the aircraft or a share therein, the registration of the aircraft shall thereupon become void and the certificate of registration shall immediately be returned by the registered owner to the Governor.

(10) Any person who is the registered owner of an aircraft registered in the Territory shall immediately inform the Governor in writing of—

- (a) any change in the particulars which were furnished to the Governor upon application being made for the registration of the aircraft;
- (b) the destruction of the aircraft, or its permanent withdrawal from use; or
- (c) in the case of an aircraft registered under paragraph (5), the termination of the demise charter.

(11) Any person who becomes the owner of an aircraft registered in the Territory shall within 28 days inform the Governor in writing to that effect.

(12) The Governor may, whenever it appears to him necessary or appropriate to do so for giving effect to this Part or for bringing up to date or otherwise correcting the particulars entered on the register, amend the register or, if he thinks fit, cancel the registration of the aircraft, and he shall cancel that registration within 2 months of being satisfied that there has been a change in the ownership of the aircraft.

(13) The Governor may, by regulations, adapt or modify the foregoing provisions of this article as he deems necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from the Territory register, either generally or in relation to a particular case or class of cases.

(14) In this article references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of his membership of a flying club and the reference in paragraph (10) to the registered owner of an aircraft includes, in the case of a deceased person, his legal personal representative, and in the case of a body corporate which has been dissolved, its successor.

(15) Nothing in this article shall require the Governor to cancel the registration of an aircraft if in his opinion it would be inexpedient in the public interest to do so.

(16) The registration of an aircraft which is the subject of an un-discharged mortgage entered in the Register of Aircraft Mortgages kept in the Territory under legislation in force in the Territory relating to the mortgaging of aircraft, shall not become void by virtue of paragraph (9) of this Article,

nor shall the Governor cancel the registration of such an aircraft under this Article unless all persons shown in the Register of Aircraft Mortgages as mortgagees of that aircraft have consented to the cancellation.

(17) The Governor shall, at such times and in such a manner as may from time to time be directed by the Civil Aviation Authority, transmit to the Civil Aviation Authority particulars of all registrations, and of changes in or cancellations of registrations, entered in the register.

Nationality and registration marks

5.—(1) An aircraft (other than an aircraft permitted by or under this Order to fly without being registered) shall not fly unless it bears painted on it or affixed to it, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) The nationality mark to be borne by aircraft registered in the Territory shall consist of a group of two capital letters in Roman character and the registration mark shall consist of a group of three capital letters in Roman character and both the nationality mark and the registration mark shall comply with requirements published by the Governor under article 152.

(3) An aircraft shall not bear any marks that purport to indicate—

- (a) that the aircraft is registered in a country in which it is not in fact registered; or
- (b) that the aircraft is a State aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.

(4) Marks approved by the Governor for the purposes of flight in accordance with a permit to fly shall be deemed not to purport to indicate that the aircraft is registered in a country in which it is not in fact registered.

PART II

AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

Type Acceptance Certificate

6.—(1) A certificate of airworthiness for an aircraft registered in the Territory shall not be issued in accordance with article 8 unless there is in force a Type Acceptance Certificate issued by the Governor for that aircraft type.

(2) Any person who intends to operate an aircraft to be registered in the Territory of a type for which a Type Acceptance Certificate has not been issued shall apply or cause an application to be made to the Governor for the issue of a Type Acceptance Certificate for that aircraft type in accordance with this article and the published requirements of the Governor.

(3) A Type Acceptance Certificate with respect to an aircraft means a document issued by the Governor on the basis of a Type Certificate issued by a Contracting State acceptable to the Governor.

(4) For the purposes of this article a “Type Certificate” means a document issued by a Contracting State to define the design of an aircraft type and to certify that this design meets the appropriate airworthiness requirements of that State.

Certificate of airworthiness to be in force

7.—(1) An aircraft shall not fly unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered or the State of the operator, and any conditions subject to which the certificate was issued or rendered valid are complied with.

(2) The prohibition contained in paragraph (1) does not apply to flights made wholly within the Territory, of—

- (a) a glider, if it is not being used for the commercial air transport of passengers 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;
- (b) a balloon flying on a private flight;
- (c) a kite;
- (d) an aircraft flying in accordance with a permit to fly issued by the Governor under article 9.

(3) In the case of an aircraft registered in the Territory the certificate of airworthiness referred to in paragraph (1) is a certificate issued under article 8.

Issue, re-issue and validity of certificates of airworthiness

8.—(1) The Governor shall issue in respect of any aircraft a certificate of airworthiness if he is satisfied that the aircraft is fit to fly having regard to and on the basis of—

- (a) the design, construction, workmanship and materials of the aircraft (including in particular any engines fitted therein), and of any equipment carried in the aircraft which he considers necessary for the airworthiness of the aircraft; and
- (b) the results of flying trials, and such other tests of the aircraft as he may require; and
- (c) a certificate of release to service having been issued under and in accordance with the provisions of article 12.

(2) A certificate of release to service is not required in respect only of the reissue of a certificate of airworthiness under paragraph (1).

(3) The Governor may issue the certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as he thinks fit.

(4) The flight manual or equivalent document specified in article 10(1)(d) specifies the operational limitations within which the aircraft is to be operated for the purposes of the requirements referred to in articles 41, 72 and 73, provided that for the purposes of article 41(a) an aircraft flying clear of cloud and with the surface in sight shall be deemed to be flying in accordance with the Visual Flight Rules.

(5) A certificate of airworthiness issued in respect of an aircraft ceases to be in force—

- (a) if the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft, is overhauled, repaired or modified or if any part of the aircraft or of such equipment is removed or is replaced, otherwise than in a manner and with material of a type approved by the Governor or by a person or organisation approved by the Governor for the purpose either generally or in relation to a class of aircraft or to the particular aircraft;
- (b) until the satisfactory completion of any inspection made for the purpose of ascertaining whether the aircraft remains airworthy or maintenance of the aircraft or of any such equipment described in sub-paragraph (a) which is or has been—
 - (i) classified as mandatory by the Governor;
 - (ii) required by a maintenance programme approved by the Governor in relation to that aircraft; or
- (c) until the completion to the satisfaction of the Governor of any modification of the aircraft or of any of its equipment, being a modification required by the Governor for the purpose of ensuring that the aircraft remains airworthy.

(6) The Governor may issue a certificate of validation rendering valid for the purposes of this Order a certificate of airworthiness issued in respect of any aircraft registered elsewhere than in the Territory under the law of any country other than the Territory.

(7) Nothing in this Order shall oblige the Governor to accept an application for the issue of a certificate of airworthiness or certificate of validation or for the variation or re-issue of any such certificate when the application is not supported by such reports from such persons approved under article 151 as the Governor may specify (either generally or in a particular case or class of cases).

Issue, re-issue etc of permits to fly

9.—(1) The Governor may issue in respect of any aircraft a permit to fly if he is satisfied that the aircraft is fit to fly having regard to the airworthiness of the aircraft and the conditions to be attached to the permit.

(2) The Governor may refuse to issue a permit to fly in respect of an aircraft if it appears to him that the aircraft is eligible for and ought to fly under and in accordance with a certificate of airworthiness.

(3) An aircraft flying in accordance with a permit to fly shall not fly for the purpose of commercial air transport or aerial work but may be flown for the purpose of flying displays, associated practice, test, modification approval and positioning flights or for the exhibition or demonstration of the aircraft.

(4) With the permission of the Governor, an aircraft flying in accordance with a permit to fly may fly for the purpose of aerial work which consists of the giving of instruction in flying or the conduct of flying tests.

(5) No person shall be carried during flights under a permit to fly except the minimum flight crew unless the prior permission of the Governor has been obtained.

(6) A permit to fly issued in respect of an aircraft ceases to be in force—

- (a) if any conditions associated with the permit are not complied with;
- (b) until the completion of any inspection, modification or maintenance of the aircraft or any of its equipment, required for ascertaining whether the aircraft remains airworthy and—
 - (i) classified as mandatory by the Governor; or
 - (ii) required as a condition of the permit to fly;
- (c) if the aircraft, engines or propellers, or such of its equipment as is necessary for the airworthiness of the aircraft, are modified or repaired; unless the repair, or modification has been approved by the Governor or by a person or organisation approved by the Governor for the purpose.

(7) The Governor may impose a condition that a placard shall be affixed to any aircraft, flying in accordance with a permit to fly, in full view of the occupants, which shall be worded as follows—

“Occupant Warning – This aircraft has not been certificated to internationally accepted certification standards”

(8) An aircraft flying in accordance with a permit to fly shall only be flown in accordance with such conditions specified by the Governor as shall be appropriate having regard to all of the circumstances.

(9) Nothing in this Order shall oblige the Governor to accept an application for the issue, variation or renewal of a permit to fly when the application is not supported by such reports from such authorised or approved persons as the Governor may specify (either generally or in a particular case or class of cases).

Continuing airworthiness

10.—(1) An aircraft registered in the Territory in respect of which a certificate of airworthiness is in force shall not fly unless—

- (a) the aircraft's continued airworthiness, (including that of its engines, equipment and radio station), is managed by a person or organisation approved by the Governor in accordance with a maintenance programme under a maintenance control manual or equivalent document approved by the Governor in relation to that aircraft; and
- (b) all airworthiness directives or equivalent issued by the State responsible for the certification standard of the aircraft have been complied with; and
- (c) all inspections required in respect of the aircraft under the provisions of this Order have been completed; and
- (d) there is a flight manual or equivalent document that is carried on, and available in, the aircraft for use by the flight crew containing the limitations within which the aircraft is considered airworthy, together with such additional instructions and information as may be necessary to secure compliance with the specified performance and operational requirements relating to that aircraft.

(2) In the case of an aircraft registered in the Territory and operated for commercial air transport purposes by the holder of an air operator's certificate issued under article 64 the operator having the control of the aircraft shall provide a maintenance control manual or equivalent document acceptable to the Governor in relation to that aircraft.

(3) For the purposes of this article a "maintenance control manual" means a manual established in respect of an aircraft describing how the operator of that aircraft or approved organisation will comply with the provisions of the approved maintenance programme and ensure the continuing airworthiness of that aircraft.

(4) The operator referred to in paragraph (2) shall appoint an accountable person, acceptable to the Governor on the basis of his training, qualifications and experience, who shall be responsible for controlling the management of the maintenance of the aircraft in accordance with the maintenance control manual.

(5) The operator, owner or, where an aircraft is leased, the lessee of an aircraft registered in the Territory of which the maximum total weight authorised exceeds 2,700kg and that is not operated for commercial air transport purposes by the holder of an air operator's certificate issued under article 64 shall appoint a technical coordinator, acceptable to the Governor, who shall ensure that arrangements for continuing airworthiness are put in place in accordance with the Governor's requirements.

(6) A person appointed as an accountable person under paragraph (4) or as a technical coordinator under paragraph (5) shall ensure and shall verify that—

- (a) maintenance has been carried out on an aircraft in accordance with the maintenance programme approved for that aircraft;
- (b) inspections and modifications required by the Governor as provided in article 8(5)(b) and (c) have been completed as certified in the relevant certificate of release to service issued under this Order;
- (c) defects entered in the technical log of the aircraft in accordance with article 11 have been rectified or the rectification thereof has been deferred in accordance with procedures approved by the Governor; and
- (d) certificates of release to service have been issued under this Order and for this purpose the operator of the aircraft shall make available to that person such information as is necessary; and

- (e) any technical assessments required by the manufacturer of the aircraft or as specified by the Governor are undertaken and reports of the continued airworthiness status of the aircraft are provided in accordance with arrangements acceptable to the Governor.

Aircraft records

11.—(1) The following aircraft records shall be kept in respect of an aircraft registered in the Territory—

- (a) a technical log; and
- (b) an aircraft logbook; and
- (c) a separate logbook in respect of each engine fitted in the aircraft; and
- (d) a separate logbook in respect of each variable pitch propeller fitted to the aircraft.

(2) A technical log shall be kept in respect of every aircraft registered in the Territory in respect of which a certificate of airworthiness is in force.

(3) In the case of an aircraft of which the maximum total weight authorised is 2700kg or less and which is not operated by the holder of an air operator's certificate granted in accordance with article 64 a record in a form acceptable to the Governor may be kept instead of a technical log.

(4) At the end of every flight by an aircraft to which the provisions of this article apply the pilot-in-command of the aircraft shall enter in a technical log or approved record, as the case may be—

- (i) the times when the aircraft took off and landed;
- (ii) particulars of any defect which is known to him and which affects the airworthiness or safe operation of the aircraft, or if no such defect is known to him, an entry to that effect; and
- (iii) such other particulars in respect of the airworthiness or operation of the aircraft as the Governor may require;

and shall sign and date such entries.

(5) In the case of a number of consecutive flights each of which begins and ends—

- (a) within the same period of 24 hours;
- (b) at the same aerodrome, except where each such flight is for the purpose of dropping or projecting any material for agricultural, public health or similar purposes; and
- (c) with the same person as pilot-in-command of the aircraft;

the pilot-in-command may, except where he becomes aware of a defect during an earlier flight, make the entries specified in paragraph (4) at the end of the last of such consecutive flights.

(6) Upon the rectification of any defect which has been entered in a technical log in accordance with paragraphs (4) and (5) a person issuing a certificate of release to service under this Order in respect of that defect shall enter the certificate in the technical log or approved record in such a position as to be readily identifiable with the defect to which it relates.

(7) The technical log referred to in this article shall be carried in the aircraft when article 116 so requires and copies of the entries referred to in this article shall be kept on the ground.

(8) In the case of a helicopter, if it is not reasonably practicable for the copy of the technical log or approved record to be kept on the ground it may be carried in the helicopter in a container approved by the Governor for that purpose.

(9) The logbooks referred to in subparagraphs (b), (c) and (d) of paragraph (1) shall include the particulars respectively specified by the Governor and shall be kept in a manner specified by him.

(10) Any document or electronic record that has been incorporated by reference in a logbook shall be deemed, for the purposes of this Order, to be part of the logbook.

(11) It shall be the duty of the operator of every aircraft, in respect of which technical logs and logbooks are required to be kept, to keep them or cause them to be kept in accordance with the requirements specified by the Governor.

Requirement for a certificate of release to service

12.—(1) This article applies to any aircraft registered in the Territory in respect of which a certificate of airworthiness has been or is to be issued under article 8.

(2) An aircraft to which this article applies shall not fly unless there is in force a certificate of release to service issued under this Order if the aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained, or has been inspected as provided in article 8(5)(b), as the case may be.

(3) A certificate of release to service is not required to be in force in respect of an aircraft, of which the maximum total weight authorised does not exceed 2700kg and that is not operated for the purpose of commercial air transport or aerial work, in respect of which a certificate of airworthiness is in force if it flies in the circumstances specified in paragraph (4).

(4) The circumstances referred to in paragraph (3) are—

- (a) the only repairs or replacements in respect of which a certificate of release to service is not in force are of a description as specified by the Governor;
- (b) such repairs or replacements have been carried out personally by the holder of a pilot's licence granted or rendered valid under this Order who is the owner or operator of the aircraft;
- (c) the person carrying out the repairs or replacements shall keep in the aircraft log book kept in respect of the aircraft under article 11 a record which identifies the repairs or replacement and shall sign and date the entries;
- (d) any equipment or parts used in carrying out such repairs or replacements shall be of a type approved by the Governor either generally or in relation to a class of aircraft or one particular aircraft.

(5) Neither—

- (a) equipment provided in compliance with article 15; nor
- (b) radio apparatus provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not the apparatus is provided in compliance with this Order;

shall be installed or placed on board for use in an aircraft to which this article applies after being maintained, overhauled, repaired, modified or inspected, unless there is in force in respect thereof at the time when it is installed or placed on board a certificate of release to service issued under this Order.

(6) A certificate of release to service issued under this Order shall certify that the aircraft or any part thereof or its equipment has been inspected, overhauled, repaired, replaced, modified or maintained, as the case may be, in a manner and with material of a type approved by the Governor either generally or in relation to the particular aircraft and shall identify the inspection, overhaul, repair, replacement, modification or maintenance to which the certificate relates and shall include particulars of the work done.

(7) A certificate of release to service issued under this Order may be issued only by—

- (a) the holder of an aircraft maintenance engineer's licence granted under this Order, being a licence which entitles him to issue that certificate for aircraft that do not exceed 2700 kg and are not operated for the purpose of commercial air transport or aerial work; or

- (b) the holder of an aircraft maintenance engineer's licence granted under the law of a country other than the Territory and rendered valid under this Order, in accordance with the privileges endorsed on the licence and as authorised by the Governor to issue that certificate; or
- (c) the holder of an aircraft maintenance engineer's licence granted under this Order, in accordance with the privileges endorsed on the licence and as authorised by the Governor to issue that certificate; or
- (d) the holder of an authorisation to issue that certificate granted by an organisation approved by the Governor; or
- (e) a person whom the Governor has authorised to issue that certificate in a particular case, and in accordance with that authority.

Licensing and authorisations of maintenance engineers

13.—(1) The Governor shall grant an aircraft maintenance engineer's licence upon being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence and skill in aeronautical engineering, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests as the Governor may require of him.

(2) An aircraft maintenance engineer's licence authorises the holder, subject to such conditions as may be specified in the licence, to issue certificates of release to service under this Order in respect of such repairs, replacements, modifications, maintenance and inspections of such aircraft and such equipment as may be so specified.

(3) A licence shall, subject to article 122, remain in force for the period specified therein, not exceeding 5 years, but may be renewed by the Governor from time to time upon his being satisfied as to the continued fitness and qualifications of the applicant.

(4) The Governor may issue a certificate rendering valid for the purposes of this Order any licence as an aircraft maintenance engineer granted under the law of any country other than the Territory.

(5) A licence or authorisation granted under this article shall not be valid unless it bears thereon the ordinary signature of the holder in ink.

(6) The Governor may, for the purposes of this article, 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 or conduct any course of training or instruction.

(7) The holder of an aircraft maintenance engineer's licence shall not exercise the privileges of such a licence if he knows or suspects that his physical or mental condition renders him unfit to exercise such privileges.

(8) The holder of an aircraft maintenance engineer's licence shall not, when exercising the privileges of a licence, be under the influence of alcohol, any drug or any psychoactive substance, including prescribed or proprietary medication, so as to render that person unable safely and properly to exercise such privileges or so as to create a risk to the licence holder or any other person.

Approval of maintenance organisations

14.—(1) No person intending to engage in—

- (a) any stage of the maintenance of aircraft, aircraft components or aircraft materials; or
- (b) the manufacture of parts for the purpose of maintenance; or
- (c) training activities associated therewith;

shall do so without first obtaining from the Governor a certificate of approval in respect of any of those activities.

(2) The Governor shall issue an approval to an organisation that complies with his requirements.

(3) A certificate of approval shall be in such form, be subject to such conditions and limitations and contain such particulars as may be determined by the Governor.

Equipment of aircraft

15.—(1) An aircraft shall not fly unless it is so equipped as to—

- (a) comply with the law of the country in which it is registered or the State of the operator; and
- (b) enable lights and markings to be displayed; and
- (c) enable signals to be made;

in accordance with this Order and any regulations made hereunder.

(2) In the case of any aircraft registered in the Territory the equipment to be provided (in addition to any other equipment required by or under this Order) shall—

- (a) be that specified in Schedule 4 as applicable to the purpose and the circumstances of the flight;
- (b) comply with the provisions of that Schedule;
- (c) be of a type approved by the Governor either generally or in relation to a class of aircraft or in relation to that aircraft; and
- (d) be installed in a manner so approved.

(3) In any particular case or class of cases the Governor may give instructions that an aircraft registered in the Territory shall carry such additional equipment or supplies (including radio equipment) as he may specify for the purpose of—

- (a) facilitating the navigation of the aircraft; or
- (b) the carrying out of search and rescue operations; or
- (c) securing the safety and the survival of the persons carried in the aircraft.

(4) The equipment carried in compliance with this article shall be installed or stowed and kept stowed, and maintained and adjusted so as to be readily accessible and capable of being used by the person for whose use it is intended.

(5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft.

(6) In every commercial air transport aircraft registered in the Territory there shall be provided individually for each passenger or, if the Governor so permits in writing, exhibited in a prominent position in every passenger compartment, a notice which complies with paragraph (7).

(7) A notice complies with this paragraph if it—

- (a) is relevant to the aircraft in question;
- (b) contains pictorial instructions on the brace position to be adopted in the event of an emergency landing;
- (c) contains pictorial instructions on the method of use of the safety belts and safety harnesses as appropriate;
- (d) contains pictorial information as to where emergency exits are to be found and instructions as to how they are to be used;

- (e) contains pictorial information as to where the lifejackets, escape slides, liferafts and oxygen masks, if required to be provided by paragraph (2) or paragraph (3), are to be found and instructions as to how they are to be used.

(8) All equipment installed or carried in an aircraft, whether or not in compliance with this article, shall be installed or stowed and maintained and adjusted so as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

Radio equipment of aircraft

16.—(1) An aircraft shall not fly unless it is equipped with radio and radio navigation equipment so as to comply with the law of the country in which the aircraft is registered or the State of the Operator and to enable communications to be made and the aircraft to be navigated, in accordance with the provisions of this Order and any regulations made hereunder.

(2) In the case of an aircraft registered in the Territory the radio equipment that is required to be provided shall be that specified in Schedule 5 as applicable to the purpose and circumstances of the flight and shall be of a type approved by the Governor generally or in relation to a class of aircraft or in relation to that aircraft and be installed in a manner so approved.

(3) Subject to such exceptions as may be specified the radio and radio navigation equipment provided in compliance with this article in an aircraft registered in the Territory shall always be maintained in serviceable condition.

Minimum equipment requirements

17.—(1) The Governor may grant in respect of any aircraft or class of aircraft registered in the Territory an approval permitting such aircraft to commence a flight in specified circumstances notwithstanding that any specified item of equipment required by or under this Order to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.

(2) An aircraft registered in the Territory shall not commence a flight if any of the equipment (including radio apparatus) required by or under this Order to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use unless—

- (a) the aircraft does so otherwise than under and in accordance with the terms of an approval under this article which has been granted to the operator; and
- (b) in the case of an aircraft to which any of articles 66, 67 or 85 applies, the respective operations manual required thereby contains the particulars of that approval.

Aircraft weight schedule

18.—(1) Every aircraft in respect of which a certificate of airworthiness or permit to fly issued under this Order is in force shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Governor may require or approve in the case of that aircraft.

(2) Upon the aircraft being weighed the operator of the aircraft shall prepare a weight schedule showing—

- (a) either the basic weight of the aircraft, that is to say, the empty weight of the aircraft established in accordance with the type certification basis of the aircraft, or such other weight as may be approved by the Governor in the case of that aircraft; and
- (b) either the position of the centre of gravity of the aircraft at its basic weight or such other position of the centre of gravity as may be approved by the Governor in the case of that aircraft.

(3) Subject to article 120, the weight schedule shall be preserved by the operator of the aircraft until the expiration of a period of six months following the next occasion on which the aircraft is weighed for the purposes of this article.

Access and inspection for airworthiness purposes

19. The Governor may cause such inspections, investigations, tests, experiments and flight trials to be made as he deems necessary for the purposes of this Part of this Order and any person authorised to do so in writing by the Governor may at any reasonable time inspect any part of, or material intended to be incorporated in or used in the manufacture of any part of, an aircraft or its equipment or any document relating thereto and may for that purpose go upon any aerodrome or enter any aircraft factory or other premises.

PART III

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—

- (a) shall carry a flight crew adequate in number and description to ensure the safety of the aircraft;
- (b) which has a flight manual, shall carry a flight crew of at least the number and description specified in the flight manual;
- (c) which does not have a flight manual shall carry a flight crew of at least the number and description specified by the Governor in the Certificate of Airworthiness or Permit to Fly.

(3) A flying machine registered in the Territory and flying for the purpose of commercial air transport having a maximum total weight authorised exceeding 5700 kg shall carry at least two pilots as members of the flight crew.

(4) An aeroplane registered in the Territory shall carry at least two pilots as members of its flight crew if it—

- (a) has a maximum total weight authorised of 5700 kg or less;
- (b) is flying for the purpose of commercial air transport;
- (c) is flying in circumstances where the pilot-in-command is required to comply with the Instrument Flight Rules; and
- (d) comes within paragraph (5)

(5) For the purposes of paragraph (4)(d) an aeroplane comes within this paragraph if it has—

- (a) one or more turbine jets;
- (b) one or more turbine propeller engines and is provided with a means of pressurising the personnel compartments;
- (c) two or more turbine propeller engines and a maximum approved passenger seating configuration of more than 9;
- (d) two or more turbine propeller engines and a maximum approved passenger seating configuration of fewer than 10, 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

- (e) 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.
- (6) An aeroplane—
- (a) described in paragraph (5)(d) or (5)(e) which is equipped with an approved autopilot is not 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;
 - (b) described in paragraph (5)(c), (d) or (e) which is flying under and in accordance with the terms of a police air operator's certificate is not required to carry two pilots.
- (7) A helicopter registered in the Territory shall carry at least two pilots as members of the flight crew if it—
- (a) has a maximum total weight authorised of 5,700kg or less; and
 - (b) is flying for the purpose of commercial air transport; and
 - (c) is flying by day in circumstances where the pilot-in-command is required to comply with the Instrument Flight Rules or is flying at night.
- (8) A helicopter described in paragraph (7) is not required to carry two pilots if it—
- (a) is equipped with an autopilot with, at least, altitude hold and heading mode which is serviceable on take off;
 - (b) is equipped with such an autopilot, 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;
 - (c) is flying under and in accordance with the terms of a police air operator's certificate; or
 - (d) is flying by day and remains clear of cloud and with the surface in sight.
- (9) An aircraft registered in the Territory engaged on a flight for the purpose of commercial air transport shall carry—
- (a) a flight navigator as a member of the flight crew; or
 - (b) 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 3.

(10) A flight navigator carried in compliance with paragraph (9) shall be carried in addition to any person who is carried in accordance with this article to perform other duties.

(11) An aircraft registered in the Territory, which is required by article 16 to be equipped with radio communications apparatus, shall carry a flight radiotelephony operator as a member of the flight crew.

(12) Paragraphs (13) and (14) apply to any flight for the purpose of commercial air transport by an aircraft registered in the Territory which has a maximum approved passenger seating configuration of more than 19 and on which at least one passenger is carried.

(13) The crew of an aircraft on a flight to which this paragraph applies shall include cabin crew carried for the purposes of performing, in the interests of the safety of passengers, duties to be assigned by the operator or the pilot-in-command of the aircraft but who shall not act as members of the flight crew.

(14) On a flight to which this paragraph applies—

- (a) there shall, subject to sub-paragraph (b), be carried not less than one member of the cabin crew for every 50 or fraction of 50 passenger seats installed in the aircraft;
- (b) the number of members of the cabin crew calculated in accordance with sub-paragraph (a) 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.

(15) 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 crew required to be carried by the foregoing provisions of this article, such additional persons as members of the flight crew or the cabin crew as he may specify in the direction.

Members of flight crew - requirement 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 an appropriate licence—

- (a) subject to article 25(5) 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 entitling him to give instruction in flying the type of aircraft being flown;
- (b) act as a flight radiotelephony operator if 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 is authorised to operate the radiotelephony station by the holder of the licence granted in respect of that station under any enactment;
- (c) subject to article 25(5) 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 commercial air 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 rating entitling him to give instruction in flying the type of aircraft being flown;

(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.

(3) 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 commercial air 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) 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 paragraph (5) are complied with.

(5) The conditions referred to in paragraph (4) are—

- (a) no other person shall be carried in the aircraft or in an aircraft being towed thereby except—
 - (i) a person carried as a member of the flight crew in compliance with this Order;
 - (ii) a person authorised by the Governor to witness the training or tests or to conduct the tests; or
 - (iii) 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; and
- (b) the person acting as the pilot of the aircraft without being the holder of an appropriate licence either—
 - (i) 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
 - (ii) holds a pilot's, a flight navigator's or a flight engineer's licence granted under article 22 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) 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) 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 that 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) 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;

(10) 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 provided in paragraph (9), 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

22.—(1) The Governor shall grant licences of any of the classes specified in Schedule 6 authorising the holder to act as a member of the flight crew of an aircraft registered in the Territory upon being satisfied that the applicant—

- (a) is a fit person to hold the licence; and
- (b) 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
- (c) complies with his requirements;

and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests and undertake such course of training as the Governor may require of him.

(2) A licence granted under this article shall not be valid unless it bears thereon the ordinary signature of the holder in ink.

(3) Subject to article 122, a licence shall remain in force for the period indicated in the licence and may be renewed by the Governor from time to time upon his being satisfied as to the continued fitness and qualifications of the applicant and if no period is indicated in the licence it shall remain in force for the lifetime of the holder.

(4) A licence of any class shall not be granted to any person who is under the minimum age specified for that class of licence.

(5) The Governor may include in a licence a rating of any of the classes specified in requirements published by him, upon his being satisfied that the applicant is qualified to act in the capacity to which the rating relates, and such rating shall be deemed to form part of the licence.

(6) 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 that licence 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.

Maintenance of privileges of aircraft ratings in licences

23.—(1) 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 the requirements of the Governor and shall otherwise comply with those requirements.

(2) 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.

(3) 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 paragraph (1) is included in the personal flying log book required to be kept by him under article 28.

(4) The holder of a flight navigator's licence shall not be entitled to perform functions on a flight to which article 20(9) applies unless the licence bears a valid certificate of experience in accordance with the requirements of the Governor, which certificate shall be appropriate to the functions he is to perform on that flight.

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), or a flying instructor's rating, 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 the requirements of the Governor and shall otherwise comply with those requirements.

Medical requirements for licence holders

25.—(1) 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.

(2) 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.

(3) Where the medical examination referred to in paragraph (2) has been conducted in the Territory, 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 meeting the requirements specified in respect of the certificate and the certificate shall, without prejudice to paragraph (6) of this article, be valid for such period as is therein specified and shall be deemed to form part of the licence.

(4) Where a medical examination is conducted outside the Territory the person conducting the examination shall, in addition to making a report to the Governor, issue a certificate certifying, if such is in his opinion the case, that the holder of the licence is fit to perform the functions to which the licence relates and the said certificate may be deemed by the Governor to be a medical certificate for the purposes of this article, and if so shall be valid for such period as may be specified therein in writing by the person conducting the examination.

(5) 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.

(6) 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.

(7) 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—

- (a) 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
- (b) 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(5), 23, or 24, even if—

- (a) the type of aircraft in which the test is conducted is not specified in an aircraft rating included in his licence; or
- (b) 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 requirement permits a test to be conducted in a flight simulator approved by the Governor, that approval may be granted subject to such conditions as he thinks fit.

(4) Without prejudice to any other provision of this Order the Governor may, for the purpose of this Part of this Order—

- (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.—(1) The Governor may, subject to such conditions as he thinks fit, issue a certificate of validation rendering valid for the purposes of this Order any flight crew licence granted under the law of any country other than the Territory.

(2) For the purposes of this Part of this Order a licence granted under the law of a Contracting State other than the United Kingdom or 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 commercial air 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

- (c) to give any instruction in flying.

Personal flying logbook

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 logbook 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 logbook 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 conditions 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 logbook, 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 entitling the holder to give the instruction.

(2) 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—

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

Glider pilot-minimum age

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

PART IV

PROTECTION OF CREW

Application and interpretation of Part IV

31.—(1) Subject to paragraph (2), articles 32 and 33 apply in relation to any aircraft registered in the Territory that is either—

- (a) engaged on a flight for the purpose of commercial air transport; or
- (b) operated by an air transport undertaking; or
- (c) operated by a person or organisation to which article 84 applies.

(2) Articles 32 and 33 shall not apply in relation to a flight made only for the purpose of instruction in flying given by or on behalf of a flying club or flying school, or a person who is not an air transport undertaking.

(3) For the purposes of this Order—

- (a) ‘flight time’, in relation to any person, means all time spent by that person in—
 - (i) a civil aircraft whether or not registered in the Territory (other than an aircraft of which the maximum total weight authorised does not exceed 1600 kg and which is not flying for the purpose of commercial air transport or aerial work); or
 - (ii) a military aircraft;while it is in flight and he is carried as a member of the crew thereof;
- (b) ‘day’ means a continuous period of 24 hours beginning at midnight Co-ordinated Universal Time; and
- (c) 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.

Fatigue of crew - operator’s responsibilities

32.—(1) The operator of an aircraft to which this article applies shall not cause or permit that aircraft to make a flight unless—

- (a) he has established a scheme or fatigue management programme for the regulation of flight times for every person flying in that aircraft as a member of its crew; and
- (b) the scheme or programme is approved by the Governor; and
- (c) either—
 - (i) the scheme or programme is incorporated in the operations manual required by either article 66 or article 85; or
 - (ii) in any case where an operations manual is not required by either of those articles, the scheme or programme is incorporated in a document, a copy of which has been made available to every person flying in that aircraft as a member of its crew; and
- (d) he has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme or programme will be complied with in relation to every person flying in that aircraft as a member of its crew.

(2) The operator of an aircraft to which this article applies shall not cause or permit any person to fly therein as a member of its crew if he knows or has reason to believe that the person is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue while he is so flying as may endanger the safety of the aircraft or of its occupants.

(3) The operator of an aircraft to which this article applies shall not cause or permit any person to fly therein as a member of its flight crew unless the operator has in his possession an accurate and up-to-date record in respect of that person and in respect of the 28 days immediately preceding the flight showing—

- (a) all his flight times, and
- (b) brief particulars of the nature of the functions performed by him in the course of his flight times.

(4) The record referred to in paragraph (3) shall, subject to article 120, be preserved by the operator of that aircraft until a date 12 months after the flight referred to in that paragraph.

Fatigue of crew - responsibilities of crew

33.—(1) A person shall not act as a member of the crew of an aircraft to which this article applies if he knows or suspects that he is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

(2) A person shall not act as a member of the flight crew of an aircraft to which this article applies unless he has ensured that the operator of the aircraft is aware of his flight times during the period of 28 days preceding the flight.

Flight times - responsibilities of flight crew

34.—(1) Subject to paragraph (2), a person shall not act as a member of the flight crew of an aircraft registered in the Territory if at the beginning of the flight the aggregate of all his previous flight times—

- (a) during the period of 28 consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours; or
- (b) during the period of twelve months expiring at the end of the previous month exceeds 900 hours.

(2) This article shall not apply to a flight that is—

- (a) a private flight in an aircraft of which the maximum total weight does not exceed 1600 kg; or
- (b) a flight which is not for the purpose of commercial air transport and is not operated by an air transport undertaking where, at the time when the flight begins, the aggregate of all the flight times of the member of the flight crew concerned since he was last medically examined and found fit by a person approved by the Governor for the purpose of article 25(2) does not exceed 25 hours.

Protection of aircrew from cosmic radiation

35.—(1) A relevant undertaking shall take appropriate measures to—

- (a) assess the exposure to cosmic radiation when in flight of those aircrew who are liable to be subject to cosmic radiation in excess of 1 milliSievert per year;
- (b) take into account the assessed exposure when organising work schedules with a view to reducing the doses of highly exposed aircrew; and
- (c) inform the workers concerned of the health risks their work involves.

(2) A relevant undertaking shall ensure that in relation to a pregnant aircrew member, the conditions of exposure to cosmic radiation when she is in flight are such that the equivalent dose to

the foetus will be as low as reasonably achievable and is unlikely to exceed 1 milliSievert during the remainder of the pregnancy.

(3) Nothing in paragraph (2) shall require the undertaking concerned to take any action in relation to an aircrew member until she has notified the undertaking in writing that she is pregnant.

(4) The definition in article 156 of “crew” shall not apply for the purposes of this article.

(5) In this article and in article 36—

- (a) “aircrew” means every person employed or engaged in an aircraft in flight on the business of the aircraft;
- (b) “undertaking” includes a natural or legal person and “relevant undertaking” means an undertaking which operates aircraft and is established in the Territory, and
- (c) “year” means any period of twelve months.

Keeping and production of records of exposure to cosmic radiation

36.—(1) A relevant undertaking shall keep a record for the period and in the manner specified by the Governor of the exposure to cosmic radiation of aircrew assessed under article 35 and the names of the aircrew concerned.

(2) A relevant undertaking shall, within a reasonable period after being requested to do so by an authorised person, produce to that person the record required to be kept under paragraph (1).

(3) A relevant undertaking shall, within a reasonable period after being requested to do so by a person, in respect of whom a record is required to be kept under paragraph (1), supply a copy of that record to that person.

PART V

MOVEMENT OF AIRCRAFT

Rules of the Air

37.—(1) The Governor may, by regulation, make Rules of the Air supplementary to but not inconsistent with the Rules of the Air in Schedule 8.

(2) It shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air.

(3) It shall be lawful for the Rules of the Air to be departed from to the extent necessary—

- (a) for avoiding immediate danger;
- (b) for complying with the law of any country other than the Territory within which the aircraft then is; or
- (c) for complying with Military Flying Regulations (Joint Service Publication 550) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State in relation to an aircraft of which the pilot-in-command is acting in the course of his duty as a member of any of Her Majesty’s naval, military or air forces.

(4) If any departure from the Rules of the Air is made for the purpose of avoiding immediate danger, the pilot-in-command of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within 10 days thereafter to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the Governor.

(5) Nothing in the Rules of the Air shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

Power to prohibit or restrict flying

38.—(1) Where the Governor deems it necessary in the public interest to restrict or prohibit flying by reason of—

- (a) the intended gathering or movement of a large number of persons;
- (b) the intended holding of an aircraft race or contest or of a flying display; or
- (c) national defence or any other reason affecting the public interest;

he may make regulations prohibiting, restricting or imposing conditions on flights by aircraft specified in paragraph (2) and flying in the circumstances specified in paragraph (2).

(2) The aircraft and circumstances referred to in paragraph (1) are—

- (a) aircraft, whether or not registered in the Territory, in any airspace over the Territory or in the neighbourhood of an offshore installation; and
- (b) aircraft registered in the Territory, in any other airspace, being airspace in respect of which the Government of the Territory has under international arrangements undertaken to provide navigation services for aircraft.

(3) Regulations made under this article may apply either generally or in relation to any class of aircraft.

(4) It shall be an offence to contravene or permit the contravention of or fail to comply with any regulations made hereunder.

(5) If the pilot-in-command of an aircraft becomes aware that the aircraft is flying in contravention of any regulations which have been made for any of the reasons referred to in paragraph (1)(c) he shall, unless otherwise instructed under paragraph (6), cause the aircraft to leave the area to which the regulations relate by flying to the least possible extent over such area and the aircraft shall not begin to descend while over such an area.

(6) The pilot-in-command of an aircraft flying either within an area for which regulations have been made for any of the reasons referred to in paragraph (1)(c) or within airspace notified as a Danger Area shall forthwith comply with instructions given by radio by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

Balloons, kites, airships, gliders and parascending parachutes

39.—(1) The provisions of this article apply only to or in relation to aircraft within the Territory.

(2) A balloon in captive or tethered flight shall not be flown within 60 metres of any vessel, vehicle or structure except with the permission of the person in charge of any such vessel, vehicle or structure.

(3) Without the permission of the Governor—

- (a) a glider or parascending parachute shall not be launched by winch and cable or by ground tow to a height of more than 60 metres above ground level;
- (b) a balloon in captive flight shall not be flown within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;
- (c) a balloon in captive or tethered flight shall not be flown at a height measured to the top of the balloon of more than 60 metres above ground level;

- (d) a kite shall not be flown at a height of more than 30 metres above ground level within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;
 - (e) a kite shall not be flown at a height of more than 60 metres above ground level; and
 - (f) a parascending parachute shall not be launched by winch and cable or by ground tow within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;
- (4) An uncontrollable balloon in captive or released flight shall not be flown in airspace notified for the purposes of this paragraph without the permission in writing of the Governor.
- (5) A controllable balloon shall not be flown in free controlled flight—
- (a) within airspace notified for the purposes of this paragraph; or
 - (b) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;
- except during the day and in visual meteorological conditions.
- (6) A controllable balloon shall not be flown in tethered flight—
- (a) within airspace notified for the purposes of this paragraph; or
 - (b) within the aerodrome traffic zone of a notified aerodrome;
- except with the permission of the appropriate air traffic control unit.
- (7) A balloon when in captive flight shall be securely moored and shall not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.
- (8) An airship with a capacity exceeding 3000 cubic metres shall not be moored other than at a notified aerodrome except with the permission in writing of the Governor.
- (9) An airship with a capacity not exceeding 3000 cubic metres, unless it is moored on a notified aerodrome, shall not be moored—
- (a) within 2 km of a congested area; or
 - (b) within the aerodrome traffic zone of a notified aerodrome;
- except with the permission in writing of the Governor.
- (10) An airship when moored in the open shall be securely moored and shall not be left unattended.
- (11) A person shall not cause or permit—
- (a) a group of small balloons exceeding 1,000 in number to be simultaneously released at a single site wholly or partly within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome unless that person has given to the Governor not less than 28 days previous notice in writing of the release;
 - (b) a group of small balloons exceeding 2000 but not exceeding 10000 in number to be simultaneously released at a single site—
 - (i) within airspace notified for the purposes of this sub-paragraph; or
 - (ii) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;without the permission of the Governor;
 - (c) a group of small balloons greater than 10000 in number to be simultaneously released at a single site except with the permission in writing of the Governor.
- (12) For the purposes of this article—

- (a) ‘simultaneously released at a single site’ shall mean the release of a specified number of balloons during a period not exceeding 15 minutes from within an area not exceeding 1 km square;
- (b) ‘a notified aerodrome’ is an aerodrome notified for the purposes of rule 45 of the Rules of the Air and the ‘notified operating hours’ means the times notified in respect of an aerodrome during which that rule applies.

Regulation of small aircraft

40.—(1) A person shall not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small aircraft so as to endanger persons or property.

(2) The person in charge of a small aircraft which weighs more than 7 kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight shall not fly such an aircraft—

- (a) unless the person in charge of the aircraft has reasonably satisfied himself that the flight can safely be made;
- (b) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;
- (c) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained;
- (d) at a height exceeding 400 ft above the surface unless it is flying in airspace described in sub-paragraphs (b) or (c) and in accordance with the requirements thereof; or
- (e) for aerial work purposes other than in accordance with a permission issued by the Governor.

PART VI

OPERATION OF AIRCRAFT

Operation of aircraft

41. A person may not operate an aircraft registered in the Territory, or an aircraft registered elsewhere than in the Territory in or over the Territory, unless that person complies with—

- (a) the aircraft flight manual or equivalent document except as provided in article 8(4); and
- (b) the Rules of the Air and any supplemental Rules of the Air made by the Governor under article 37(1); and
- (c) such instructions as shall be given and published by the Governor in respect of the operation and safety of aircraft and the safety of persons and property carried therein; and
- (d) such instructions as shall be given by the Governor in respect of the instruments and equipment to be installed therein or carried thereon.

Aerodrome operating minima

42.—(1) This article applies to any aircraft that is not operating for the purposes of commercial air transport.

(2) An aircraft to which this article applies shall not—

- (a) conduct a Category II, Category IIIA or Category IIIB approach and landing; or

(b) take off when the relevant runway visual range is less than 150 metres; otherwise than under and in accordance with the terms of an approval so to do granted in accordance with the law of the country in which it is registered.

(3) In the case of an aircraft registered in the Territory, an approval referred to in paragraph (2) shall be issued by the Governor.

(4) Without prejudice to the provisions of paragraph (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 reported visibility or relevant runway visual range for that runway is at the time less than the specified minimum for landing.

(5) Without prejudice to the provisions of paragraph (2) 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 at such a runway by flying below the relevant specified decision height;

(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.

(6) 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 pilot-in-command of the aircraft shall select prior to take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(7) A flight to be conducted in accordance with the Instrument Flight Rules to an aerodrome when no alternate aerodrome is available shall not be commenced unless—

(a) a designated instrument approach procedure is available for the aerodrome of intended landing; and

(b) available current meteorological information indicates that visual meteorological conditions will exist at the aerodrome of intended landing from two hours before to two hours after the estimated time of arrival.

(8) A flight shall not be continued towards the aerodrome of intended landing unless the latest available information indicates that conditions at that aerodrome, or at least one alternate aerodrome, will, at the estimated time of arrival, be at or above the specified aerodrome operating minima.

(9) In this article “specified” in relation to aerodrome operating minima means the 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 the aerodrome operating minima.

(10) In this article “Category II, Category IIIA and Category IIIB approach and landing” have the same meaning as in article 76(8).

(11) In this article “designated” in relation to an instrument approach procedure means notified, prescribed or otherwise designated by the relevant competent authority.

Pilots to remain at controls

43.—(1) The pilot-in-command 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.

(2) If the flying machine or glider is required by or under this Order to carry two pilots, the pilot-in-command shall cause both pilots to remain at the controls during take-off and landing.

(3) 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 commercial air transport of passengers, the pilot-in-command shall remain at the controls during take-off and landing.

(4) An operator shall not permit a helicopter rotor to be turned under power for the purpose of making a flight unless there is a person at the controls entitled in accordance with the provisions of article 21 to act as pilot-in-command of the helicopter.

(5) 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 15 to be provided.

Wearing of survival suits by crew

44.—(1) 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 15 to be carried.

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

Pre-flight action by pilot-in-command of an aircraft

45. The pilot-in-command of an aircraft 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 under article 17;
- (c) that the aircraft is in every way fit for 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 commercial air 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 pilot-in-command

46. The pilot-in-command 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.

Survival equipment - non-commercial air transport flights

47.—(1) This article applies to any aircraft registered in the Territory that is flying for a purpose other than commercial air transport.

(2) The pilot-in-command of an aircraft to which this article applies shall reasonably satisfy himself before take-off that the aircraft carries such additional equipment as he shall reasonably consider necessary for the purpose of facilitating the survival of the persons carried in the aircraft.

(3) In satisfying himself as required by paragraph (2) the pilot-in-command shall have regard to the circumstances of the intended flight, including in particular the likelihood of ditching and the availability of search and rescue facilities.

Use of oxygen - non-commercial air transport flights

48.—(1) This article applies to any aircraft registered in the Territory and flying for any purpose other than commercial air transport.

(2) In relation to every flight to which this article applies the pilot-in-command of the aircraft shall, except where the cabin pressure altitude does not exceed 10,000 feet during the flight, take all reasonable steps to ensure that—

- (a) before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 15 is demonstrated to all passengers;
- (b) when flying above flight level 130 all passengers and crew members are instructed to use oxygen;
- (c) during any period when the aircraft is flying above flight level 100 up to and including flight level 130 oxygen is used by all the flight crew of the aircraft for that part of the flight at those altitudes that is of more than 30 minutes duration; and
- (d) during any period when the aircraft is flying above flight level 130 oxygen is used continuously by all the flight crew of the aircraft.

Operation of radio in aircraft

49.—(1) A 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.

(2) 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.

- (3) The radio watch referred to under paragraph (2)—
- (a) may be discontinued or continued on another frequency to the extent that a message so permits;
 - (b) may be kept by a device installed in the aircraft if—
 - (i) the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and
 - (ii) 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.

(4) 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.

(5) The radio station in an aircraft shall not be operated so as to cause interference with or 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).

(6) In any flying machine registered in the Territory which is engaged on a flight for the purpose of commercial air 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

50.—(1) An aircraft registered in the Territory shall not fly in North Atlantic or other Notified 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 3 in Schedule 9.

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

Height keeping performance - aircraft registered in the Territory

51.—(1) An aircraft registered in the Territory shall not fly in reduced vertical separation minimum airspace notified for the purpose of this article, unless otherwise authorised by the

appropriate air traffic control unit and unless it is equipped with height keeping systems which enable the aircraft to maintain the prescribed height keeping performance capability.

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

Height keeping performance - aircraft not registered in the Territory

52. An aircraft registered elsewhere than in the Territory shall not fly in Territory reduced vertical separation minimum airspace unless otherwise authorised by the appropriate air traffic control unit and 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 prescribed in respect of the airspace in which the aircraft is flying, and it is so operated.

Area navigation and required navigation performance capabilities – aircraft registered in the Territory

53.—(1) An aircraft registered in the Territory shall not fly in designated required navigation performance airspace unless it is equipped with area navigation systems which enable the aircraft to maintain the navigation performance capability specified in respect of that airspace.

(2) While an aircraft is flying in such airspace the equipment required by paragraph (1) shall be operated in accordance with procedures approved by the Governor.

(3) The equipment required by paragraph (1) shall be approved by the Governor and installed and maintained in a manner approved by the Governor.

(4) An aircraft need not comply with the requirements of paragraphs (1) and (2) where the flight has been authorised by the appropriate air traffic control unit notwithstanding the lack of compliance and provided that the aircraft complies with any instructions the air traffic control unit may give in the particular case.

Area navigation and required navigation performance capabilities – aircraft not registered in the Territory

54.—(1) An aircraft registered elsewhere than in the Territory shall not fly in designated required navigation performance airspace in the Territory unless it is equipped with area navigation systems so 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 within designated required navigation performance airspace.

(2) The navigation equipment required by paragraph (1) shall be capable of being operated so as to enable the aircraft to maintain the navigation performance capability notified in respect of the airspace in which the aircraft is flying, and it is so operated.

(3) An aircraft need not comply with the requirements of paragraph (2) where the flight has been authorised by the appropriate air traffic control unit notwithstanding the lack of compliance and provided that the aircraft complies with any instructions the air traffic control unit may give in the particular case.

Use of airborne collision avoidance system

55. On any flight on which an airborne collision avoidance system is required in accordance with article 16 to be carried in an aeroplane the system shall be operated—

- (a) in the case of an aircraft to which article 66 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 66 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

56.—(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 in accordance with article 15 to be carried in an aeroplane, it shall be operated continuously from the time the first engine is started for the purpose of making a flight until the time the last engine is shut down after landing.

(2) On any flight on which a cockpit voice recorder, a flight data recorder or a combined cockpit voice recorder/flight data recorder is required under article 15 to be carried in a helicopter, it shall be operated continuously from the time the rotors first turn for the purpose of making a flight until the rotors are next stopped.

(3) In the event of an incident or accident the pilot-in-command and the operator of the aircraft shall ensure that flight recorders are de-activated and shall, subject to article 120, preserve the flight recorder and records in accordance with such requirements as may be prescribed or as directed by the Governor.

(4) The operator of the aircraft shall ensure that operational checks and evaluations of recordings from the flight data recorder and cockpit voice recorder systems are conducted in accordance with requirements made under articles 7 and 10 to ensure the continued serviceability of the recorders.

Carriage of weapons and of munitions of war

57.—(1) 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) the pilot-in-command 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.

(2) In the case of an aircraft which is flying under and in accordance with the terms of a police air operator's certificate the pilot-in-command of the aircraft shall be informed of the matters referred to in sub-paragraph (1)(b) but he need not be so informed in writing.

(3) It shall be unlawful for an aircraft to carry any sporting weapon or munition of war in any compartment or apparatus to which passengers have access.

(4) 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—

- (a) the sporting weapon or munition of war—

- (i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereby;
 - (ii) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and
 - (iii) in the case of a firearm, is unloaded.
- (b) 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
- (c) without prejudice to paragraph (1) the operator consents to the carriage of such sporting weapon or munition of war by the aircraft.
- (5) Paragraphs (3) and (4) do 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.
- (6) Nothing in this article applies 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.
- (7) 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

58.—(1) It is an offence to contravene or permit the contravention of or fail to comply with any of the regulations set out in Schedule 10.

(2) The Governor may, with the approval of the Secretary of State, make regulations that supplement, amend or replace the regulations set out in Schedule 10, 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 this article and of any regulations supplementing, amending or replacing the regulations set out in Schedule 10 shall be additional to and not in derogation from the provisions of Article 57.

Duties of pilot-in-command – search and rescue

59. Without prejudice to any other provision of this order, the pilot-in-command of an aircraft that is either registered in the Territory or if not so registered flying within the Territory airspace shall cooperate in fulfilling the instructions of the Governor in relation to the provision of assistance to aircraft in distress or in relation to search and rescue.

Method of carriage of persons

60.—(1) A person shall not—

- (a) 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) 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 does 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 – commercial air transport aeroplanes and helicopters

61.—(1) This article applies to every commercial air transport aeroplane or helicopter and to an aircraft to which article 83 applies that is registered in the Territory.

(2) Whenever an aeroplane or helicopter to which this article applies is carrying passengers, every exit and every internal door in the aeroplane or helicopter shall be in working order, and, subject to paragraph (3), during take-off and landing and during any emergency, every 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.

(3) In the case of—

- (a) an exit which, in accordance with arrangements approved by the Governor either generally or in relation to a class of aeroplane or helicopter or a particular aeroplane or helicopter, is not required for use by passengers, may be obstructed by cargo;
- (b) a door between the flight crew compartment and any adjacent compartment to which passengers have access the door may be locked or bolted if the pilot-in-command of the

aeroplane or helicopter so determines, for the purpose of preventing access by passengers to the flight crew compartment;

- (c) any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aeroplane or helicopter in an emergency if it is not in working order, paragraph (2) shall not apply.

(4) Every exit from the aeroplane or helicopter shall be marked on interior surfaces with the words “exit” or “emergency exit” in capital letters, which shall be red in colour and if necessary shall be outlined in white to contrast with the background.

(5) Every exit from the aeroplane or helicopter shall be marked on exterior surfaces with the words “exit” or “emergency exit” in capital letters, which shall be located on a background that provides adequate contrast.

(6) Every exit from the aeroplane or helicopter shall be marked on interior surfaces on or near the inside surface of the door or other closure of the exit with instructions in English and with diagrams to indicate the correct method of opening the exit, which shall be red in colour and located on a background which provides adequate contrast.

(7) Every exit from the aeroplane or helicopter which may be opened from the outside shall be marked on or near the exterior surface of the door or other closure of the exit with instructions in English and with diagrams to indicate the correct method of opening the exit, which shall be located on a background which provides adequate contrast.

(8) The markings required by this article shall—

- (a) be painted, or affixed by other equally permanent means; and
(b) be kept at all times clean and unobscured.

(9) Subject to compliance with paragraph (10), if one, but not more than one, exit from an aeroplane or helicopter 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 aeroplane or helicopter from carrying passengers until it next lands at a place where the exit can be repaired or replaced.

(10) On any flight on which this paragraph must be complied with—

- (a) 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 aeroplane or helicopter or to a class of aeroplane or helicopter; and
(b) 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.

Marking of break-in areas

62.—(1) This article applies to all aircraft registered in the Territory.

(2) An operator shall ensure that, if areas of the fuselage suitable for break-in by rescue crews in emergency are marked on aircraft to which this article applies, such areas shall be marked upon the exterior surface of the 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.

(3) The break-in areas shall be marked by right-angled corner markings, each arm of which shall be 9 cm in length along its outer edge and 3 cm in width and if the corner markings are more than 2 metres apart, intermediate lines 9 cm x 3 cm shall be inserted so that there is no more than 2 metres between adjacent marks.

(4) The colour of the break-in markings shall be red or yellow, and if necessary they shall be outlined in white to contrast with the background.

(5) If instructions are marked on the break-in areas, the words “Cut Here in Emergency” shall be marked across the centre of each break-in area in capital letters.

(6) The markings required by this article shall—

- (a) be painted, or affixed by other equally permanent means; and
- (b) be kept at all times clean and unobscured.

Flying Displays

63.—(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 (5) for that flying display and complies with any specified conditions.

(2) The pilot-in-command of an aircraft who is—

(a) 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 (5);
- (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; or

(b) 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.

(3) 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.

(4) The flying display director shall not permit any person to act as pilot of an aircraft that participates in a flying display unless such person holds an appropriate pilot display authorisation.

(5) The Governor—

- (a) 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) may grant a permission subject to such conditions, which may include conditions in respect of military aircraft, as the Governor thinks fit.

(6) The Governor shall, for the purposes of this article—

- (a) grant a pilot 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.

(7) A pilot display authorisation granted in accordance with this article shall, subject to article 122 of this Order, remain in force for the period indicated in the pilot display authorisation.

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

(9) Paragraph (1) does 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.

(10) 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.

(11) Nothing in this article applies to an aircraft race or contest or to an aircraft taking part in such a race or contest or to the pilot-in-command or pilot thereof whether or not such race or contest is held in association with a flying display.

PART VII

AIR OPERATOR CERTIFICATION AND COMMERCIAL AIR TRANSPORT OPERATIONS

Issue of air operators' certificates

64.—(1) An aircraft registered in the Territory shall not fly on any flight for the purpose of commercial air transport, otherwise than under and in accordance with the terms of an air operator's certificate granted to the operator of the aircraft under paragraph (2), certifying that the holder of the certificate is competent to secure that aircraft operated by him on such flights as that in question are operated safely.

(2) The Governor shall grant an air operator's certificate to an operator having his principal place of business in the Territory if he is satisfied that the applicant is competent, having regard in particular to—

- (a) his previous conduct and experience;
- (b) his equipment;
- (c) his organisation and staffing;
- (d) his maintenance and other arrangements;

to secure the safe operation of aircraft of the types specified in the certificate on flights of the description and for the purposes so specified.

(3) For the purposes of this article "principal place of business" means the primary location from which flight operations and maintenance management and control are exercised; where the majority of the operational and safety-related records are kept and at which the accountable managers are based.

Issue of police air operators' certificates

65.—(1) A flight by an aircraft registered in the Territory in the service of the police authority for the Territory shall, for the purposes of this Order, be deemed to be a flight for the purpose of commercial air transport.

(2) If any passenger is carried on such a flight it shall be deemed to be for the purpose of commercial air transport of passengers and, save as otherwise expressly provided, the provisions of

this Order and of any regulations made thereunder shall be complied with in relation to any such flight as if that flight was for the purpose of commercial air transport.

(3) An aircraft registered in the Territory shall not fly on any flight in the service of the police authority otherwise than under and in accordance with either the terms of an air operator's certificate granted to the operator of the aircraft under article 64(2) or the terms of a police air operator's certificate granted to the operator of the aircraft under paragraph (4).

(4) The Governor shall grant a police air operator's certificate if he is satisfied that the applicant is competent, having regard in particular to—

- (a) his previous conduct and experience; and
- (b) his equipment, organisation, staffing, maintenance and other arrangements;

to secure that the operation of aircraft of the types specified in the certificate shall be as safe as is appropriate when flying on flights of the description and for the purposes so specified.

Operations manual

66.—(1) This article applies to commercial air 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 flights solely for training persons to perform duties in an aircraft.

(2) This article does 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.

(3) The operator of every aircraft to which this article applies shall—

- (a) make available to each member of his operating staff an operations manual; and
- (b) ensure that each copy of the operations manual is kept up to date; and
- (c) 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.

(4) An operations manual—

- (a) shall, subject to sub-paragraph (b), contain all information and instructions as are necessary to enable the operating staff to perform their duties as such including in particular information and instructions relating to the matters required by the Governor under article 152; but
- (b) 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.

(5) 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.

(6) Any amendments or additions to the operations manual must be furnished to the Governor by the operator before or immediately after they come into effect.

(7) 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 commercial air transport until the amendment or addition has been furnished to the Governor.

(8) 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.

(9) If in the course of a flight on which the radar set capable of giving warning to the pilot-in-command and to the co-pilot of the presence of cumulo-nimbus and other potentially hazardous weather conditions 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

67.—(1) This article applies 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 1 and Part 11 of a police operations manual, Part 1 of which shall have been approved in respect of the aircraft by the Governor.

(3) The operator of every aircraft to which this article applies shall—

- (a) make available to each member of its operating staff a police operations manual;
- (b) ensure that each copy of the operations manual is kept up to date; and
- (c) 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.

(4) 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.

(5) The Governor may approve Part 1 of the police operations manual for the purposes of this article either absolutely or subject to such conditions as he thinks fit.

(6) 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.

(7) Any amendments or additions to Part II of the police operations manual shall be provided by the operator to the Governor before or immediately after they come into effect.

(8) 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.

(9) 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.

Training programme

68.—(1) The operator of every aircraft registered in the Territory and flying for the purpose of commercial air transport shall—

- (a) establish a ground and flight training programme, approved by the Governor, to ensure that flight and cabin crew members are adequately trained and competent to perform their duties; and
- (b) ensure that the details of the approved training programme are incorporated into the operations manual required by article 66.

(2) This article does 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 programme 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 70(3) of this Order to perform his

duties as such including in particular information and instructions relating to the matters required by the Governor under article 152.

(4) The operator shall make such amendments or additions to the training programme 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.

Flight data monitoring, accident prevention and flight safety programme

69.—(1) The operator of an aircraft registered in the Territory flying for the purpose of commercial air transport shall establish and maintain an accident prevention and flight safety programme.

(2) The operator of an aeroplane registered in the Territory with a maximum total weight authorised of more than 27,000 kg flying for the purpose of commercial air transport shall include a flight-data monitoring programme as part of its accident prevention and flight safety programme.

(3) The sole objective of an accident prevention and flight safety programme is the prevention of accidents and incidents and each programme shall be designed and managed to meet that objective.

(4) It is not be the purpose of an accident prevention and flight safety programme to apportion blame or liability.

Commercial air transport - operator's responsibilities

70.—(1) The operator of an aircraft registered in the Territory shall not permit the aircraft to fly for the purpose of commercial air transport without first—

- (a) designating from among the flight crew a pilot to be the pilot-in-command 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 are adequate for the safe navigation of the aircraft; and
- (c) satisfying himself by every reasonable means that—
 - (i) 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
 - (ii) every such place in particular 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 2 in Schedule 9 to this Order) to ensure so far as practicable the safety of the aircraft and its passengers.

(2) The operator of an aircraft is not 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 during any flight for the purpose of commercial air 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 by the Governor 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 requirements required by the Governor under article 152.

(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 commercial air 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 - commercial air transport aircraft and suspended loads

71.—(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 commercial air transport, or any load to be suspended from it, except under the supervision of a person to whom he has provided 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 or contained in the flight manual for the aircraft relating to the loading of the aircraft are complied with.

(2) 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 by the Governor, and shall (unless he is himself the pilot-in-command of the aircraft) submit the load sheet for examination by the pilot-in-command of the aircraft who shall sign his name thereon.

(3) The operator of an aircraft registered in the Territory and flying for the purpose of the commercial air 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.

Commercial air transport - aeroplane operating conditions and performance requirements

72.—(1) Without prejudice to the provisions of article 41, an aeroplane registered in the Territory shall not fly for the purpose of commercial air transport unless such requirements as may be specified and contained in the flight manual—

- (a) in respect of its weight and related performance; and
- (b) for flight in specified meteorological conditions; and
- (c) for flight at night;

are complied with.

(2) In the event the flight manual of an aeroplane registered in the Territory does not specify requirements—

- (a) in respect of the weight and related performance of the aeroplane;
- (b) for flight in all types of meteorological conditions; or
- (c) for flight at night;

it shall not fly for the purpose of commercial air transport otherwise than in accordance with—

- (d) such requirements as are so specified; and
- (e) such instructions as may be given by the Governor to the operator of the aeroplane based upon such data as may have been provided to him by that operator.

(3) An aeroplane need not comply with paragraphs (1) and (2) if it is flying under and in accordance with an approval granted to the operator by the Governor under paragraph (4).

(4) The Governor may grant to the operator in respect of any aeroplane an approval authorising it to comply with alternative performance standards appropriate to the aeroplane and specified in the approval.

(5) An aeroplane registered in the Territory when flying over water for the purpose of commercial air transport shall fly, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the aeroplane—

- (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 or flight manual for the aeroplane;

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

Commercial air transport - helicopters - operating conditions and performance requirements

73.—(1) Without prejudice to the provisions of article 41, a helicopter registered in the Territory shall not fly for the purpose of commercial air transport unless such requirements as may be specified and contained in the flight manual—

- (a) in respect of its weight and related performance; and
- (b) flight in specified meteorological conditions; and
- (c) for flight at night;

are complied with.

(2) In the event the flight manual of a helicopter registered in the Territory does not specify requirements—

- (a) in respect of the weight and related performance of the helicopter;
- (b) for flight in all types of meteorological conditions; or
- (c) for flight at night;

it shall not fly for the purpose of commercial air transport otherwise than in accordance with—

- (d) such requirements as are so specified; and
- (e) such instructions as may be given by the Governor to the operator of the helicopter based upon such data as may have been provided to him by that operator.

(3) A helicopter need not comply with paragraphs (1) and (2) if it is flying under and in accordance with an approval granted to the operator by the Governor under paragraph (4).

(4) The Governor may grant to the operator in respect of any helicopter an approval authorising it to comply with alternative performance standards appropriate to the helicopter and specified in the approval.

(5) Except as provided in paragraph (6), and except as may be necessary for the purpose of take-off or landing, a helicopter registered in the Territory when flying over water for the purpose of commercial air transport shall fly at such an altitude as would enable the helicopter—

- (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 or flight manual for the helicopter;

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

(6) A helicopter carrying out Performance Class 3 operations—

- (a) shall not fly over water for the purpose of commercial air transport in the specified circumstances unless it is equipped with the required apparatus;
 - (b) which is equipped with the required apparatus and which is flying under and in accordance with the terms of an air operator's certificate granted under article 64 shall not fly in the specified circumstances except in accordance with any additional requirements specified by the Governor in relation to its equipment;
 - (c) which is equipped with the required apparatus and which is flying under and in accordance with the terms of a police air operator's certificate—
 - (i) on which any passenger is carried who is not a permitted passenger, shall not fly in the specified circumstances on any flight for more than 20 minutes; or
 - (ii) 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.
- (7) For the purposes of paragraph (6) flying time shall be calculated at normal cruising speed.
- (8) A helicopter carrying out Performance Class 1 or Performance Class 2 operations—
- (a) which is flying under and in accordance with the terms of an air operator's certificate granted under article 64 shall not fly over water for the purpose of commercial air transport for more than 15 minutes during any flight unless it is equipped with the required apparatus;
 - (b) which is not equipped with the required apparatus and 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.
- (9) A helicopter specified in its flight manual as being in either Group A or Category A may fly for the purpose of commercial air transport in accordance with the weight and related performance requirements specified for helicopters carrying out—
- (a) Performance Class 2 operations if—
 - (i) the maximum total weight authorised of the helicopter is less than 5700 kg; and
 - (ii) the total number of passengers carried on the helicopter does not exceed 15; or
 - (b) Performance Class 3 operations if—
 - (i) the maximum total weight authorised of the helicopter is less than 3175 kg; and
 - (ii) the total number of passengers carried does not exceed 9.
- (10) For the purposes of this article—
- (a) “permitted passenger” means—
 - (i) a police officer;
 - (ii) an employee of a police authority;
 - (iii) a medical attendant;
 - (iv) 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
 - (v) such other person being carried for purposes connected with police operations as may be permitted in writing by the Governor;
 - (b) “required apparatus” means apparatus approved by the Governor enabling the helicopter to which it is fitted to land safely on water;

- (c) “specified circumstances” means circumstances in which a helicopter is flying beyond a point from which it can make an autorotative descent to land suitable for an emergency landing.

Commercial air transport operations at night or in Instrument Meteorological Conditions by single engine aeroplanes

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

Commercial air transport aircraft registered in the Territory – aerodrome-operating minima

75.—(1) This article applies to commercial air transport aircraft registered in the Territory.

(2) 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.

(3) In relation to any flight where—

- (a) neither an operations manual nor a police operations manual is required under article 66(3) or 67(3) respectively; or
- (b) 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 pilot-in-command of the aircraft the said particulars calculated in accordance with the required data and instructions (as defined in paragraph (4) of this article) and the operator shall cause a copy of the said particulars to be retained outside the aircraft for a minimum period of three months.

(4) The operator of every aircraft to which this article applies for which an operations manual or a police operations manual is required by 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 pilot-in-command 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.

(5) The operator of every such aircraft to which this article applies for which neither an operations manual nor a police operations manual is required by this Order shall, prior to the commencement of the flight, cause to be furnished in writing to the pilot-in-command 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.

(6) 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.

(7) 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.

- (8) 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 pilot-in-command of the aircraft it would not be able without contravening paragraphs (9) or (10), 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.

(9) An aircraft to which article 66 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 reported visibility or relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

- (10) 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.

(11) 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 pilot-in-command of the aircraft shall select prior to take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(12) 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 pilot-in-command of the aircraft by the operator in accordance with paragraph (3).

Commercial air transport aircraft not registered in the Territory – aerodrome-operating minima

76.—(1) This article applies to commercial air 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 that 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.

(4) An aircraft to which this article applies shall not—

- (a) conduct a Category II, Category IIIA or Category IIIB approach and landing; or
- (b) takeoff when the relevant runway visual range is less than 150 metres;

otherwise than under and in accordance with the terms of an approval so to do granted in accordance with the law of the country in which it is registered.

(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 reported visibility or 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 under 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 below 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 a 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 metres but not less than 75 metres.

Carriage of passengers - additional duties of pilot-in-command

77.—(1) This article applies to flights for the purpose of the commercial air transport of passengers by aircraft registered in the Territory.

(2) Before an aircraft takes off on a flight to which this article applies, and before it lands, the pilot-in-command shall 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 paragraphs (12), (13), and (14) are properly secured in seats which are located as far as is practical near floor level and close to emergency exits.

(3) From the moment when, after the embarkation of its passengers for the purpose of taking off on a flight to which this article applies, an aircraft 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 the pilot-in-command considers the precaution necessary he shall 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.

(4) The pilot-in-command shall ensure that an aircraft with a non-pressurised cabin shall not be operated above flight level 100, otherwise than under and in accordance with the terms of an approval granted by the Governor.

(5) Except where the cabin pressure altitude does not exceed 10,000 feet during the flight, the pilot-in-command shall take all reasonable steps to ensure that—

- (a) before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 15 is demonstrated to all passengers;
- (b) when flying above flight level 130 all passengers and cabin crew are instructed to use oxygen; and
- (c) during any period when the aircraft is flying above flight level 100 oxygen is used continuously by all the flight crew of the aircraft.

PART VIII

AERIAL WORK

Issue of aerial work certificates

78.—(1) An aircraft shall not be used for the purposes of aerial work as defined in article 157 (including 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 work certificate granted to the operator of the aircraft under paragraph (2).

(2) The Governor—

- (a) shall grant an aerial work 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) may grant such a certificate subject to such conditions as he 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.

(3) Every applicant for and holder of an aerial work certificate shall make available to the Governor upon application and to every member of his operating staff upon the certificate being granted, an aerial work manual.

(4) The manual shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such.

(5) The holder of a certificate shall make such amendments of or additions to the manual as the Governor may require.

Towing of gliders

79.—(1) An aircraft in flight shall not tow a glider unless the flight manual for the aircraft includes an express provision that it may be used for that purpose.

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

(3) The pilot-in-command of an aircraft which is about to tow a glider shall satisfy himself, before the towing aircraft takes off that—

- (a) the towrope 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) signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely; and
- (c) emergency signals have been agreed between the pilot-in-command of the towing aircraft and the pilot-in-command of the glider, to be used, respectively, by the pilot-in-command of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the pilot-in-command 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 towrope before the aircraft takes off.

Towing, picking up and raising of persons and articles

80.—(1) 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 there is a certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered and that certificate or the flight manual for the aircraft includes an express provision that it may be used for that purpose.

(2) An aircraft shall not launch or pick up towropes, 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, towrope, 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) be taken to permit the towing or picking up of a glider otherwise than in accordance with article 79.

Dropping of articles and animals

81.—(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) 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 except under and in accordance with the terms of an aerial work certificate granted under article 78.

(3) Paragraph (2) does not apply to the dropping of articles by, or with the authority of, the pilot-in-command 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; 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.

(4) For the purposes 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

82.—(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) there is a certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered and that certificate or the flight manual 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) Every applicant for and holder of a parachuting 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.

(6) The holder of a parachuting permission shall make the manual available to every employee or person who is or may engage in parachuting activities conducted by him.

(7) The manual shall contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(8) Nothing in this article applies to the descent of persons by parachute from an aircraft in an emergency.

(9) Nothing in this article prohibits the lowering of any person in an emergency or for the purpose of saving life.

(10) Nothing in this article prohibits the lowering of any person from a helicopter to the surface if there is a certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered and that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.

PART IX

GENERAL AVIATION

Application and interpretation of Part IX

83.—(1) Except as provided in paragraph (2) of article 84, articles 84 and 85 apply to general aviation operations involving aircraft registered in the Territory of the classes or used in the cases identified in paragraph (2).

(2) Aircraft or aircraft operations of the classes or cases to which paragraph (1) refers are—

- (a) any aeroplane having a maximum certificated take-off weight exceeding 5,700kg; or
- (b) any aeroplane equipped with one or more turbojet engines; or
- (c) any aeroplane having a maximum approved passenger seating configuration of more than 9; or
- (d) any helicopter having a maximum certificated take-off weight exceeding 3,180kg; or
- (e) any helicopter having a maximum approved passenger seating configuration of more than 5; or
- (f) any aircraft operation involving the use of three or more aircraft that are operated by pilots employed by the operator for the purpose of flying the aircraft; or
- (g) any other general aviation operation as the Governor shall in the public interest specify.

(3) For the purposes of this Part—

“General aviation operation” means an aircraft operation other than a commercial air transport operation or aerial work operation.

Requirement for Approval

84.—(1) No person shall operate an aircraft registered in the Territory of any class or in any case identified in article 83(2) for the purposes of general aviation unless he is the holder of an approval granted in accordance with article 85.

(2) An approval is not required if operations of any of the classes identified in article 83(2) are being undertaken by an air transport undertaking that holds a valid air operator certificate granted in accordance with article 64.

Issue of Approval

85.—(1) The Governor shall grant an approval if he is satisfied that—

- (a) the applicant is competent, having regard in particular to—
 - (i) his previous conduct and experience;
 - (ii) his equipment;
 - (iii) his organisation and staffing;
 - (iv) his maintenance and other arrangements;
- (b) the safety management system established in accordance with paragraph (3) is appropriate and adequate;
- (c) the operations manual submitted under paragraph (6) is adequate;

to secure the safe operation of aircraft of the type or types specified in the approval.

(2) An approval granted under this article shall, subject to article 122, remain in force for the period specified therein, not exceeding 3 years, but may be renewed by the Governor from time to time.

(3) An operator applying for an approval under the provisions of paragraph (1) of this article shall establish and maintain to the satisfaction of the Governor a safety management system appropriate to the size and complexity of the operation.

(4) The operator of every aircraft to which this article applies shall—

- (a) make available to each member of his operating staff an operations manual;
- (b) ensure that each copy of the operations manual is kept up to date; and
- (c) 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 that flight.

(5) An operations manual shall contain all information and instructions as are necessary to enable operating staff to perform their duties as such.

(6) An aircraft to which this article applies shall not fly unless, at least 30 days prior to such flight, the operator of the aircraft has submitted to the Governor a copy of the whole of the operations manual for the time being in effect in respect of the aircraft.

(7) Any amendments or additions to the operations manual shall be made available to the Governor by the operator before or immediately after they come into effect.

(8) 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 in accordance with this article until the amendment or addition has been made available to the Governor.

(9) Without prejudice to paragraphs (7) and (8), 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.

PART X

AIR TRAFFIC SERVICES

Requirement for air traffic control approval for the provision of air traffic services

86.—(1) No person in charge of the provision of an air traffic control service shall provide such a service in the Territory otherwise than under and in accordance with the terms of an air traffic control approval granted to him by the Governor.

(2) The Governor shall grant an air traffic control approval if he is satisfied that the applicant is competent, having regard to his organisation, staffing, equipment, maintenance and other arrangements, to provide a service which is safe for use by aircraft.

Duty of person in charge to satisfy himself as to competence of controllers

87. The holder of an approval under article 86 shall not permit any person to act as an air traffic controller or to act as a student air traffic controller in the provision of the service under the approval unless—

- (a) such person holds an appropriate licence; and
- (b) the holder has satisfied himself that such person is competent to perform his duties.

Manual of Air Traffic Services

88. A person shall not provide an air traffic control service at any place unless—

- (a) the service is provided in accordance with the standards and procedures specified in a manual of air traffic services in respect of that place;
- (b) the manual is produced to the Governor within a reasonable time after a request for its production is made by the Governor; and
- (c) such amendments or additions have been made to the manual as the Governor may from time to time require.

Provision of air traffic services

89.—(1) In the case of an aerodrome (other than a Government aerodrome) in respect of which there is equipment for providing aid for holding, aid for let-down or aid for an approach to landing by radio or radar, the person in charge of the aerodrome shall—

- (a) inform the Governor in advance of the periods during and times at which any such equipment is to be in operation for the purpose of providing such aid as is specified by the said person; and
- (b) during any period and at such times as are notified, cause an approach control service to be provided.

(2) The Governor may in the interests of safety direct the person in charge of an aerodrome that there shall be provided in respect of any aerodrome (other than a Government aerodrome) such air traffic control service, aerodrome flight information service or means of two-way radio communication as the Governor considers appropriate.

(3) The Governor may specify in a direction under this article the periods during which, the times at which, the manner in which and the airspace within which such a service or such means shall be provided.

(4) The person who has been so directed shall cause such a service or such means to be provided in accordance with any such direction.

Use of radio call signs at aerodromes

90. The person in charge of an aerodrome provided with means of two-way radio communication shall not cause or permit any call sign to be used for a purpose other than a purpose for which that call sign has been notified.

PART XI

LICENSING OF AIR TRAFFIC CONTROLLERS

Prohibition of unlicensed air traffic controllers and student air traffic controllers

91.—(1) A person shall not act as an air traffic controller or hold himself out, whether by use of a radio call sign or in any other way, as a person who may so act unless he is the holder of, and complies with the privileges and conditions of—

- (a) a valid student air traffic controller's licence granted under this Order and he is supervised in accordance with article 92(10);
- (b) an appropriate valid air traffic controller's licence granted under this Order; or
- (c) a valid air traffic controller's licence so granted which is not appropriate but he is supervised as though he was the holder of a student air traffic controller's licence.

(2) A person shall not act as an air traffic controller unless he has identified himself in such a manner as may be notified.

(3) A licence is not required by any person who, acting in the course of his employment, passes on such instructions or advice as he has been instructed so to do by the holder of an air traffic controller's licence entitling the holder to give such instructions or advice.

(4) Nothing in this article prohibits the holder of a valid air traffic controller's licence from providing at any place, or for any sector for which the licence includes a valid certificate of competence, information to aircraft in flight in the interests of safety.

(5) A licence is not required by any person who acts in the course of his duty as a member of any of Her Majesty's naval, military or air forces or as a member of a visiting force.

Licensing of air traffic controllers and student air traffic controllers

92.—(1) Subject to the provisions of this article, the Governor shall grant a licence to any person to act as an air traffic controller or as a student air traffic controller in the Territory.

(2) Before granting such a licence the Governor must be satisfied that the applicant is—

- (a) a fit person to act in the capacity to which the licence relates; and
- (b) 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, for which purpose he shall furnish such evidence and undergo such examinations, assessments and tests (including in particular medical examinations) and undertake such courses of training as the Governor may require of him.

(3) The Governor shall not grant—

- (i) a student air traffic controller's licence to any person under the age of 18 years; or
- (ii) an air traffic controller's licence to any person under the age of 20 years.

(4) The Governor may include in an air traffic controller's licence any rating and endorsement upon his being satisfied that the applicant is qualified as specified in paragraph (2)(b) to act in the

capacity to which such rating or endorsement relates and such rating or endorsement shall be deemed to form part of the licence.

(5) The holder of an air traffic controller's licence shall not be entitled to exercise the privileges of a rating contained in the licence at any place or for any sector or with any type of radar equipment unless the licence includes a valid certificate of competence in respect of that rating which is appropriate to that place or sector and that equipment (if any), which certificate complies with paragraph (6).

(6) A valid certificate of competence shall not be appropriate to the exercise of the privileges of a rating at any place or for any sector or with any type of radar equipment unless the certificate—

- (a) specifies that place or sector and that type of radar equipment (if any) with the aid of which the service is to be provided;
- (b) certifies that the person signing the certificate is satisfied that on a date specified in the certificate the holder of the licence, of which the certificate forms part, has passed an appropriate test of his ability to exercise the privileges of the rating at the place or for the sector and with the type of radar equipment, if any, specified in the certificate; and
- (c) specifies the date on which it was signed.

(7) A valid certificate of competence shall be signed by a person authorised by the Governor to sign certificates of that kind and shall be valid, subject to paragraph (2), for 13 months after the date of the test which it certifies.

(8) If throughout any period of 90 days the holder of a licence has not at any time provided at a particular place or for a particular sector and with the aid of the type of radar equipment, if any, specified in a certificate of competence, the type of air traffic control service specified in the rating to which the certificate of competence relates, the certificate shall, without prejudice to the Governor's powers under article 122, cease to be valid for that place or sector at the end of that period.

(9) Upon a certificate of competence ceasing to be valid for a place or sector the holder of the licence shall forthwith inform the person who is approved under article 86 of this Order to provide an air traffic control service at that place or for that sector to that effect and shall forward the licence to a person approved by the Governor for the purpose who shall endorse the licence accordingly and return it to the holder forthwith.

(10) Every licence to act as a student air traffic controller shall be valid only for the purpose of authorising the holder to act as an air traffic controller under the supervision of another person who is present at the time and who is the holder of an air traffic controller's licence entitling him to provide unsupervised the type of air traffic control service which is being provided by the student air traffic controller and who is approved by the Governor for this purpose.

(11) A licence to act as an air traffic controller or a student air traffic controller shall not be valid unless the holder of the licence has signed his name thereon in ink with his ordinary signature.

(12) Every holder of an air traffic controller's licence or a student air traffic controller's licence shall, upon such occasions as the Governor may require, submit himself to such examinations and tests (including in particular medical examinations) and furnish such evidence as to his knowledge, experience, competence and skill and undergo such courses of training as the Governor may require.

(13) For the purposes of this Part—

- (a) 'acting as an air traffic controller' shall mean either giving an air traffic control service or the supervision of a student air traffic controller or both; and
- (b) "acting as a student air traffic controller" shall mean giving an air traffic control service under the supervision of an air traffic controller.

Approval of courses and persons

93. Without prejudice to any other provision of this Order the Governor may, for the purposes 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.

Requirement for medical certificate

94.—(1) On the basis of the medical examination referred to in article 92(12), 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 the holder of the licence has been assessed as fit to perform the functions to which the licence relates.

(2) The certificate shall be deemed to form part of the licence.

(3) The holder of an air traffic controller's licence shall not act as an air traffic controller unless his licence includes a medical certificate issued and in force under paragraph (1).

(4) The holder of a student air traffic controller's licence shall not act as a student air traffic controller unless his licence includes a medical certificate issued and in force under paragraph (1).

Incapacity of air traffic controllers

95.—(1) Every holder of an air traffic controller's licence granted under article 92 who—

- (a) suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates throughout a period of 20 consecutive days; or
- (b) 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.

(2) An air traffic controller's medical certificate shall cease to be in force on the expiry of the period of injury or illness referred to in paragraph (1)(a) and shall come into force again (provided it has not expired)—

- (a) upon the holder being medically examined under arrangements made by the Governor and pronounced fit to resume his functions under the licence; or
- (b) upon the Governor exempting the holder from the requirement of a medical examination subject to such conditions as the Governor may think fit.

Prohibition of drunkenness etc. of controllers

96. A person shall not act as an air traffic controller or a student air traffic controller whilst under the influence of drink or a drug to such an extent as to impair his capacity to act as such.

Fatigue of air traffic controllers - air traffic controllers' responsibilities

97. A person shall not act as an air traffic controller if he knows or suspects that he is suffering from or, having regard to the circumstances of the period of duty to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.

Licensing of flight information service officers

98.—(1) The Governor shall grant a licence to any person to act as a flight information service officer 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 so to act, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests and undertake such courses of training as the Governor may require of him.

(2) The Governor shall not grant such a licence to any person under the age of 18 years.

(3) Subject to article 122, a licence to act as a flight information service officer shall remain in force for the period indicated in the licence and if no period is indicated in the licence it shall remain in force for the lifetime of the holder.

(4) The holder of a flight information service officer's licence shall not be entitled to provide a flight information service at an aerodrome or area control centre unless that aerodrome or area control centre has been specified in the licence by a person authorised by the Governor for the purpose and the licence has been validated in respect of that aerodrome or area control centre by a person authorised for the purpose by the Governor.

(5) If, throughout any period of 90 days the holder of the licence has not at any time provided such a service at a particular aerodrome or area control centre, the licence shall cease to be valid for that aerodrome or area control centre at the end of that period until the licence has been revalidated in respect of that aerodrome or area control centre by a person authorised by the Governor for the purpose.

(6) A licence to act as a flight information service officer shall not be valid unless the holder of the licence has signed his name thereon in ink with his ordinary signature.

(7) Every holder of a flight information service officer's licence shall upon such occasions as the Governor may require, submit himself to such examinations and tests and furnish such evidence as to his knowledge, experience, competence and skill and undergo such courses of training as the Governor may require.

Prohibition of unlicensed flight information service officers

99.—(1) A person shall not provide at any aerodrome or area control centre a flight information service or hold himself out, whether by use of a radio call sign or in any other way, as a person who may provide such a service unless he is the holder of and complies with the terms of a flight information service officer's licence granted under this Order authorising him to provide such a service at that aerodrome or area control centre.

(2) A person shall not provide a flight information service unless he has identified himself in such a manner as may be notified.

Flight information service manual

100. A person shall not provide a flight information service at any aerodrome or area control centre unless—

- (a) the service is provided in accordance with the standards and procedures specified in a flight information service manual in respect of that aerodrome or area control centre;
- (b) the manual is produced to the Governor within a reasonable time after a request for its production is made by the Governor; and
- (c) such amendments or additions have been made to the manual as the Governor may from time to time require.

PART XII

AERONAUTICAL TELECOMMUNICATIONS SERVICE

Aeronautical Telecommunication Service

101.—(1) A person shall not cause or permit any aeronautical telecommunication service to be established in any Territory otherwise than under and in accordance with an approval granted by the Governor to the person in charge of the aeronautical telecommunication service.

- (2) An approval shall be granted under paragraph (1) upon the Governor being satisfied—
- (a) as to the intended purpose of the aeronautical telecommunication service ; and
 - (b) that the aeronautical telecommunication service is fit for its intended purpose; and
 - (c) that the person is competent to provide the aeronautical telecommunication service.

(3) The person in charge of an aeronautical telecommunication service at an aerodrome for which a certificate under article 105 or a licence for public use has been granted shall cause to be notified in relation to that aeronautical telecommunication service the type and availability of operation of any service that is available for use by any aircraft.

(4) An approval granted under paragraph (1) may include a condition requiring a person in charge of an aeronautical telecommunication service at any other aerodrome or place to cause the information specified in paragraph (3) to be notified.

(5) An approval granted under paragraph (1) may include a condition requiring the person in charge of the aeronautical telecommunication service to use a person approved by the Governor under paragraph (6) for the provision of particular services in connection with the aeronautical telecommunication service and in particular but without limitation may include a condition requiring that any associated equipment be flight checked by such an approved person.

(6) The Governor may approve a person to provide particular services in connection with approved aeronautical telecommunication service.

(7) For the purpose of paragraphs (1) and (6) an approval may be granted in respect of one or more than one person or generally.

(8) The provisions of this article do not apply in respect of any aeronautical telecommunication service of which the person solely in charge is the Governor.

Aeronautical Telecommunication Service records

102.—(1) The person in charge of any aeronautical telecommunication service and any associated equipment or apparatus required under paragraph (2) shall keep in respect of such an aeronautical telecommunication service and associated equipment or apparatus records specified by the Governor, and shall preserve such records for a period of one year or such longer period as the Governor may in a particular case direct.

(2) The person in charge of an aeronautical telecommunication service that is used for the provision of an air traffic control service by an air traffic control unit shall provide recording equipment or apparatus which is in accordance with paragraph (4).

(3) The Governor may direct the person in charge of any other aeronautical telecommunication service to provide recording apparatus in accordance with paragraph (4).

(4) The person in charge of the aeronautical telecommunication service in respect of which recording apparatus is required to be provided under paragraph (2) shall, subject to paragraph (5)—

- (a) ensure that when operated the equipment or apparatus is capable of recording and replaying the terms or content of any message or signal transmitted or received by or

through that equipment and is capable of recording and replaying the terms or content of any voice radio message or signal transmitted to an aircraft either alone or in common with other aircraft or received from an aircraft by the air traffic control unit;

- (b) ensure that the apparatus is in operation at all times when the aeronautical telecommunication service is being used in connection with the provision of a service provided for the purpose of facilitating the navigation of aircraft;
- (c) ensure that each record made by the apparatus complies with the requirements specified by the Governor;
- (d) not cause or permit that apparatus to be used unless it is approved by the Governor; and
- (e) comply with the terms of such an approval.

(5) The Governor may in considering whether or not to grant an approval, without limitation, have regard to—

- (a) the purpose for which the apparatus is to be used;
- (b) the manner in which the apparatus has been specified and produced in relation to the purpose for which it is to be used;
- (c) the adequacy, in relation to the purpose for which the apparatus is to be used, of the operating parameters of the apparatus (if any);
- (d) the manner in which the apparatus has been or will be operated, installed, modified, maintained, repaired and overhauled;
- (e) the manner in which the apparatus has been or will be inspected.

(6) An approval may be granted subject to such conditions as the Governor thinks fit including, without limitation, conditions relating to the matters to which he may have had regard under paragraph (5) and may be granted in respect of one or more than one person or generally.

(7) If any equipment or apparatus required under paragraph (2) ceases to be capable of recording the matters required by this article to be included in the records, the person required to provide that equipment or apparatus shall ensure that, so far as practicable, a record is kept which complies with the Governor's requirements and on which the particulars specified therein are recorded together with, in the case of apparatus provided in compliance with paragraph (2), a summary of voice communications exchanged between the air traffic control service and any aircraft.

(8) If any apparatus required under paragraph (2) becomes unserviceable, the person in charge of the aeronautical telecommunication service shall ensure that the apparatus is rendered serviceable again as soon as reasonably practicable.

(9) The person in charge of any aeronautical telecommunication service shall preserve any record made in compliance with paragraphs (4) or (7) for a period of 30 days from the date on which the terms or content of the message or signal were recorded or for such longer period as the Governor may in a particular case direct.

(10) A person required by this article to preserve any record by reason of his being the person in charge of the aeronautical telecommunication service shall, if he ceases to be such a person, continue to preserve the record as if he had not ceased to be such a person, and in the event of his death the duty to preserve the record shall fall upon his personal representative.

(11) If another person becomes the person in charge of the aeronautical telecommunication service the previous person in charge or his personal representative shall deliver the record to that other person on demand, and it shall be the duty of that other person to deal with any such record delivered to him as if he was the previous person in charge.

(12) The person in charge of any aeronautical telecommunication service shall within a reasonable time after being requested to do so by an authorised person produce any record required to be preserved under this article to that authorised person.

(13) The provisions of this article do not apply in respect of any aeronautical telecommunication service of which the person solely in charge is the Governor.

PART XIII

AERODROMES, AERONAUTICAL LIGHTS AND DANGEROUS LIGHTS

Aerodromes – aircraft operations required to use certificated or notified aerodromes

103.—(1) An aircraft to which this paragraph applies shall not take off or land at a place in the Territory other than—

- (a) an aerodrome certificated under article 105 for the take-off and landing of such aircraft; or
- (b) a Government aerodrome notified under article 104 as available for the take-off and landing of such aircraft, or in respect of which the person in charge of the aerodrome has given his permission for the particular aircraft to take off or land as the case may be;

and in accordance with any conditions subject to which the aerodrome may have been certificated or notified, or subject to which such permission may have been given.

(2) Paragraph (1) applies to—

- (a) aircraft which are flying for the purpose of international operations;
- (b) aircraft having a type certificated maximum passenger seating capacity of 10 or more which are flying for the purpose of commercial air transport operations;
- (c) aircraft having a maximum total weight authorised (MTWA) of 15,000 kg or more operating a flight for the purpose of commercial air transport;
- (d) aircraft (other than Micro-lights) which are flying—
 - (i) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or
 - (ii) for the purpose of carrying out flying tests in respect of the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence;
- (e) an aeroplane that is unable to maintain a positive climb gradient in the event of a failure of a power unit on take-off, operating a flight for the purpose of commercial air transport of passengers at night.

(3) The person in charge of any area in the Territory intended to be used for the taking off or landing of helicopters at night other than such a place as is specified in paragraph (1) shall cause to be in operation, whenever a helicopter flying for the purpose of the commercial air transport of passengers is taking off or landing at that area by night, such lighting as will enable the pilot of the helicopter—

- (a) in the case of landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing; and
- (b) in the case of taking off, to make a safe take-off.

(4) A helicopter flying for the purpose of the commercial air transport of passengers at night shall not take off or land at a place to which paragraph (3) applies unless there is in operation such lighting.

(5) Paragraph (1) does not apply to or in relation to an aircraft flying under and in accordance with the terms of a police air operator's certificate.

(6) For the purposes of this article “international operations” are operations in respect of which the point of departure of the flight and the point of destination thereof are in two different States

or in respect of which the flight passes through the sovereign airspace of the territory of more than one State.

Use of Government aerodromes

104.—(1) The Governor may cause to be notified, subject to such conditions as he thinks fit, any Government aerodrome as an aerodrome available for the take-off and landing of aircraft engaged on flights for the purpose of the commercial air transport of passengers or for the purpose of instruction in flying or of any classes of such aircraft.

(2) For the purposes of this article a “Government aerodrome” means any aerodrome in the Territory that is under the control of Her Majesty’s naval, military or air forces or of any visiting force.

Certification of aerodromes

105.—(1) A person in charge of the operation of an aerodrome in the Territory is required to hold in respect of such aerodrome a certificate issued by the Governor in accordance with this article if—

- (a) the aerodrome is made available for the purposes of any of the operations referred to in article 103(2) of this Order; or
- (b) the Governor considers that it is in the public interest to so require an aerodrome to be certificated.

(2) The Governor shall grant a certificate in respect of any aerodrome in the Territory if he is satisfied that—

- (a) the applicant is competent, having regard to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are suitable for use by aircraft;
- (b) the aerodrome is safe for use by aircraft having regard in particular to the physical characteristics of the aerodrome and of its surroundings; and
- (c) the aerodrome manual submitted under paragraph (7) is adequate.

(3) If the applicant so requests the Governor may grant a certificate which in addition to any other conditions that he may impose shall be subject to the condition that the aerodrome shall at all times when it is available for the take-off or landing of aircraft be so available to all persons on equal terms and conditions.

(4) The holder of an aerodrome certificate granted under paragraph (2) (in this article called ‘an aerodrome certificate holder’) shall—

- (a) furnish to any person on request information concerning the terms of the certificate; and
- (b) cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft engaged on flights for the purpose of the commercial air transport of passengers or instruction in flying.

(5) An aerodrome certificate holder shall not contravene or cause or permit to be contravened any condition of the aerodrome certificate at any time in relation to such aircraft engaged on such flights as are referred to in article 103(2), but the certificate shall not cease to be valid by reason only of such a contravention.

(6) An aerodrome certificate holder shall take all reasonable steps to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe at all times for use by aircraft.

(7) Upon making an application for an aerodrome certificate the applicant shall submit to the Governor an aerodrome manual for that aerodrome that shall include provisions for the implementation of a safety management system acceptable to the Governor that—

- (a) identifies safety hazards;
- (b) ensures that remedial action necessary to maintain an acceptable level of safety is provided for;
- (c) provides for continuous monitoring and regular assessment of the safety level achieved; and
- (d) demonstrates compliance with the aim to make continuous improvement to the overall level of safety.

(8) An aerodrome manual required under this article shall contain all such information and instructions as may be specified by the Governor to enable the aerodrome operating staff to perform their duties as such including, in particular, information and instructions relating to the matters specified in Schedule 11.

(9) Every aerodrome certificate holder shall—

- (a) furnish to the Governor any amendments or additions to the aerodrome manual before or immediately after they come into effect;
- (b) without prejudice to sub-paragraph (a), make such amendments or additions to the aerodrome manual as the Governor may require for the purpose of ensuring the safe operation of aircraft at the aerodrome or the safety of air navigation; and
- (c) maintain the aerodrome manual and make such amendments as may be necessary for the purposes of keeping its contents up to date.

(10) Every aerodrome certificate holder shall make available to each member of the aerodrome operating staff a copy of the aerodrome manual, or a copy of every part of the aerodrome manual which is relevant to his duties, and shall ensure that each such copy is kept up to date.

(11) Every aerodrome certificate holder shall take all reasonable steps to secure that each member of the aerodrome operating staff is aware of the contents of every part of the aerodrome manual which is relevant to his duties as such and undertakes his duties as such in conformity with the relevant provisions of the manual.

(12) For the purposes of this article—

- (a) ‘aerodrome operating staff’ means all persons, whether or not the aerodrome certificate holder and whether or not employed by the aerodrome certificate holder, whose duties are concerned either with ensuring that the aerodrome and airspace within which its visual traffic pattern is normally contained are safe for use by aircraft, or whose duties require them to have access to the aerodrome manoeuvring area or apron;
- (b) ‘visual traffic pattern’ means the aerodrome traffic zone of the aerodrome, or, in the case of an aerodrome which is not notified for the purposes of rule 39 of the Rules of the Air, the airspace which would comprise the aerodrome traffic zone of the aerodrome if it was so notified.

Instrument Flight Procedures

106.—(1) No person may design, establish or use an instrument flight procedure at an aerodrome in the Territory otherwise than under and in accordance with an approval granted by the Governor to the aerodrome certificate holder or to the person having the management and control of a government aerodrome.

(2) An approval shall be granted under paragraph (1) upon the Governor being satisfied—

- (a) as to the intended purpose of the procedure; and

- (b) that the person applying for approval is competent to operate the procedure; and
- (c) that any equipment associated with such procedure is fit for its intended purpose.

(3) An approval under paragraph (1) shall be granted on such conditions as the Governor shall think fit and he shall cause such procedure to be notified as a procedure available for the operation of aircraft at an aerodrome within the Territory.

(4) No person may use an instrument flight procedure otherwise than in accordance with the published conditions for such use.

(5) The Governor shall approve a person for the purposes of this article if he is satisfied that the person is competent to design an instrument flight procedure that is safe for use by aircraft.

(6) The Governor may, for the purposes of this article, either absolutely or subject to such conditions as he thinks fit—

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

(7) Nothing in paragraph (1) applies to any aerodrome in the Territory that is under the control of Her Majesty's naval, military or air force or of any visiting force.

Charges at aerodromes certificated or licensed for public use

107.—(1) The Governor may, in relation to any aerodrome in respect of which a certificate in accordance with article 105 or a licence for public use has been granted, or to such aerodromes generally or to any class thereof, prescribe the charges, or the maximum charges, which may be made for the use of the aerodrome and for any services performed at the aerodrome to or in connection with aircraft, and may further prescribe the conditions to be observed in relation to those charges and the performance of those services.

(2) The operator of an aerodrome in relation to which the Governor has made any regulations under paragraph (1) of this article shall not cause or permit any charges to be made in contravention of those regulations and shall cause particulars of the prescribed charges to be kept exhibited at the aerodrome in such a place and manner as to be readily available for the information of any person affected thereby.

(3) The operator of any aerodrome in respect of which an aerodrome certificate or licence for public use has been granted shall, when required by the Governor, furnish to the Governor such particulars as he may require of the charges established by the operator for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, efficiency or regularity of air navigation.

Use of aerodromes by aircraft of Contracting States

108. The person in charge of any aerodrome in the Territory which is open to public use by aircraft registered in the Territory shall cause the aerodrome, and all air navigation facilities provided thereat, to be available for use by aircraft registered in the United Kingdom or in other Contracting States on the same terms and conditions as for use by aircraft registered in the Territory.

Noise and vibration caused by aircraft on aerodromes

109.—(1) The Governor may specify the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, certificated aerodromes or on licensed aerodromes in accordance with regulation 4 in Schedule 9 to this Order.

(2) Section 41(2) of the Act as set out in Schedule 2 of the Civil Aviation Act 1949 (Overseas Territories) Order 1969(5) applies to any such aerodrome.

Aeronautical lights

110.—(1) A person shall not, except with the permission of the Governor and in accordance with any conditions subject to which the permission may be granted, establish, maintain or alter the character of—

- (a) an aeronautical beacon within the Territory;
- (b) any aeronautical ground light (other than an aeronautical beacon) at an aerodrome certificated or licensed under this Order, or which forms part of the lighting system for use by aircraft taking off from or landing at such an aerodrome.

(2) In the case of an aeronautical beacon that is or may be visible from the waters within an area of a general lighthouse authority, the Governor shall not give his permission for the purpose of this article except with the consent of that authority

(3) A person shall not intentionally or negligently damage or interfere with any aeronautical ground light established by or with the permission of the Governor.

Lighting of en-route obstacles

111.—(1) For the purposes of this article an en-route obstacle means any building, structure or erection which is 150 metres or more above ground level other than any such building, structure or erection which is in the vicinity of a certificated or licensed aerodrome.

(2) The person in charge of an en-route obstacle shall ensure that it is fitted with medium intensity steady red lights positioned as close as possible to the top of the obstacle and at intermediate levels spaced so far as practicable equally between the top lights and ground level with an interval not exceeding 52 metres.

(3) The person in charge of an en-route obstacle shall ensure that, by night, the lights required to be fitted by this article shall be displayed.

(4) In the event of the failure of any light which is required by this article to be displayed by night the person in charge shall repair or replace the light as soon as is reasonably practicable.

(5) At each level on the obstacle where lights are required to be fitted, sufficient lights shall be fitted and arranged so as to show when displayed in all directions.

(6) In any particular case the Governor may direct that an en-route obstacle shall be fitted with and shall display such additional lights in such positions and at such times as he may specify.

(7) This article shall not apply to any en-route obstacle in respect of which the Governor has granted permission to the person in charge.

(8) A permission may be granted for the purposes of this article in respect of a particular case or class of cases or generally.

Dangerous lights

112.—(1) A person shall not exhibit in the Territory any light which—

- (a) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome; or
- (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.

(2) If any light which appears to the Governor to be a light referred to in paragraph (1) is exhibited the Governor may cause a notice to be served upon the person who is the occupier of the place where the light is exhibited or has charge of the light, directing that person, within a reasonable time to be specified in the notice, to take such steps as may be specified in the notice for extinguishing or screening the light and for preventing for the future the exhibition of any other light which may similarly endanger aircraft.

(3) The notice may be served either personally or by post, or by affixing it in some conspicuous place near to the light to which it relates.

(4) In the case of a light that is or may be visible from any waters within the area of a general lighthouse authority, the power of the Governor under this article shall not be exercised except with the consent of that authority.

Customs and Excise airports

113.—(1) The Governor may by order designate any aerodrome to be a place for the landing or departure of aircraft for the purpose of the enactments for the time being in force relating to customs and excise.

(2) The Governor may by order revoke any designation so made.

Aviation fuel at aerodromes

114.—(1) A person who has the management of any aviation fuel installation on an aerodrome in the Territory shall not cause or permit any fuel to be delivered to that installation or from it to an aircraft unless—

- (a) when the aviation fuel is delivered into the installation he is satisfied that—
 - (i) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft;
 - (ii) the installation is marked in a manner appropriate to the grade of fuel stored or if different grades are stored in different parts each part is so marked; and
 - (iii) in the case of delivery into the installation or part thereof from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation or that part of the installation as the case may be and is fit for use in aircraft; and
- (b) when any aviation fuel is dispensed from the installation he is satisfied as the result of sampling that the fuel is fit for use in aircraft.

(2) Paragraph (1) does not apply in respect of fuel that has been removed from an aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.

(3) A person to whom paragraph (1) applies shall keep a written record in respect of each installation of which he has the management, which record shall include—

- (a) particulars of the grade and quantity of aviation fuel delivered and the date of delivery;
- (b) particulars of all samples taken of the aviation fuel and of the results of tests of those samples; and
- (c) particulars of the maintenance and cleaning of the installation;

and he shall preserve the written record for a period of 12 months or such longer period as the Governor may in a particular case direct and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

(4) A person shall not cause or permit any aviation fuel to be dispensed for use in an aircraft if he knows or has reason to believe that the aviation fuel is not fit for use in aircraft.

(5) If it appears to the Governor or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this article, the Governor or that authorised person may direct the person having the management of the installation not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by the Governor or by an authorised person.

(6) In this article—

“aviation fuel” means fuel intended for use in aircraft; and

“aviation fuel installation” means any apparatus or container, including a vehicle, designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft.

PART XIV

DOCUMENTS AND RECORDS

Journey Log

115.—(1) An operator of an aircraft used for the purposes of international air navigation shall record and retain the information specified by the Governor in a form specified by him for each flight in the form of a journey log.

(2) The Governor may permit an operator not to keep a journey log if the relevant information is available in other documents that are required to be kept under the provisions of this Order.

(3) An operator shall ensure that all entries in a journey log are made concurrently in an indelible form.

Documents to be carried

116.—(1) An aircraft shall not fly unless it carries the documents that it is required to carry under the law of the country in which it is registered.

(2) An aircraft registered in the Territory shall, when in flight, carry documents in accordance with instructions given or requirements specified by the Governor.

Production of documents and records

117.—(1) The pilot-in-command of an aircraft shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person—

- (a) the certificates of registration and airworthiness in force in respect of the aircraft;
- (b) the licences of its flight crew; and
- (c) such other documents as the aircraft is required by article 116 to carry when in flight.

(2) The operator of an aircraft registered in the Territory shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person such of the following documents or records as may have been requested by that person being documents or records which are required, by or under this Order, to be in force or to be carried, preserved or made available—

- (a) the certificate of airworthiness and certificate of registration in respect of the aircraft and the licence in force in respect of the aircraft radio station installed in the aircraft;
- (b) the aircraft log book, engine log books and variable pitch propeller log books required under this Order to be kept;
- (c) the weight schedule, if any, required to be preserved under article 18;

- (d) in the case of a commercial air transport aircraft or aerial work aircraft, a copy of the load sheet, the technical log and those parts of the operations manual required to be carried on the flight under article 66;
- (e) any record which he is required by article 32(4) to preserve, and such other documents and information in the possession or control of the operator, as the authorised person may require for the purpose of determining whether those records are complete and accurate;
- (f) any such operations manuals as are required to be made available under article 66(2); or
- (g) the record made by any flight data recorder required to be carried by or under this Order.

(3) The holder of a licence granted or rendered valid under this Order or of a medical certificate required under article 25 shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person his licence, including any certificate of validation.

(4) Every person required by article 28 to keep a personal flying log book shall cause it to be produced within a reasonable time to an authorised person after being requested to do so by him within 2 years after the date of the last entry therein.

Production of aeronautical telecommunications service documents and records

118. The holder of an approval under article 101 shall within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person any documents and records relating to any aeronautical telecommunications service used or intended to be used in connection with the provision of a service to an aircraft.

Power to inspect and copy documents and records

119. An authorised person shall have the power to inspect and copy any certificate, licence, log book, document or record that he has the power under this Order to require to be produced to him.

Preservation of documents, etc

120.—(1) A person required by this Order to preserve any document or record by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, continue to preserve the document or record as if he had not ceased to be the operator, and in the event of his death the duty to preserve the document or record shall fall upon his personal representative.

(2) If another person becomes the operator of the aircraft, the operator mentioned in paragraph (1) or his personal representative shall deliver to that person upon demand the certificates of release to service, the log books and the weight schedule and any record made by a flight data recorder and preserved in accordance with article 56 paragraph (3) which are in force or required to be preserved in respect of that aircraft.

(3) If an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person the operator mentioned in paragraph (1) or his personal representative shall deliver to that person upon demand the logbook relating to that engine or propeller.

(4) If any person in respect of whom a record has been kept by the operator mentioned in paragraph (1) in accordance with article 32(4) becomes a member of the flight crew of a commercial air transport aircraft registered in the Territory and operated by another person the operator mentioned in paragraph (1) or his personal representative shall deliver those records to that other person upon demand.

(5) It shall be the duty of the other person referred to in paragraphs (2), (3) and (4) to deal with the document or record delivered to him as if he were the operator mentioned in paragraph (1).

Validity of certificates, licences, authorisations, approvals and permissions

121. Wherever in this Order there is provision for the giving of an instruction or the issue or grant of a certificate, licence, authorisation, approval or permission by the Governor, unless otherwise provided, such an instruction or a certificate, licence, authorisation, approval or permission—

- (a) shall be in writing;
- (b) may be issued or granted subject to such conditions as the Governor thinks fit; and
- (c) may be issued or granted, subject to article 122, for such periods as the Governor thinks fit; and
- (d) may be renewed from time to time by the Governor upon such conditions and for such further period or periods as he thinks fit.

Revocation, suspension and variation of certificates, licences and other documents

122.—(1) The Governor may, if he thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under this Order, pending inquiry into or consideration of the case.

(2) The Governor may, on sufficient ground being shown to his satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.

(3) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under this Order shall surrender it to the Governor within a reasonable time after being required to do so by the Governor.

(4) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued or which has effect under this Order shall, in the absence of provision to the contrary in the document, render the document invalid during the continuance of the breach.

(5) The provisions of article 123 have effect, in place of the provisions of this article, in relation to the permissions to which that article applies.

(6) A flight manual, performance schedule or other document incorporated by reference in the certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the Governor, whether or not after due inquiry.

Revocation, suspension and variation of permissions, etc. granted under article 135 or article 137

123.—(1) The Secretary of State may revoke, suspend or vary any permit to which this article applies.

(2) Save as provided by paragraph (3), the Secretary of State, may exercise his powers under paragraph (1) only after notifying the permit-holder of his intention to do so and after due consideration of the case.

(3) If, by reason of the urgency of the matter, it appears to the Secretary of State to be necessary for him to do so, he may provisionally suspend or vary a permit to which this article applies without complying with the requirements of paragraph (2); but he shall in any such case comply with those requirements as soon thereafter as is reasonably practicable and shall then, in the light of his due consideration of the case, either—

- (a) revoke the provisional suspension or variation of the permit; or

- (b) substitute therefor a definitive revocation, suspension or variation, which, if a definitive suspension, may be for the same or a different period as the provisional suspension (if any) or, if a definitive variation, may be in the same or different terms as the provisional variation (if any).

(4) The powers vested in the Secretary of State by paragraph (1) or paragraph (3) may be exercised by him whenever, in his judgement and whether or not by reason of anything done or omitted to be done by the permit-holder or otherwise connected with the permit-holder, it is necessary or expedient that the permit-holder should not enjoy, or should no longer enjoy, the rights conferred on him by a permit to which this article applies or should enjoy them subject to such limitations or qualifications as the Secretary of State may determine.

(5) In particular, and without prejudice to the generality of the foregoing, the Secretary of State may exercise his said powers if it appears to him that—

- (a) the person to whom the permit was granted has committed a breach of any condition to which it is subject;
- (b) any agreement between Her Majesty's Government in the United Kingdom and the Government of any other country in pursuance of which or in reliance on which the permit was granted is no longer in force or that that other Government has committed a breach thereof;
- (c) the person to whom the permit was granted, or a Government which is a party to an agreement referred to in sub-paragraph (b), or the aeronautical authorities of the country concerned, have—
 - (i) acted in a manner which is inconsistent with or prejudicial to the operation in good faith, and according to its object and purpose, of any such agreement; or
 - (ii) engaged in unfair, discriminatory or restrictive practices to the prejudice of the holder of an Air Transport Licence granted under section 65 of the Civil Aviation Act 1982⁽⁶⁾ or the holder of a route licence granted under that section as applied by section 69A of that Act in his operation of air services to or from points in the country concerned or of the operator of an aircraft registered in and licensed to operate from any of the Territories by regulations under section 13 of the Act in his operation of air services to or from points in the country concerned;
- (d) the person to whom the permit was granted, having been granted it as a person designated by the Government of a country other than the United Kingdom for the purposes of any such agreement, is no longer so designated or that that person has so conducted himself, or that such circumstances have arisen in relation to him, as to make it necessary or expedient to disregard or qualify the consequences of his being so designated.

(6) The permit-holder or any person having the possession or custody of any permit which has been revoked, suspended or varied under this article shall surrender it to the Secretary of State within a reasonable time of being required by him to do so.

(7) The breach of any condition subject to which any permit to which this article applies has been granted shall render the permit invalid during the continuance of the breach.

(8) The permits to which this article applies are permissions granted by the Secretary of State or the Governor as the case may be under Article 135 or Article 137 and any approvals or authorisations of, or consents to, any matter which the Secretary of State or the Governor has granted, or is deemed to have granted, in pursuance of a permission which he has so granted.

(9) References in this Article to the "permit-holder" are references to the person to whom any permit to which this article applies has been granted, or that is deemed to have been granted.

(6) 1982 c.16.

(10) The Secretary of State may, in any particular case, or class of cases, delegate to the Governor the exercise of the powers conferred on the Secretary of State under this article in respect of permissions granted by the Secretary of State or the Governor as the case may be under Article 135 of this Order and any approvals or authorisations of, or consents to, any matter which the Secretary of State or the Governor has granted, or is deemed to have granted, in pursuance of a permission which he has so granted.

(11) The provisions of this Article have effect, as from the commencement of this Order, as well in relation to permits, being permits to which this Article applies, granted before the commencement of this Order as in relation to those granted thereafter.

Offences in relation to documents and records

124.—(1) A person shall not with intent to deceive—

- (a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under this Order which has been forged, altered, revoked or suspended, or to which he is not entitled;
- (b) lend any certificate, licence, approval, permission, exemption or any other document issued or having effect or required by or under this Order to, or allow it to be used by, any other person; or
- (c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, licence, approval, permission or exemption or other document;

and in this paragraph a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy thereof.

(2) A person shall not intentionally damage, alter or render illegible any logbook or other record required by or under this Order to be maintained or any entry made therein or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it is required under this Order to be preserved.

(3) All entries made in writing in any logbook or record referred to in paragraph (2) shall be made in ink.

(4) A person shall not knowingly make in a load sheet any entry that is incorrect in any material particular, or any material omission from such a load sheet.

(5) A person shall not purport to issue any certificate for the purposes of this Order unless he is authorised to do so under this Order.

(6) A person shall not issue any certificate for the purposes of this Order unless he has satisfied himself that all statements in the certificate are correct.

PART XV

OFFENCES AND PENALTIES

Endangering safety of aircraft

125. 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

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

Drunkenness in aircraft

127.—(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 alcohol, any drug or any psychoactive substance, including prescribed or proprietary medication, so as to render that person unable safely and properly so to act or so as to create a risk to that person or any other person.

Smoking in aircraft

128.—(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.

(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 pilot-in-command of the aircraft.

Authority of pilot-in-command and members of the crew of an aircraft

129.—(1) Every person in an aircraft must obey all lawful commands which the pilot-in-command or a member of the crew of that aircraft may give for the purpose of securing the safety of the aircraft and of the persons or property carried on board, or the safety, efficiency or regularity of air navigation.

(2) No person may operate on any aircraft any mobile or cell phone, computer or other electronic device that is designed to transmit or capable of transmitting electromagnetic energy otherwise than in accordance with the permission of the pilot-in-command of that aircraft.

(3) Paragraph (2) of this article does not apply to—

- (a) hearing aids; or
- (b) heart pacemakers; or
- (c) portable voice recorders; or
- (d) electric shavers; or
- (e) electronic watches; and
- (f) any other portable electronic device if the operator or pilot-in-command of the aircraft has determined that the said portable electronic device to be used will not cause interference with any aircraft system or equipment of the aircraft on which it is used.

Acting in a disruptive manner

130. 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 of his duties.

Obstruction of persons

131. A person shall not intentionally obstruct or impede any person acting in the exercise of his powers or the performance of his duties under this Order.

Enforcement of directions

132. Any person who without reasonable excuse fails to comply with any direction given to him under any provision of this Order or any regulations made thereunder shall be deemed for the purposes of this Order to have contravened that provision.

Stowaways

133. A person shall not secrete himself for the purpose of being carried in an aircraft without the consent of either the operator or the pilot-in-command or of any other person entitled to give consent to his being carried in the aircraft.

Penalties

134.—(1) If any provision of this Order or of any regulations made or instructions given thereunder is contravened in relation to an aircraft, the operator of that aircraft and the pilot-in-command and, in the case of a contravention of article 135, the charterer of that aircraft, shall (without prejudice to the liability of any other person for that contravention) be deemed for the purposes of the following provisions of this article to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order or of any regulations made thereunder was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of this Order or of any regulations made thereunder by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of commercial air transport or aerial work the flight shall be treated (without prejudice to the liability of any other person under this Order) as not having been for that purpose if he proves that he neither knew nor suspected that the flight was for that purpose.

(4) If any person contravenes any provision of this Order or of any regulations made thereunder not being a provision referred to in paragraphs (5) or (6), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1000

(5) If any person contravenes any provision specified in Part A of Schedule 7 to this Order he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2500

(6) If any person contravenes any provision specified in Part B of the said Schedule he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5000 and on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both.

PART XVI

FOREIGN AIRCRAFT OPERATIONS

Restriction with respect to carriage for valuable consideration in aircraft registered outside the Territory

135.—(1) An aircraft registered in a Contracting State, other than the United Kingdom or any of the Territories, or in a foreign country, shall not take on board or discharge any passengers or cargo in the Territory, where valuable consideration is given or promised in respect of the carriage of such persons or cargo unless it does so with the permission of the Secretary of State granted under this article to the operator or charterer of the aircraft or to the Government of the country in which the aircraft is registered, and in accordance with any conditions to which such permission may be subject.

(2) Without prejudice to the provisions of Article 123 or of paragraph (1), any breach by a person to whom a permission has been granted under this article of any condition to which that permission was subject shall constitute a contravention of this article.

(3) The Secretary of State may, in any particular case, or class of cases, delegate to the Governor the exercise of the powers conferred on the Secretary of State under paragraph (1); and where the exercise of the powers conferred under paragraph (1) is so delegated, the Governor shall, in exercising those powers, comply with any general guidelines or specific directions which may from time to time be conveyed to him by the Secretary of State.

Filing and approval of tariffs

136.—(1) Where a permission granted under article 135 contains a tariff provision, the Secretary of State may, in any particular case or class of cases, delegate to the Governor the exercise of the power to approve or disapprove the tariff which the operator or charterer of the aircraft concerned proposes to apply on flights to which the permission relates, and where the power to approve or disapprove tariffs is so delegated, the Governor shall, in exercising that power, comply with any general guidelines or specific directions which may from time to time be conveyed to him by the Secretary of State.

(2) For the purposes of this article, ‘tariff provision’ means a condition as to any of the following matters—

- (a) the price to be charged for the carriage of passengers, baggage or cargo on flights to which a permission granted under article 135(1) relates;
- (b) any additional goods, services or other benefits to be provided in connection with such carriage;
- (c) the prices, if any, to be charged for any such additional goods, services or benefits; and
- (d) the commission, or rates of commission, to be paid in relation to the carriage of passengers, baggage or cargo;

and includes any condition as to the applicability of any such price, the provision of any such goods, services or benefits or the payment of any such commission or of commission at any such rate.

Restriction on aerial photography, aerial survey and aerial work in aircraft registered outside the Territory

137.—(1) An aircraft registered in a Contracting State other than the United Kingdom or any of the Territories, or in a foreign country, shall not fly over the Territory for the purpose of aerial photography or aerial survey (whether or not valuable consideration is given or promised in respect of the flight or the purpose of the flight) or for the purpose of any other form of aerial work except

with the permission of the Governor granted under this article to the operator or the charterer of the aircraft and in accordance with any conditions to which such permission may be subject.

(2) Without prejudice to article 123 or the provisions of paragraph (1), any breach by a person to whom a permission has been granted under this article of any condition to which that permission was subject constitutes a contravention of this article.

PART XVII

GENERAL

Flights over any foreign country

138.—(1) The operator and the pilot-in-command of an aircraft registered in the Territory (or, if the operator's principal place of business or permanent residence is in the Territory, any other aircraft) which is being flown over any foreign country shall not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

(2) A person does not contravene paragraph (1) if he neither knew nor suspected that the aircraft was being or was to be used for a purpose referred to in paragraph (1).

(3) The operator and the pilot-in-command of an aircraft registered in the Territory (or, if the operator's principal place of business or permanent residence is in the Territory, any other aircraft) which is being flown over any foreign country shall comply with any directions given by the appropriate aeronautical authorities of that country whenever—

- (a) the flight has not been duly authorised; or
- (b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country;

unless the lives of persons on board or the safety of the aircraft would thereby be endangered.

(4) A person does not contravene paragraph (3) if he neither knew nor suspected that directions were being given by the appropriate aeronautical authorities.

(5) The requirement in paragraph (3) is without prejudice to any other requirement to comply with directions of an aeronautical authority.

(6) In this article 'appropriate aeronautical authorities' includes any person, whether a member of a country's military or civil authorities, authorised under the law of the foreign country to issue directions to aircraft flying over that country.

Mandatory reporting

139.—(1) The objective of this article is to contribute to the improvement of air safety by ensuring that the relevant information on safety is reported, collected, stored, protected and disseminated.

(2) The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.

(3) Every person listed below shall report to the Governor any event which constitutes an occurrence for the purposes of paragraph (4) and which comes to his attention in the exercise of his functions—

- (a) the operator and the pilot-in-command of an aircraft which has a certificate of airworthiness or permit to fly issued by the Governor;

- (b) the operator and the pilot-in-command of an aircraft operated under an air operator's certificate granted by the Governor;
 - (c) a person who carries on in the Territory the business of manufacturing, repairing or overhauling an aircraft referred to in sub-paragraphs (a) or (b), or any equipment or part thereof;
 - (d) a person who carries on the business of maintaining or modifying an aircraft that has a certificate of airworthiness or permit to fly issued by the Governor and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
 - (e) a person who carries on the business of maintaining or modifying an aircraft, operated under an air operator's certificate granted by the Governor, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
 - (f) a person who signs an airworthiness report or a certificate of release to service in respect of such an aircraft, part or equipment;
 - (g) a person who performs a function for which he requires an air traffic controller's licence or to be authorised as a flight information service officer;
 - (h) an aerodrome certificate holder, operator or manager of a certificated or licensed aerodrome;
 - (i) a person who performs a function connected with the installation, modification, maintenance, repair, overhaul, flight checking or inspection of air navigation facilities which are utilised by a person who provides an air traffic control service under an approval issued by the Governor;
 - (j) a person who performs a function in respect of the ground-handling of aircraft, including fuelling, servicing, load sheet preparation, de-icing and towing.
- (4) In this article 'reportable occurrence' means—
- (a) any incident relating to such an aircraft or any defect in or malfunctioning of such an aircraft or any part or equipment of such an aircraft, being an incident, malfunctioning or defect endangering, or which if not corrected would endanger, the aircraft, its occupants or any other person; and
 - (b) any defect in or malfunctioning of any facility on the ground used or intended to be used for purposes of or in connection with the operation of such an aircraft, being a defect or malfunctioning endangering, or which if not corrected would endanger, such an aircraft or its occupants.
- (5) Any accident or serious incident notified to the Governor in pursuance of regulations made under section 75 of the Civil Aviation Act 1982(7) shall not constitute a reportable occurrence for purposes of this article.
- (6) Reports of occurrences shall be made within such time, by such means and containing such information as may be specified by the Governor and shall be presented in such form as the Governor may in any particular case approve.
- (7) Nothing in this article shall require a person to report any occurrence which he has reason to believe has been or will be reported by another person to the Governor in accordance with this article.
- (8) A person shall not make any report under this article if he knows or has reason to believe that the report is false in any particular.
- (9) Without prejudice to article 56 and subject to article 120 and paragraph 10, the operator of an aircraft shall, if he has reason to believe that a report has been or will be made in pursuance of this article, preserve any data from a flight data recorder or a combined cockpit voice recorder/flight data recorder relevant to the reportable occurrence for 14 days from the date on which a report of that

occurrence is made to the Governor or for such longer period as the Governor may in a particular case direct.

(10) The record referred to in paragraph 9 may be erased if the aircraft is outside the Territory and it is not reasonably practicable to preserve the record until the aircraft reaches the Territory.

Mandatory reporting of birdstrikes

140.—(1) The pilot-in-command of an aircraft shall make a report to the Governor of any birdstrike occurrence which occurs whilst the aircraft is in flight within the Territory.

(2) The report shall be made within such time, by such means and shall contain such information as may be specified by the Governor and it shall be presented in such form as the Governor may in a particular case approve.

(3) Nothing in this article shall require a person to report any occurrence which he has reported under article 139 or which he has reason to believe has been or will be reported by another person to the Governor in accordance with that article.

(4) A person shall not make any report under this article if he knows or has reason to believe that the report is false in any particular.

(5) In this article “birdstrike occurrence” means an incident in flight in which the pilot-in-command of an aircraft has reason to believe that the aircraft has been in collision with one or more than one bird.

Power to prevent aircraft flying

141.—(1) If it appears to the Governor or an authorised person that any aircraft is intended or likely to be flown—

- (a) in such circumstances that any provision of article 3, 5, 7, 20, 21, 56, 57, 58, 64, 127(2), 135, 137 or 138 would be contravened in relation to the flight;
- (b) in such circumstances that the flight would be in contravention of any other provision of this Order or of any regulations made thereunder, and be a cause of danger to any person or property whether or not in the aircraft; or
- (c) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of this Order, or of any regulations made thereunder;

the Governor or that authorised person may direct the operator or the pilot-in-command of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Governor or by an authorised person, and the Governor or that authorised person may take such steps as are necessary to detain the aircraft.

(2) For the purposes of paragraph (1) the Governor or any authorised person may enter upon and inspect any aircraft.

Right of access to aerodromes and other places

142.—(1) The Governor and any authorised person shall have the right of access at all reasonable times—

- (a) to any aerodrome, for the purpose of inspecting the aerodrome;
- (b) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which he has power to demand under this Order, or for the purpose of detaining any aircraft under the provisions of this Order;

- (c) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which he has power to demand under this Order and for the purpose of detaining the aircraft under the provisions of this Order;
 - (d) to any building or place from which an air traffic control service is being provided or where any aeronautical telecommunications service requiring approval under article 101 is situated for the purpose of inspecting—
 - (i) any equipment used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground; or
 - (ii) any document or record which it or he has power to demand under this Order.
- (2) Access to a Government aerodrome shall only be obtained with the permission of the person in charge of the aerodrome.

Extra-territorial effect of the Order

143.—(1) Except where the context otherwise requires, the provisions of this Order—

- (a) insofar as they apply (whether by express reference or otherwise) to aircraft registered in the Territory, apply to such aircraft wherever they may be;
- (b) insofar as they apply to other aircraft apply to such other aircraft when they are within the Territory or on or in the neighbourhood of an offshore installation;
- (c) insofar as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by persons in or by any of the crew of, any aircraft registered in the Territory, apply to such persons and crew, wherever they may be; and
- (d) insofar as they prohibit, require or regulate the doing of anything in relation to any aircraft registered in the Territory by other persons shall, where such persons are Commonwealth citizens or British protected persons, apply to them wherever they may be.

(2) Nothing in this article shall be construed as extending to make any person guilty of an offence in any case in which it is provided by section 3(1) of the British Nationality Act 1948⁽⁸⁾ (which limits the criminal liability of certain persons who are not citizens of the United Kingdom and colonies) that that person shall not be guilty of an offence.

Application of Order to British-controlled aircraft not registered in the Territory

144. The Governor may direct that such of the provisions of this Order and of any regulations made or having effect thereunder as may be specified in the direction shall have effect as if reference in those provisions to aircraft registered in the Territory included references to the aircraft specified in the direction, being an aircraft not so registered but for the time being under the management of a person who, or of persons each of whom, is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the Territory.

Application of Order to the Crown and visiting forces, etc.

145.—(1) Subject to the following provisions of this article, the provisions of this Order apply to or in relation to aircraft belonging to or exclusively employed in the service of Her Majesty as they apply to or in relation to other aircraft.

(2) For the purposes of such application, the Department or other authority for the time being responsible on behalf of Her Majesty for the management of the aircraft shall be deemed to be the operator of the aircraft and, in the case of an aircraft belonging to Her Majesty, to be the owner of the interest of Her Majesty in the aircraft.

(8) 1948 c.56.

(3) Nothing in this article shall render liable to any penalty any department or other authority responsible on behalf of Her Majesty for the management of any aircraft.

(4) Save as otherwise expressly provided the naval, military and air force authorities and members of any visiting force and any international headquarters and the members thereof and property held or used for the purpose of such a force or headquarters shall be exempt from the provisions of this Order and of any regulations made thereunder to the same extent as if that force or headquarters formed part of the forces of Her Majesty raised in the United Kingdom and for the time being serving in the Territory.

(5) Save as otherwise provided by paragraph (6), article 31(3)(a), article 63(5), (9) and (10), and article 109 and the Rules of the Air, nothing in this Order applies to or in relation to any military aircraft.

(6) Where a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his duty as a member of any of Her Majesty's naval, military or air forces or as a member of a visiting force or international headquarters, the following provisions of this Order apply on the occasion of that flight, that is to say, articles 38 and 37 and articles 125, 126, and 127 apply unless the aircraft is flown in compliance with Military Flying Regulations (Joint Service Publication 550) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State.

Exemption from Order

146. The Governor may exempt from any of the provisions of this Order (other than articles 35, 36, 123, 135, 136, 137, 138, and 147) or any regulations made thereunder, any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as he thinks fit.

Appeal to Supreme Court

147.—(1) An appeal shall lie to the Supreme Court or to such other court as may be prescribed from any decision of the Governor that a person is not a fit person to hold a licence to act as an aircraft maintenance engineer, member of the flight crew of an aircraft, air traffic controller, student air traffic controller or aerodrome flight information service officer, and if the court is satisfied that on the evidence submitted to the Governor he was wrong in so deciding, the court may reverse the Governor's decision and the Governor shall give effect to the court's determination.

(2) An appeal shall not lie from a decision of the Governor that a person is not qualified to hold the licence by reason of a deficiency in his knowledge, experience, competence, skill, physical or mental fitness.

(3) The respondent to any appeal under this article shall be the Attorney General or other principal legal officer of the Government of the Territory.

(4) For the purposes of any provision relating to the time within which an appeal may be brought, the Governor's decision shall be deemed to have been taken on the date on which the Governor furnished a statement of his reasons for the decision to the applicant for the licence, or as the case may be, the holder or former holder of it.

Application of Order

148. The provisions of this Order apply to the Territories mentioned in Schedule 12, any one of which is in this Order referred to in the expression "the Territory".

Regulations by the Governor: Fees

149.—(1) The Governor may make regulations for prescribing anything that, under the provisions of this Order, is to be prescribed.

(2) The Governor, with the approval of a Secretary of State, may make regulations amending the Air Navigation (General) Regulations in Schedule 9 to this Order.

(3) Without prejudice to the generality of paragraph (1) of this article, such regulations may prescribe the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document (including the issue of a copy thereof), or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of, this Order or any regulations made hereunder.

(4) Upon an application being made in connection with which any fee is chargeable in accordance with the said provisions the applicant may be required before the application is entertained to pay the whole or to deposit a portion of the fee or fees so chargeable.

(5) If, after payment or deposit has been made under paragraph (4), the application is withdrawn by the applicant or otherwise ceases to have effect or is refused by the Governor, the Governor may, subject as hereinafter provided, refund the amount of such payment or deposit.

(6) Where the amount paid or deposited under paragraph (4) is wholly or to any extent attributable to a fee chargeable in respect of an investigation which would have been carried out in connection with the application if it had not been so withdrawn or ceased to have effect or been refused but which has not been carried out by reason only of such withdrawal, cessation or refusal, the Governor may refund the amount so attributable or, subject to paragraph (7), in a case where an investigation has been partially completed, so much of that amount as in the opinion of the Governor is reasonable having regard to the stage to which the investigation has progressed at the time of such withdrawal, cessation or refusal.

(7) If in any case the amount deposited by the applicant is not sufficient to cover the fee, as ultimately assessed, chargeable in respect of any investigation in so far as the same has been carried out at the time when the application is withdrawn by him or otherwise ceases to have effect or is refused by the Governor the amount representing the balance of such fee shall be payable by the applicant.

(8) In this article the expression “investigation” includes an inspection, examination, calculation or test.

Exceptions for certain classes of aircraft

150. The provisions of this Order other than articles 38(1), 39, 40, 78, 126, 141(1)(b), 156(1), (4) and (7) do not apply to or in relation to—

- (a) any small balloon;
- (b) any kite weighing not more than 2 kg;
- (c) any small aircraft; or
- (d) any parachute, including a parascending parachute.

Approval for persons to furnish reports

151. In relation to any of his functions under any of the provisions of this Order the Governor may approve a person as qualified to furnish reports to him and may accept such reports.

Publication of requirements

152.—(1) Where any provision of this Order provides for the Governor to grant a certificate, licence or other document if he is satisfied as to matters specified in the provision, he shall before determining whether to effect that grant—

- (a) publish the requirements which he considers relevant to determining his satisfaction in respect of those matters in the publication issued in the Territory concerned known as “OTARs (Overseas Territories Aviation Requirements)”; and
- (b) take into account those requirements.

(2) Nothing in this article shall require the Governor to publish requirements in respect of a licence, certificate or other document if he does not exercise his powers to grant the licence, certificate or document in question.

Designation by the Governor

153.—(1) Subject to paragraphs (3) and (4), the Governor, acting in his discretion, may designate a person to carry out those functions of the Governor under this Order that are specified in the designation, subject to such conditions as he sees fit.

(2) Subject to paragraph (3), the Governor may revoke or vary a designation made under paragraph (1).

(3) Before making, revoking or varying a designation made under paragraph (1), the Governor shall consult with, and take into account any advice given by, ASSI.

(4) The Governor may not include in any designation made under paragraph (1) the functions of the Governor—

- (a) to make rules, orders or regulations or give instructions under this Order; or
- (b) under this article or articles 113, 152 or 154.

Review by the Governor

154.—(1) Where any person designated under article 153(1)—

- (a) decides that it would be inexpedient in the public interest to register an aircraft in a Territory; or
- (b) refuses an application for the grant, validation or variation of a licence, certificate, approval, authorisation or rating; or
- (c) decides to cancel the registration of an aircraft; or
- (d) decides to revoke, suspend or vary a licence, certificate, approval, authorisation, validation or rating otherwise than on the application of the holder;

the person designated shall serve on the person concerned a notice stating the reasons for the decision and the person concerned may within 14 days of the date of the service of the notice, serve on the Governor a request that the decision be reviewed by the Governor.

(2) Where such a request under paragraph (1) has been duly served the Governor shall, before making a decision, consider any oral representations which may be made to him or any representations in writing which may have been served upon him by the person concerned within 21 days after the date of service of the request and may, before making a decision, consider the advice of such technical assessors as the Governor may appoint to advise him provided that the Governor shall not appoint as an assessor any person who participated in the decision or proposal or in giving or assessing any test or examination which is to be the subject of the Governor’s decision.

Arrangements for giving effect to the Convention

155.—(1) The Governor shall within the Territory issue such instructions or make such arrangements as are necessary, requisite or expedient for carrying out the Chicago Convention and implementing any Annex thereto and any amendment to the Convention, or any such Annex made in accordance with the Convention, or generally for regulating and securing the safety of international air navigation in accordance with the provisions of section 8(1) of the Act.

(2) Under the provisions of paragraph (1) the Governor shall in particular—

- (a) provide or secure the provision of a meteorological service to meet the needs of international air navigation and with due regard to regional air navigation agreements and shall designate the appropriate authority to provide or arrange for the provision of such meteorological service;
- (b) ensure the availability in the Territory of aeronautical charts;
- (c) arrange for the establishment and provision of search and rescue services within the Territory, and in such portions of the high seas that are the responsibility of the Territory under regional air navigation agreements;
- (d) provide an aeronautical information service or agree with one or more other Contracting States for the provision of a joint service, or delegate the authority for the provision of the service to a non-governmental agency.

(3) The Governor shall arrange for the details of the services and arrangements provided in accordance with paragraph (2) to be included in the Aeronautical Information Publication relating to the Territory.

Interpretation

156.—(1) In this Order, unless the context otherwise requires—

“The Act” means the Civil Aviation Act 1949(9);

“Aerial work” has the meaning assigned to it by article 157;

“Aerial work aircraft” means an aircraft (other than a commercial air transport aircraft) flying, or intended by the operator to fly, for the purpose of aerial work;

“Aerial work undertaking” means an undertaking whose business includes the performance of aerial work;

“Aerobatic manoeuvres” includes loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre;

“Aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

“Aerodrome control service” means an air traffic control service for any aircraft on the manoeuvring area or apron of the aerodrome in respect of which the service is being provided or which is flying in, or in the vicinity of, the aerodrome traffic zone of that aerodrome by visual reference to the surface;

“Aerodrome operating minima” in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual range for take-off, and the decision height or

(9) 1949 c. 67.

minimum descent height, runway visual range and visual reference for landing, which are the minimum for the operation of that aircraft at that aerodrome;

“Aerodrome traffic zone” means the airspace specified below, being airspace in the vicinity of an aerodrome which is notified for the purposes of rule 39 of the Rules of the Air—

- (a) in relation to such an aerodrome at which the length of the longest runway is notified as 1850 metres or less—
 - (i) subject to sub-paragraph (ii), the airspace extending from the surface to a height of 2000 ft above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of 2 nautical miles;
 - (ii) where such an aerodrome traffic zone would extend less than 1½ nautical miles beyond the end of any runway at the aerodrome and this sub-paragraph is notified as being applicable, sub-paragraph (b) applies as though the length of the longest runway is notified as greater than 1850 metres;
- (b) in relation to such an aerodrome at which the length of the longest runway is notified as greater than 1850 metres, the airspace extending from the surface to a height of 2000 ft above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of 2½ nautical miles;

except any part of that airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this Order as being the controlling aerodrome;

“Aeronautical beacon” means an aeronautical ground light which is visible either continuously or intermittently to designate a particular point on the surface of the earth;

“Aeronautical ground light” means any light specifically provided as an aid to air navigation, other than a light displayed on an aircraft;

“Aeronautical radio station” means a radio station on the surface, which transmits or receives signals for the purpose of assisting aircraft;

“Air traffic control unit” means a person appointed by the Governor or by any other person maintaining an aerodrome or place to give instructions, advice or information by means of radio signals to aircraft in the interests of safety but does not include a person so appointed solely to provide a flight information service to aircraft, and ‘air traffic control service’ shall be construed accordingly;

“Air transport undertaking” means an undertaking whose business includes the undertaking of flights for the purposes of commercial air transport of passengers or cargo;

“Altitude hold and heading mode” mean aircraft autopilot functions that enable the aircraft to maintain an accurate height and an accurate heading;

“Annual costs” in relation to the operation of an aircraft means the best estimate reasonably practicable at the time of a particular flight in respect of the year commencing on the first day of January preceding the date of the flight, of the costs of keeping and maintaining and the indirect costs of operating the aircraft, such costs in either case excluding direct costs and being those actually and necessarily incurred without a view to profit;

“Annual flying hours” means the best estimate reasonably practicable at the time of a particular flight by an aircraft of the hours flown or to be flown by the aircraft in respect of the year commencing on the first day of January preceding the date of the flight;

“Approach control service” means an air traffic control service for any aircraft which is not receiving an aerodrome control service, which is flying in, or in the vicinity of the aerodrome traffic zone of the aerodrome in respect of which the service is being provided, whether or not the aircraft is flying by visual reference to the surface;

“Approach to landing” means that portion of the flight of the aircraft when approaching to land, in which it is descending below a height of 1000 ft above the relevant specified decision height or minimum descent height;

“Appropriate aeronautical radio station” means in relation to an aircraft an aeronautical radio station serving the area in which the aircraft is for the time being;

“Appropriate air traffic control unit” means in relation to an aircraft either the air traffic control unit notified as serving the area in which the aircraft is for the time being, or the air traffic control unit notified as serving the area which the aircraft intends to enter and with which unit the aircraft is required to communicate prior to entering that area, as the case may be;

“Apron” means the part of an aerodrome provided for the stationing of aircraft for the embarkation and disembarkation of passengers, for loading and unloading of cargo and for parking;

“Area control centre” means an air traffic control unit established to provide an area control service to aircraft flying within a notified flight information region which are not receiving an aerodrome control service or an approach control service;

“Area control service” means an air traffic control service for any aircraft which is flying neither in nor in the vicinity of an aerodrome traffic zone except for an aerodrome traffic zone which has been notified as being subject to an area control service;

“Area navigation equipment” means equipment carried on board an aircraft which enables the aircraft to navigate on any desired flight path within the coverage of appropriate ground based navigation aids or within the limits of that on-board equipment or a combination of the two;

“ASSI” means Air Safety Support International, being a wholly owned subsidiary company of the Civil Aviation Authority formed in accordance with a direction given by the Secretary of State to the Civil Aviation Authority under section 6(2)(c) of the Civil Aviation Act 1982(10) on 2 January 2003;

“Authorised person” means any person authorised by the Governor either generally or in relation to a particular case or class of cases, and references to a person authorised by the Governor include references to the Director of Civil Aviation in the Territory and the holder for the time being of any office designated by the Governor;

“Beneficial interest” includes interests arising under contract and other equitable interests;

“Cabin crew” in relation to an aircraft means those persons on a flight carried for the purpose of performing in the interests of the safety of passengers duties to be assigned by the operator or the pilot-in-command of the aircraft but who shall not act as a member of the flight crew;

“Captive balloon” means a balloon which when in flight is attached by a restraining device to the surface;

“Captive flight” means flight by an uncontrollable balloon during which it is attached to the surface by a restraining device;

“Cargo” includes mail and animals;

“Certificated aerodrome” means an aerodrome certificated under this Order;

“Certificate of airworthiness” includes any validation thereof and any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

“Certificate of release to service issued under the Order” has the meaning assigned to it by article 12(6);

“Certificated for single pilot operation” means an aircraft that is not required to carry more than one pilot by virtue of any one or more of the following—

- (a) the certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered;
- (b) if no certificate of airworthiness is required to be in force, the certificate of airworthiness, if any, last in force in respect of the aircraft;
- (c) if no certificate of airworthiness is or has previously been in force but the aircraft is identical in design with an aircraft in respect of which such a certificate is or has been in force, the certificate of airworthiness which is or has been in force in respect of such an identical aircraft; or
- (d) in the case of an aircraft flying in accordance with the conditions of a permit to fly issued by the Governor, that permit to fly;

“Circling approach” means an extension of an instrument approach procedure which provides for visual circling by an aircraft of an aerodrome prior to landing;

“The Civil Aviation Authority” means the body corporate constituted in accordance with the provisions of section 2 of the Civil Aviation Act 1982⁽¹¹⁾;

“Class A airspace”, “Class B airspace”, “Class C airspace”, “Class D airspace” and “Class E airspace” mean airspace respectively notified as such;

“Cloud ceiling” in relation to an aerodrome means the vertical distance from the elevation of the aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one-half of the sky so visible;

“Commercial air transport” has the meaning assigned to it by articles 157 to 163;

“Commercial air transport aircraft” means an aircraft flying, or intended by the operator of the aircraft to fly, for the purpose of commercial air transport;

“the Commonwealth” means the United Kingdom, the Channel Islands, the Isle of Man, the countries mentioned in Schedule 3 to the British Nationality Act 1981⁽¹²⁾ and all other territories forming part of Her Majesty’s dominions or in which Her Majesty has jurisdiction;

“Competent authority” means in relation to the Territory, the Governor, and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;

“Conditional sale agreement” has the same meaning as in section 189 of the Consumer Credit Act 1974⁽¹³⁾;

“Congested area” in relation to a city, town or settlement, means any area that is substantially used for residential, industrial, commercial or recreational purposes;

“Contracting State” means any State (including the United Kingdom and any of the Territories) that is a party to the Convention on Civil Aviation signed on behalf of the Government of the United Kingdom at Chicago on 7 December 1944;

“Controllable balloon” means a balloon, not being a small balloon, which is capable of free controlled flight;

“Controlled airspace” means airspace that has been notified as Class A, Class B, Class C, Class D or Class E airspace;

“Control area” means controlled airspace that has been further notified as a control area and which extends upwards from a notified altitude or flight level;

⁽¹¹⁾ 1982 c. 16

⁽¹²⁾ 1981 c. 61.

⁽¹³⁾ 1974 c. 39.

“Control zone” means controlled airspace which has been further notified as a control zone and which extends upwards from the surface;

“Co-pilot” in relation to an aircraft means a pilot who in performing his duties as such is subject to the direction of another pilot carried in the aircraft;

“Country” includes a territory, except in paragraph (3)(b);

“Crew” means a member of the flight crew, a person carried on the flight deck whom the operator of the aircraft appoints to give or to supervise the training experience, practice and periodical tests required in respect of the flight crew under article 70(3) of this Order, or a member of the cabin crew or a task specialist;

“Danger area” means airspace which has been notified as such within which activities dangerous to the flight of aircraft may take place or exist at such times as may be notified;

“Day” means the time from half an hour before sunrise until half an hour after sunset (both times exclusive), sunset and sunrise being determined at surface level;

“Decision height” in relation to the operation of an aircraft at an aerodrome means the height in a precision approach at which a missed approach must be initiated if the required visual reference to continue that approach has not been established;

“Declared distances” has the meaning that has been notified;

“Designated required navigation performance airspace” means airspace that has been notified, prescribed or otherwise designated by the competent authority for the airspace as requiring specified navigation performance capabilities to be met by aircraft flying within it;

“Direct costs” means, in respect of a flight, the costs actually and necessarily incurred in connection with that flight without a view to profit but excluding any remuneration payable to the pilot for his services as such;

“Director” has the same meaning as in section 53(1) of the Companies Act 1989(14);

“Flight” and “to fly” have the meanings respectively assigned to them by paragraph (4);

“Flight crew” means, in relation to an aircraft, those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radiotelephony operator of the aircraft;

“Flight information service unit” means a person appointed by the Governor or by any other person maintaining an aerodrome or area control centre—

- (a) in the case of such a unit appointed in respect of an aerodrome to—
 - (i) give information by means of radio signals to aircraft flying in or intending to fly within the aerodrome traffic zone of that aerodrome; and
 - (ii) grant or refuse permission, under Rule 35 or 36(2) of the Rules of the Air;
- (b) in the case of such a unit appointed in respect of an area control centre, to give information by means of radio signals to aircraft;

and “flight information service”, “aerodrome flight information service” and “aerodrome flight information service unit” shall be construed accordingly;

“Flight level” means one of a series of levels of equal atmospheric pressure, separated by notified intervals and each expressed as the number of hundreds of feet which would be indicated at that level on a pressure altimeter calibrated in accordance with the International Standard Atmosphere and set to 1013.2 hectopascals;

“Flight manual” means a manual approved by the state of type certification for the aircraft, associated with the certificate of airworthiness, containing limitations within which the aircraft

may be considered airworthy, and instructions and information necessary to the flight crew for the safe operation of the aircraft;

“Flight plan” means such information as may be notified in respect of an air traffic control service unit being information provided or to be provided to that unit, relative to an intended flight or portion of a flight of an aircraft;

“Flight recording system” means a system comprising either a flight data recorder or a cockpit voice recorder or both;

“Flight simulator” means apparatus by means of which flight conditions in an aircraft are simulated on the ground;

“Flight visibility” means the visibility forward from the flight deck of an aircraft in flight;

“Flying display” means any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an advertised event open to the public;

“Free balloon” means a balloon which, when in flight, is not attached by any form of restraining device to the surface;

“Free controlled flight” means flight during which a balloon is not attached to the surface by any form of restraining device (other than a tether not exceeding 5 metres in length which may be used as part of the take-off procedure) and during which the height of the balloon is controllable by means of a device attached to the balloon and operated by the pilot-in-command of the balloon or by remote control;

“General lighthouse authority” has the same meaning as in section 193 of the Merchant Shipping Act 1995(15);

“Governor” means the person for the time being administering the Government of the Territory and, in relation to such of the functions of the Governor under this Order as are specified in a designation made by the Governor under article 153, includes any person specified in that designation to carry out those functions;

“Hire-purchase agreement” has the same meaning as in section 189 of the Consumer Credit Act 1974(16);

“Holding approach” means a predetermined manoeuvre which keeps an aircraft within a specified area of airspace while awaiting further clearance;

“Instructor’s rating” means a flying instructor’s rating, an assistant flying instructor’s rating, a flight instructor rating (aeroplane), a flight instructor rating (helicopter), a type rating instructor rating (multi-pilot aeroplane), a type rating instructor rating (helicopter), a class rating instructor rating (single pilot aeroplane), an instrument rating instructor rating (aeroplane) or an instrument rating instructor rating (helicopter);

“Instrument approach procedure” means a series of predetermined manoeuvres by reference to flight instruments, with specified protection from obstacles, from a specified point to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or other obstacle clearance criteria apply;

“Instrument flight procedure” means a generic term to include individually, in whole or in part, “instrument approach procedure”, “standard instrument arrival”, “standard instrument departure”, “circling approach” and “holding procedure” designed in accordance with International Civil Aviation Organisation Procedures for Air Navigation Services (PANS-OPS);

“IFR” means the Instrument Flight Rules;

“Instrument Flight Rules” means Instrument Flight Rules specified in the Rules of the Air;

(15) 1995 c. 21.

(16) 1974 c. 39.

“Instrument Meteorological Conditions” means weather that precludes flight in compliance with the Visual Flight Rules;

“International headquarters” means an international headquarters designated by Order in Council under section 1 of the International Headquarters and Defence Organisations Act 1964(17), as extended to the Territory;

“To land” in relation to aircraft includes alighting on the water;

“Legal personal representative” means the person so constituted executor, administrator, or other representative, of a deceased person;

“Licence” includes any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;

“Lifejacket” includes any device designed to support a person individually in or on the water;

“Log book” in the case of an aircraft log book, engine log book or variable pitch propeller log book, or personal flying log book, includes a record kept either in a book, or by any other means approved by the Governor in the particular case;

“Maintenance” means any one or combination of overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or component, with the exception of pre-flight inspection;

“Manoeuvring area” means the part of an aerodrome provided for the take-off and landing of aircraft and for the movement of aircraft on the surface, excluding the apron and any part of the aerodrome provided for the maintenance of aircraft;

“Maximum approved passenger seating configuration” means the maximum passenger seating capacity of an individual aircraft, excluding pilot seats or flight deck seats and cabin crew seats, as applicable, used by the operator, approved by the appropriate authority and specified in the operations manual or, if no such approval has been given, the maximum number of passengers that may be carried in an aircraft under and in accordance with its certificate of airworthiness, its flight manual and this Order;

“Maximum total weight authorised” in relation to an aircraft means the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances in accordance with the certificate of airworthiness in force in respect of the aircraft;

“Medical attendant” means a person carried on a flight for the purpose of attending to any person in the aircraft in need of medical attention, or to be available to attend to such a person;

“Microlight aeroplane” means an aeroplane designed to carry not more than two persons which has—

- (a) a maximum total weight authorised not exceeding—
 - (i) 300 kg for a single seat landplane;
 - (ii) 450 kg for a two seat landplane;
 - (iii) 330 kg for a single seat amphibian or floatplane; or
 - (iv) 495 kg for a two seat amphibian or floatplane; and
- (b) either a wing loading at the maximum total weight authorised not exceeding 25 kg per square metre or a stalling speed at the maximum total weight authorised not exceeding 35 knots calibrated airspeed;

“Military aircraft” means the naval, military or air force aircraft of any country and—

(a) any aircraft being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and

(b) any aircraft in respect of which there is in force a certificate issued by the Secretary of State that the aircraft is to be treated for the purposes of this Order as a military aircraft;

“Minimum descent height” in relation to the operation of an aircraft at an aerodrome means the height in a non-precision approach below which descent may not be made without the required visual reference;

“Multi-crew co-operation” means the functioning of the flight crew as a team of co-operating members led by the pilot-in-command;

“Nautical mile” means the International Nautical Mile, that is to say, a distance of 1852 metres;

“Night” means the time from half an hour after sunset until half an hour before sunrise (both times inclusive), sunset and sunrise being determined at surface level;

“Non-precision approach” means an instrument approach using non-visual aids for guidance in azimuth or elevation but which is not a precision approach;

“Non-revenue flight” means—

(a) in the case of a flight by an aeroplane, any flight which the holder of a Territory Private Pilot’s Licence (Aeroplanes) may undertake under paragraph (2)(a) and (b) of the privileges of that licence set out in Schedule 6;

(b) in the case of a flight by a helicopter, any flight which the holder of a Territory Private Pilot’s Licence (Helicopters) may undertake under paragraph (2)(a) and (b) of the privileges of that licence set out in Schedule 6; and

(c) in the case of a flight by a gyroplane, any flight which the holder of a Territory Private Pilot’s Licence (Gyroplanes) may undertake under paragraph (2)(a) and (b) of the privileges of that licence set out in Schedule 6;

“North Atlantic Minimum Navigation Performance Specification airspace” means the airspace specified as such in regulation 3 in Schedule 9;

“Notified” means shown in any of the following publications for the time being in force and issued in the Territory whether before or after the coming into operation of this Order, that is to say, “Notams (Notices to Airmen)”, “Aeronautical Information Publications (AIP)”, “OTARs (Overseas Territories aviation requirements)”, or such other official publications so issued for the purpose of enabling any of the provisions of this Order to be complied with;

“Operator” has the meaning assigned to it by paragraph (5);

“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;

“OTAR” means Overseas Territories Aviation Requirements published by the Governor under article 152;

“Parascending parachute” means a parachute which is towed by cable in such a manner as to cause it to ascend;

“Passenger” means a person other than a member of the crew;

“Performance Class 1 operations” means flights where, in the event of the failure of a power unit, the helicopter will be able to safely continue the flight and land at an appropriate landing area unless the power unit failure recognition occurs during take-off at or prior to reaching the take-off decision point in which case the helicopter will be able to safely land back within the area from which it has taken off;

“Performance Class 2 operations” means flights where, in the event of the failure of a power unit, the helicopter will be able to safely continue the flight to an appropriate landing area or, where the failure occurs at a point during the take-off manoeuvre or the landing manoeuvre when it cannot do so, the helicopter will be able to carry out a forced landing;

“Performance Class 3 operations” means flights where, in the event of the failure of a power unit at any time during the flight, the helicopter will be required to carry out a forced landing;

“Period of duty” means the period between the commencement and end of a shift during which an air traffic controller performs, or could be called upon to perform, any of the functions specified in respect of a rating included in his licence;

“Pilot-in-command” in relation to an aircraft means the pilot designated by the operator as being in command and charged with the safe conduct of a flight, or, if no such designation has been made, the person who for the time being is in charge of piloting the aircraft without being under the direction of any other pilot in the aircraft;

“Precision approach” means an instrument approach using Instrument Landing System, Microwave Landing System or Precision Approach Radar for guidance in both azimuth and elevation;

“Prescribed” means prescribed by regulations made by the Governor under this Order, and the expression “prescribe” shall be construed accordingly;

“Pressurised aircraft” means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;

“Private flight” means a flight which is neither for the purpose of aerial work nor commercial air transport;

“Record” includes, in addition to a record in writing—

- (a) any disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced therefrom;
- (b) any film, tape or other device in which visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom; and
- (c) any photograph;

and any reference to a copy of a record includes, in the case of a record falling within paragraph (a) only of this definition, a transcript of the sounds or signals embodied therein, in the case of a record falling within paragraph (b) only of this definition, a still reproduction of the images embodied therein, and in the case of a record falling within both those paragraphs, such a transcript together with such a still reproduction;

“Reduced vertical separation minimum airspace” means any airspace between flight level 290 and flight level 410 inclusive designated by the relevant competent authority as being airspace within which a vertical separation minimum of 1000 feet or 300 metres shall be applied;

“Released flight” means flight by an uncontrollable balloon during which it is not attached to the surface by any form of restraining device;

“Replacement” in relation to any part of an aircraft or its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it; but does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded;

“Requirements” means requirements published by the Governor under the provisions of article 152;

“Rules of the Air” means the rules in Schedule 8 and any supplementary rules made by the Governor under article 37(1);

“Runway visual range” in relation to a runway means the distance in the direction of take-off or landing over which the runway lights or surface markings may be seen from the touchdown zone as calculated by either human observation or instruments in the vicinity of the touchdown zone or where this is not reasonably practicable in the vicinity of the mid-point of the runway; and the distance, if any, communicated to the pilot-in-command of an aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be the runway visual range for the time being;

“Safety management system” means a systematic approach to managing safety, including the necessary organisational structures, accountabilities, policies and procedures;

“Scheduled journey” means one of a series of journeys that are undertaken between the same two places and which together amount to a systematic service;

“Seaplane” includes a flying boat and any other aircraft designed to manoeuvre on water;

“Sector” means part of the airspace controlled from an area control centre or other place;

“Small aircraft” means any unmanned aircraft, other than a balloon or a kite, weighing not more than 20 kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight;

“Small balloon” means a balloon not exceeding 2 metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon;

“Special VFR flight” means a flight which is a special VFR flight for the purposes of the Rules of the Air;

“Standard instrument arrival” means a designated IFR arrival route linking a significant point, normally on an air traffic service route, with a point from which an instrument approach procedure can be commenced;

“Standard instrument departure” means a designated IFR departure route linking the aerodrome or a specified runway at the aerodrome with a specified significant point, normally on a designated air traffic service route, at which the en-route phase of a flight commences;

“State of the operator” means the State in which the operator of an aircraft has his principal place of business (as defined in article 64(2)) or, if he has no such place of business, his permanent residence, in circumstances where—

- (a) that aircraft is registered in another Contracting State;
- (b) the operator is operating that aircraft under an agreement for its lease, charter or interchange or any similar arrangement;
- (c) the State in which the aircraft is registered has, by agreement with the State in which the operator of the aircraft has his principal place of business or, if he has no such place of business, his permanent residence, agreed to transfer to it its functions and duties as State of registry in respect of that aircraft in relation to, in the case of article 7(1), airworthiness, in the case of article 16(1), aircraft radio equipment, in the case of article 21(3), flight crew licensing or in the case of article 49(1), radio licensing; and
- (d) the agreement has been registered with the Council of the International Civil Aviation Organisation or the existence and scope of the agreement have been directly communicated to the Governor.

“Supreme Court” means the highest court exercising original jurisdiction in respect of the Territory;

“Task Specialist” means a member of the crew who is not part of the flight crew or cabin crew and who carries out duties on board the aircraft which are essential to the purpose of the flight;

“The Territory” has the meaning assigned to it by article 148 and includes the dependencies of the Territory and the adjacent territorial waters;

“Territory reduced vertical separation minimum airspace” means Territory airspace that has been notified as reduced vertical separation minimum airspace for the purposes of article 52;

“Tethered flight” means flight by a controllable balloon throughout which it is flown within limits imposed by a restraining device that attaches the balloon to the surface;

“Uncontrollable balloon” means a balloon, not being a small balloon, which is not capable of free controlled flight;

“Valuable consideration” means any right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing, given, suffered or undertaken under an agreement, which is of more than a nominal nature;

“VFR” means the Visual Flight Rules;

“Visual Flight Rules” means Visual Flight Rules prescribed by the Rules of the Air;

“Visual Meteorological Conditions” means weather that permits flight in accordance with the Visual Flight Rules;

“With the surface in sight” means with the flight crew being able to see sufficient surface features or surface illumination to enable the flight crew to maintain the aircraft in a desired attitude without reference to any flight instrument.

(2) In this Order references to sums expressed in terms of sterling shall be construed as references to the equivalent sums in the currency of the Territory calculated at such rate of exchange as may be prescribed or as the Governor may by order direct.

(a) In its application to any Territory which is mentioned in Schedule 12 to this Order but is not mentioned in the First Schedule to the Visiting Forces Act (Application to Colonies) Order 1954(18), as amended from time to time, this Order shall have effect as if—

(i) the whole of paragraph (4) was omitted from article 145;

(ii) the words “or as a member of a visiting force” were omitted from paragraph (6) of article 145; and

(iii) in article 104 paragraph (2) the words “or of any visiting force” were omitted from the definition of “Government aerodrome”.

(b) In relation to any Territory which is mentioned in Schedule 12 and is also mentioned in the First Schedule to the Visiting Forces Act (Application to Colonies) Order 1954, as amended from time to time, the expression “visiting force” in this Order means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the Visiting Forces Act 1952(19), which extend to that Territory, in respect of that country, by virtue of any Order in Council made under section 1(2) or under section 15 of that Act.

(4) An aircraft shall be deemed to be in flight—

(a) in the case of a piloted flying machine, from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power until the moment when it next comes to rest after landing;

(b) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off until the moment when it next comes to rest after landing;

(c) in the case of an airship, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;

(18) SI 1954/636

(19) 1952 c. 67.

- (d) in the case of a free balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface until the moment it next comes to rest thereon; and
- (e) in the case of a captive balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface, apart from a restraining device attaching it to the surface, until the moment when it next comes to rest thereon;

and the expressions “a flight” and “to fly” shall be construed accordingly.

(5) For the purposes of the application of any provision of this Order in relation to any particular aircraft, “Operator” means—

- (a) the person who at the particular time has management of an aircraft, and
- (b) when the aircraft is chartered, hired, leased or loaned, responsibility for airworthiness and equipment passes immediately to the charterer, hirer, lessee or borrower; except
- (c) when a person other than an air transport undertaking or an aerial work undertaking has chartered, hired, leased or borrowed the aircraft for a period not exceeding 14 days he shall not be considered to be the operator.

(6) The expressions appearing in the general classification of aircraft set forth in Schedule 2 shall have the meanings thereby assigned to them.

(7) A power to make regulations under this Order shall include the power to make different provisions with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances and with respect to different parts of the Territory and to make such incidental and supplementary provisions and give instructions as are necessary or expedient for carrying out the purposes of the Order.

- (a) Any power conferred by this Order to issue, make, serve or grant any instrument shall be construed as including a power exercisable, in the like manner and subject to the like conditions, if any, to vary, revoke, cancel or otherwise terminate the instrument.
- (b) In this paragraph “instrument” includes any regulations, direction, instruction, rule or other requirement, any notice and any certificate, licence, approval, permission, exemption, authorisation, log book record or other document.

Commercial air transport and aerial work – general rules

157.—(1) Aerial work means any purpose (other than commercial air transport) for which an aircraft is flown if valuable consideration is given or promised in respect of the flight or the purpose of the flight.

(2) If the only such valuable consideration consists of remuneration for the services of the pilot the flight shall be deemed to be a private flight for the purposes of Part II.

(3) An aircraft in flight shall for the purposes of this Order be deemed to fly for the purposes of commercial air transport—

- (a) if valuable consideration is given or promised for the carriage of passengers or cargo in the aircraft on that flight;
- (b) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking (including, in the case of a body corporate, its directors) and persons with the authority of the Governor either making any inspection or witnessing any training, practice or test for the purposes of this Order, or cargo intended to be used by any such passengers as aforesaid, or by the undertaking; or
- (c) for the purposes of Part II (other than articles 15(2) and 16(2)), if valuable consideration is given or promised for the primary purpose of conferring on a particular person the right

to fly the aircraft on that flight (not being a single-seat aircraft of which the maximum total weight authorised does not exceed 910 kg) otherwise than under a hire-purchase or conditional sale agreement.

(4) Notwithstanding that an aircraft may be flying for the purpose of commercial air transport by reason of paragraph (3)(c), it shall not be deemed to be flying for the purpose of the commercial air transport of passengers unless valuable consideration is given for the carriage of those passengers.

(5) A glider shall not be deemed to fly for the purpose of commercial air transport for the purposes of Part II by virtue of paragraph (3)(c) if the valuable consideration given or promised for the primary purpose of conferring on a particular person the right to fly the glider on that flight is given or promised by a member of a flying club and the glider is owned or operated by that flying club.

(6) Notwithstanding the giving or promising of valuable consideration specified in sub-paragraph (3)(c) in respect of the flight or the purpose of the flight it shall—

- (a) subject to sub-paragraph (b), for all purposes other than Part II; and
- (b) for the purposes of articles 15(2) and 16(2);

be deemed to be a private flight.

(7) Where under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in or is given the right to fly an aircraft in such circumstances that valuable consideration would be given or promised if the transaction were effected otherwise than aforesaid, valuable consideration shall, for the purposes of this Order, be deemed to have been given or promised, notwithstanding any rule of law as to such transactions.

(8) For the purposes of paragraph (3)(a), there shall be disregarded any valuable consideration given or promised in respect of a flight or the purpose of a flight by one company to another company which is—

- (a) its holding company,
- (b) its subsidiary; or
- (c) another subsidiary of the same holding company.

(9) For the purposes of this article “holding company” and “subsidiary” have the meanings respectively specified in Section 736 of the Companies Act 1985(20).

Commercial air transport and aerial work – exception for flying displays etc.

158.—(1) A flight shall, for the purposes of Part III of this Order, be deemed to be a private flight if—

- (a) the flight is—
 - (i) wholly or principally for the purpose of taking part in an aircraft race, contest or flying display;
 - (ii) for the purpose of positioning the aircraft for such a flight as is specified in sub-paragraph (i) and is made with the intention of carrying out such a flight; or
 - (iii) for the purpose of returning after such a flight as is specified in sub-paragraph (i) to a place at which the aircraft is usually based; and
- (b) the only valuable consideration in respect of the flight or the purpose of the flight other than—
 - (i) valuable consideration specified at article 157(3)(c), or

(ii) in the case of an aircraft owned in accordance with article 162(2), valuable consideration which falls within article 162 (3);

falls within paragraph (2)(a) or (2)(b) or both.

(2) Valuable consideration falls within this paragraph if it either is—

- (a) that given or promised to the owner or operator of an aircraft taking part in such a race, contest or flying display and such valuable consideration does not exceed the direct costs of the flight and a contribution to the annual costs of the aircraft which contribution shall bear no greater proportion to the total annual costs of the aircraft than the duration of the flight bears to the annual flying hours of the aircraft; or
- (b) one or more prizes awarded to the pilot-in-command of an aircraft taking part in an aircraft race or contest to a value which shall not exceed £500 in respect of any one race or contest except with the permission in writing of the Governor granted to the organiser of the race or contest which permission may be granted subject to such conditions as the Governor thinks fit.

(3) Any prize falling within paragraph (2)(b) shall be deemed for the purposes of this Order not to constitute remuneration for services as a pilot.

Commercial air transport and aerial work – exception for charity flights

159.—(1) A flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight other than—

- (a) valuable consideration specified at article 157(3)(c); or
- (b) in the case of an aircraft owned in accordance with article 162(2), valuable consideration which falls within article 162(3);

is given or promised to a registered charity which is not the operator of the aircraft and the flight is made with the permission in writing of the Governor and in accordance with any conditions therein specified.

(2) If valuable consideration specified at article 157(3)(c) is given or promised the flight shall for the purposes of Part II of this order (other than articles 15(2) and 16(2)) be deemed to be for the purposes of commercial air transport.

Commercial air transport and aerial work – exception for cost sharing

160.—(1) A flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight falls within paragraph (2) and the criteria in paragraph (3) are satisfied.

(2) Valuable consideration falls within this paragraph if it is—

- (a) valuable consideration specified at article 157(3)(c);
- (b) in the case of an aircraft owned in accordance with article 162(2), valuable consideration which falls within article 162(3); or
- (c) a contribution to the direct costs of the flight otherwise payable by the pilot-in-command;

or falls within any two or all three sub-paragraphs.

(3) The criteria in this paragraph are satisfied if—

- (a) no more than 4 persons (including the pilot) are carried on such a flight;
- (b) the proportion which the contribution referred to in paragraph (2)(c) bears to the total direct costs of the flight shall not exceed the proportion which the number of persons carried

on the flight (excluding the pilot) bears to the number of persons carried on the flight (including the pilot);

- (c) no information concerning the flight shall have been published or advertised prior to the commencement of the flight other than, in the case of an aircraft operated by a flying club, advertising wholly within the premises of such a flying club in which case all the persons carried on such a flight who are aged 18 years or over shall be members of that flying club; and
- (d) no person acting as a pilot on such a flight shall be employed as a pilot by or be a party to a contract for the provision of services as a pilot with the operator of the aircraft being flown on the flight.

(4) If valuable consideration specified in article 157(3)(c) is given or promised the flight shall for the purposes of Part II of this Order (other than articles 15(2) and 16(2)) be deemed to be for the purposes of commercial air transport.

Commercial air transport and aerial work – exception for recovery of direct costs

161.—(1) A flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight other than—

- (a) valuable consideration specified in article 157(3)(c); or
- (b) in the case of an aircraft owned in accordance with article 162(2), valuable consideration which fails within article 162(3);

is the payment of the whole or part of the direct costs otherwise payable by the pilot-in-command by or on behalf of the employer of the pilot-in-command, or by or on behalf of a body corporate of which the pilot-in-command is a director, provided that neither the pilot-in-command nor any other person who is carried is legally obliged, whether under a contract or otherwise, to be carried.

(2) If valuable consideration specified in article 157(3)(c) is given or promised the flight shall for the purposes of Part II of this Order (other than articles 15(2) and 16(2)) be deemed to be for the purposes of commercial air transport.

Commercial air transport and aerial work – exception for jointly owned aircraft

162.—(1) A flight shall be deemed to be a private flight if the aircraft falls within paragraph (2) and the only valuable consideration given or promised in respect of the flight or the purpose of the flight falls within paragraph (3).

- (2) An aircraft falls within this paragraph if it is owned—
 - (a) jointly by persons (each of whom is a natural person) who each hold not less than a 5% beneficial share and—
 - (i) the aircraft is registered in the names of all the joint owners; or
 - (ii) the aircraft is registered in the name or names of one or more of the joint owners as trustee or trustees for all the joint owners, and written notice has been given to the Governor of the names of all the persons beneficially entitled to a share in the aircraft; or
 - (b) by a company in the name of which the aircraft is registered and the registered shareholders of which (each of whom is a natural person) each hold not less than 5% of the shares in that company.
- (3) Valuable consideration falls within this paragraph if it is either—

- (a) in respect of and is no greater than the direct costs of the flight and is given, or promised by one or more of the joint owners of the aircraft or registered shareholders of the company which owns the aircraft; or
- (b) in respect of the annual costs and given by one or more of such joint owners or shareholders (as aforesaid);

or falls within both sub-paragraphs (a) and (b).

Commercial air transport and aerial work – parachuting

163. A flight shall be deemed to be for the purpose of aerial work if it is a flight in respect of which valuable consideration has been given or promised for the carriage of passengers and which is for the purpose of—

- (a) the dropping of persons by parachute and which is made under and in accordance with the terms of a written permission granted by the Governor under article 82;
- (b) positioning the aircraft for such a flight as is specified in sub-paragraph (a) and which is made with the intention of carrying out such a flight and on which no person is carried who it is not intended shall be carried on such a flight and who may be carried on such a flight in accordance with the terms of a written permission granted by the Governor under article 82; or
- (c) returning after such a flight as is specified in sub-paragraph (a) hereof to the place at which the persons carried on such a flight are usually based and on which flight no persons are carried other than persons carried on the flight specified in sub-paragraph (a).

Saving

164.—(1) Subject to the provisions of articles 105 and 108, nothing in this Order or any regulations made hereunder shall confer any right to land in any place as against the owner of the land or other persons interested therein.

(2) Nothing in this Order shall oblige the Governor to accept an application from the holder of any current certificate, licence, approval, permission, exemption or other document, being an application for the renewal of that document, or for the granting of another document in continuation of or in substitution for the current document, if the application is made more than 60 days before the current document is due to expire.

Judith Simpson
Clerk of the Privy Council

Status: This is the original version (as it was originally made). UK
Statutory Instruments are not carried in their revised form on this site.

SCHEDULE 1

Article 2

ORDERS REVOKED

	<i>References</i>
The Air Navigation (Overseas Territories) Order 2001	S.I. 2001/2128
The Air Navigation (Overseas Territories) (Amendment) Order 2003	S.I. 2003/433
The Air Navigation (Overseas Territories) (Amendment) Order 2004	S.I. 2004/2038
The Air Navigation (Overseas Territories) (Amendment) Order 2005	S.I. 2005/2763
The Air Navigation (Overseas Territories) (Amendment) Order 2006	S.I. 2006/1911

SCHEDULE 2

Articles 4(6)(b) and 156(6)

CLASSIFICATION OF AIRCRAFT

Table of general classification of aircraft

<i>Col. 1</i>	<i>Col. 2</i>	<i>Col. 3</i>	<i>Col. 4</i>
Aircraft	Lighter than air aircraft	Non-power driven	Free Balloon
			Captive Balloon
		Power driven	Airship
	Heavier than air aircraft	Non-power driven	Glider
			Kite
		Power driven (flying machines)	Aeroplane (Landplane)
			Aeroplane (Seaplane)
			Aeroplane (Amphibian)
			Aeroplane (Self-launching Motor Glider)
Powered Lift (Tilt Rotor)			
Rotorcraft	Helicopter		
	Gyroplane		

SCHEDULE 3

Article 20(9)

AREAS SPECIFIED IN CONNECTION WITH THE CARRIAGE OF FLIGHT
NAVIGATORS AS MEMBERS OF THE FLIGHT CREWS OR SUITABLE
NAVIGATIONAL EQUIPMENT ON COMMERCIAL AIR TRANSPORT AIRCRAFT

The following areas are hereby, specified for the purposes of article 20(9) of this Order—

Area A—Arctic

All that area north of latitude 68° north, but excluding any part thereof within the area enclosed by rhumb lines joining successively the following points—

68° north latitude 00° east/west longitude

73° north latitude 15° east longitude

73° north latitude 30° east longitude

68° north latitude 45° east longitude

68° north latitude 00° east/west longitude

Area B—Antarctic

All that area south of latitude 55° south.

Area C—Sahara

All that area enclosed by rhumb lines joining successively the following points—

30° north latitude 05° west longitude

24° north latitude 11° west longitude

14° north latitude 11° west longitude

14° north latitude 28° east longitude

24° north latitude 28° east longitude

28° north latitude 23° east longitude

30° north latitude 15° east longitude

30° north latitude 05° west longitude

Area D—South America

All that area enclosed by rhumb lines joining successively the following points—

04° north latitude 72° west longitude

04° north latitude 60° west longitude

08° south latitude 42° west longitude

18° south latitude 54° west longitude

18° south latitude 60° west longitude

14° south latitude 72° west longitude

05° south latitude 76° west longitude

04° north latitude 72° west longitude

Area E—Pacific Ocean

All that area enclosed by rhumb lines joining successively the following points—

60° north latitude 180° east/west longitude

20° north latitude 128° east longitude

04° north latitude 128° east longitude

04° north latitude 180° east/west longitude
55° south latitude 180° east/west longitude
55° south latitude 82° west longitude
25° south latitude 82° west longitude
60° north latitude 155° west longitude
60° north latitude 180° east/west longitude

Area F—Australia

All that area enclosed by rhumb lines joining successively, the following points—

18° south latitude 123° east longitude
30° south latitude 118° east longitude
30° south latitude 135° east longitude
18° south latitude 123° east longitude

Area G—Indian Ocean

All that area enclosed by rhumb lines joining successively the following points—

35° south latitude 110° east longitude
55° south latitude 180° east/west longitude
55° south latitude 10° east longitude
40° south latitude 10° east longitude
25° south latitude 60° east longitude
20° south latitude 60° east longitude
05° south latitude 43° east longitude
10° north latitude 55° east longitude
10° north latitude 73° east longitude
04° north latitude 77° east longitude
04° north latitude 92° east longitude
10° south latitude 100° east longitude
10° south latitude 110° east longitude
35° south latitude 110° east longitude

Area H—North Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points—

55° north latitude 15° west longitude
68° north latitude 28° west longitude
68° north latitude 60° west longitude
45° north latitude 45° west longitude
40° north latitude 60° west longitude
40° north latitude 19° west longitude
55° north latitude 15° west longitude

Area I—South Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points—

40° north latitude 60° west longitude
18° north latitude 60° west longitude
05° south latitude 30° west longitude
55° south latitude 55° west longitude
55° south latitude 10° east longitude
40° south latitude 10° east longitude
02° north latitude 05° east longitude
02° north latitude 10° west longitude
15° north latitude 25° west longitude
40° north latitude 19° west longitude
40° north latitude 60° west longitude

Area J—Northern Canada

All that area enclosed by rhumb lines joining successively the following points—

68° north latitude 130° west longitude
55° north latitude 115° west longitude
55° north latitude 70° west longitude
68° north latitude 60° west longitude
68° north latitude 130° west longitude

Area K—Northern Asia

All that area enclosed by rhumb lines joining successively the following points—

68° north latitude 56° east longitude
68° north latitude 160° east longitude
50° north latitude 125° east longitude
50° north latitude 56° east longitude
68° north latitude 56° east longitude

Area L—Southern Asia

All that area enclosed by rhumb lines joining successively the following points—

50° north latitude 56° east longitude
50° north latitude 125° east longitude
40° north latitude 110° east longitude
30° north latitude 110° east longitude
30° north latitude 80° east longitude
35° north latitude 80° east longitude
35° north latitude 56° east longitude
50° north latitude 56° east longitude

SCHEDULE 4

Articles 12(5) and 15(2)

AIRCRAFT EQUIPMENT

1. Every aircraft of a description specified in the first column of the Table in paragraph 5 of this Schedule and which is registered in the Territory shall be provided, when flying in the circumstances specified in the second column of the said Table, with adequate equipment, and for the purpose of this paragraph the expression “adequate equipment” shall mean, subject to paragraph 2, the scales of equipment respectively indicated in the third column of that Table.

2.—(1) If the aircraft is flying in a combination of such circumstances, the scales of equipment shall not on that account be required to be duplicated.

(2) The equipment carried in an aircraft as being necessary for the airworthiness of the aircraft shall be taken into account in determining whether this Schedule is complied with in respect of that aircraft.

3.—(1) For the purposes of the Table in paragraph 5, flying time in relation to a helicopter or gyroplane shall be calculated on the assumption that it is flying in still air at normal cruising speed.

(2) In this Schedule “day” means the time from half an hour before sunrise until half an hour after sunset (both times exclusive), sunset and sunrise being determined at surface level.

4. The following items of equipment shall not be required to be of a type approved by the Governor—

- (a) the equipment referred to in Scale A (2);
- (b) first aid equipment and handbook, referred to in Scale A;
- (c) time-pieces, referred to in Scale F;
- (d) torches, referred to in Scales G, H, K and Z;
- (e) whistles, referred to in Scale H;
- (f) sea anchors, referred to in Scales J and K;
- (g) rocket signals, referred to in Scale J;
- (h) equipment for mooring, anchoring or manoeuvring aircraft on the water, referred to in Scale J;
- (i) paddles, referred to in Scale K;
- (j) food and water, referred to in Scales K, U and V;
- (k) first aid equipment, referred to in Scales K, U and V;
- (l) stoves, cooking utensils, snow shovels, ice saws, sleeping bags and Arctic suits, referred to in Scale V;
- (m) megaphones, referred to in Scale Y.

5. Table

<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
(1) Gliders	(a) flying for purposes other than commercial air transport or aerial work; and when flying by night	A(2)

- (2) Aeroplanes
- (b) flying for the purpose of commercial air transport or aerial work; and
 - (i) when flying by night
 - (ii) when carrying out aerobic manoeuvres
 - (a) flying for purposes other than commercial air transport; and
 - (i) when flying by night
 - (ii) when flying under Instrument Flight Rules;
 - (aa) outside controlled airspace
 - (bb) within Class A, B or C airspace
 - (cc) within Class D and E airspace
 - (iii) when carrying out aerobic manoeuvres
 - (iv) when flying at a height of 13,000 ft or more above mean sea level
 - (v) when flying over water;
 - (aa) beyond gliding distance from land suitable for an emergency landing
 - (bb) when at a distance of more than 10 minutes flying time at normal cruising speed away from land suitable for making an emergency landing
 - (vi) when flying over areas which have been designated by the State concerned as areas in which search and rescue would be especially difficult, and where;
 - (aa) in the event of an emergency landing, tropical conditions are likely to be met
 - (bb) in the event of an emergency landing, polar conditions are likely to be met
 - (vii) on all flights which involve manoeuvres on water
 - (viii) with a certificate of airworthiness

(b) flying for the purpose of A, B(1), (2), (3), commercial air transport; and (4), (5), (6) and (7), D and F(1)

(i) when flying under Instrument E with E(4) Flight Rules except flights outside duplicated and F controlled airspace in the case of aeroplanes having a maximum total weight authorised not exceeding 1,150 kg

(ii) when flying by night; and in C and G, E with the case of aeroplanes of which E(4) duplicated the maximum total weight authorised and F exceeds 1,150 kg

(iii) when flying over water beyond H gliding distance from land

(iv) on all flights on which in the event H 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 aeroplane would be forced to land onto water;

(v) when flying over water;

(aa) in the case of aeroplanes H and K capable of continuing the flight to an aerodrome with the critical power unit becoming inoperative, at a greater distance from land suitable for making an emergency landing than that corresponding to 120 minutes at cruising speed or 400 nautical miles, whichever is the lesser; or

(bb) in the case of all other aeroplanes, H and K at a greater distance from land suitable for making an emergency landing than that corresponding to 30 minutes at cruising speed or 100 nautical miles, whichever is the lesser

(vi) having a certificate of KK(1) or (2) airworthiness first issued (whether in the Territory or elsewhere) before 1st January 2002

(vii) having a certificate of KK(2) airworthiness first issued (whether in the Territory or elsewhere) on or after 1st January 2002

- (viii) on all flights which involve H, J and K manoeuvres on water
- (ix) when flying at a height of 10,000 ft or more above mean sea level;
- (aa) having a certificate of L1 or L2 airworthiness first issued (whether in the Territory or elsewhere) before 1st January 1989
- (bb) having a certificate of L2 airworthiness first issued (whether in the Territory or elsewhere) on or after 1st January 1989
- (x) on flights when the weather reports M or forecasts available at the aerodrome at the time of departure indicate that conditions favouring ice formation are likely to be met
- (xi) when carrying out aerobatic B(8) and (9) manoeuvres
- (xii) on all flights on which the aircraft N carries a flight crew of more than one person
- (xiii) on all flights for the purpose Q and Y(1), (2) of the commercial air transport of and (3) passengers
- (xiv) on all flights by a pressurised R aircraft
- (xv) when flying over substantially U uninhabited land areas where, in the event of an emergency landing, tropical conditions are likely to be met
- (xvi) when flying over substantially V uninhabited land or other areas where, in the event of an emergency landing, polar conditions are likely to be met
- (xvii) when flying at an altitude of W more than 49,000 ft

(3) Turbine-jet aeroplanes having a maximum total weight authorised exceeding 5,700 kg or pressurised aircraft having a maximum total weight authorised exceeding 11,400 kg when flying for the purpose of O commercial air transport

(4) Turbine-engined aeroplanes having a maximum total weight authorised exceeding 5,700 kg and

piston-engined aeroplanes having a maximum total weight authorised exceeding 27,000 kg except for such aeroplanes falling within paragraphs (5) or (6);

(a) which are operated by an air transport undertaking; or when flying on any flight P

(b) which are commercial air transport aeroplanes in respect of which application has been made and not withdrawn or refused for a certificate of airworthiness, and which fly under a permit to fly. when flying on any flight P

(5) Commercial air transport aeroplanes in respect of which there is in force a certificate of airworthiness and commercial air transport aeroplanes in respect of which an application has been made and not withdrawn or refused for a certificate of airworthiness, and which fly under a permit to fly, except for such aeroplanes falling within paragraph (6);

(a) which conform to a type first issued with a type certificate (whether in the Territory or elsewhere) on or after 1st April 1971 and which have a maximum total weight authorised exceeding 5,700 kg but not exceeding 11,400 kg; or when flying on any flight S(1)

(b) which conform to a type first issued with a type certificate (whether in the Territory or elsewhere) on or after 1st April 1971 and which have a maximum total weight authorised exceeding 11,400 kg but not exceeding 27,000 kg; or when flying on any flight S(2)

(c) which conform to a type first issued with a type certificate (whether in the Territory or elsewhere) on or after 1st April 1971 and which have a maximum total weight authorised exceeding 27,000 kg but not exceeding 230,000 kg; or when flying on any flight S(3)

(d) which conform to a type first issued with a type certificate in the Territory on or after 1st January 1970 and when flying on any flight S(3)

which have a maximum total weight authorised exceeding 230,000 kg

(6) Commercial air transport aeroplanes in respect of which there is in force a certificate of airworthiness and commercial air transport aeroplanes in respect of which application has been made and not withdrawn or refused for a certificate of airworthiness, and which fly under a permit to fly;

(a) for which an individual certificate of airworthiness was first issued (whether in the Territory or elsewhere) on or after 1st June 1990 and which have a maximum total weight authorised not exceeding 5,700 kg, are powered by 2 or more turbine engines and with a maximum approved passenger seating configuration of more than 9; or when flying on any flight S(4)

(b) for which an individual certificate of airworthiness was first issued (whether in the Territory or elsewhere) on or after 1st June 1990 and which have a maximum total weight authorised exceeding 5,700 kg but not exceeding 27,000 kg; or when flying on any flight S(5)

(c) for which an individual certificate of airworthiness was first issued (whether in the Territory or elsewhere) on or after 1st June 1990 and which have a maximum total weight authorised exceeding 27,000 kg when flying on any flight S(6)

(7) Aerial work and private aeroplanes for which an individual certificate of airworthiness was first issued (whether in the Territory or elsewhere) on or after 1st June 1990 and which have a maximum total weight authorised exceeding 27,000 kg. when flying on any flight S(6)

(8) Commercial air transport aeroplanes;

(a) which conform to a type first issued with a type certificate (whether in the Territory or elsewhere) on or after 1st April 1971 and having a maximum total weight authorised exceeding 27,000 kg; or when flying on any flight T

- (b) which conform to a type first issued when flying on any flight T
with a type certificate in the Territory
on or after 1st January 1970 and
which have a maximum total weight
authorised exceeding 230,000 kg and
in respect of which there is in force a
certificate of airworthiness; or
- (c) having a maximum total weight when flying on any flight T
authorised exceeding 27,000 kg which
conform to a type first issued with
a type certificate on or after 1st
April 1971 (or 1st January 1970
in the case of an aeroplane having
a maximum total weight authorised
exceeding 230,000 kg) in respect of
which application has been made
and not withdrawn or refused for a
certificate of airworthiness, and which
fly under a permit to fly
- (9) Aeroplanes powered by one when flying for the purpose of X(1)
or more turbine jets or one or commercial air transport
more turbine propeller engines and
which have a maximum total weight
authorised exceeding 15,000 kg or
with a maximum approved passenger
seating configuration of more than 30
- (10) Aeroplanes which are powered when flying for the purpose of X(1)
by one or more turbine jets or one commercial air transport except when
or more turbine propeller engines and flying under and in accordance with
which have a maximum total weight the terms of a police air operator's
authorised exceeding 5,700 kg but certificate
not exceeding 15,000 kg or with a
maximum approved passenger seating
configuration of more than 9 but not
exceeding 30
- (11) Aeroplanes which are powered
by one or more turbine jets or one
or more turbine propeller engines and
which have a maximum total weight
authorised exceeding 5,700 kg or
with a maximum approved passenger
seating configuration of more than 9;
- (a) in respect of which there is in force when flying for purposes other than X(1) or X(2)
a certificate of airworthiness except commercial air transport
any such aeroplanes as come within
sub-paragraph (b); or
- (b) in respect of which there is in when flying for purposes other than X(1) or X(2)
force a certificate of airworthiness commercial air transport
and which have equipment capable
of giving warning to the pilot of

the potentially hazardous proximity of ground or water installed before 1st April 2000

(12) Aeroplanes;

(a) powered by one or more turbo-jets and which have a maximum total weight authorised exceeding 22,700 kg; or when flying by night for the purpose of the commercial air transport of passengers Z(1) and (2)

(b) having a maximum total weight authorised exceeding 5,700 kg and which conform to a type for which a certificate of airworthiness was first applied for (whether in the Territory or elsewhere) after 30th April 1972 but not including any aeroplane which in the opinion of the Governor is identical in all matters affecting the provision of emergency evacuation facilities to an aeroplane for which a certificate of airworthiness was first applied for before that date; or when flying by night for the purpose of the commercial air transport of passengers Z(1) and (2)

(c) with a maximum approved passenger seating configuration of more than 19; or when flying by night for the purpose of the commercial air transport of passengers Z(1)

(d) having a maximum total weight authorised exceeding 5,700 kg and which conform to a type for which a certificate of airworthiness was first applied for (whether in the Territory or elsewhere) after 30th April 1972 but not including any aeroplane which in the opinion of the Governor is identical in all matters affecting the provision of emergency evacuation facilities to an aeroplane for which a certificate of airworthiness was first applied for before that date; or when flying for the purpose of the commercial air transport of passengers Z(3)

(e) powered by one or more turbo-jets and which have a maximum total weight authorised exceeding 22,700 kg; or when flying for the purpose of the commercial air transport of passengers Z(3)

(f) first issued with a type certificate (whether in the Territory or elsewhere) on or after 1st January 1958 and with a maximum approved passenger seating configuration of more than 19 when flying for the purpose of the commercial air transport of passengers Z(3)

(13) Aeroplanes;

(a) powered by one or more turbine jets	when flying on any flight	AA
(b) powered by one or more turbine propeller engines and having a maximum total weight authorised exceeding 5,700 kg and first issued with a certificate of airworthiness in the Territory on or after 1st April 1989	when flying on any flight	AA
(14) Commercial air transport aeroplanes	when flying for the purpose of the commercial air transport of passengers	Y(4)
(15) Helicopters and Gyroplanes	(a) flying for purposes other than commercial air transport; and	A(1), (2), (3) and (5); and B(1), (2), (3), (4), (5) and (6)
	(i) when flying by day under Visual Flight Rules;	
	(aa) with the surface in sight	D
	(bb) when the surface is not in sight	E
	(ii) when flying by day under Instrument Flight Rules;	
	(aa) with the surface in sight	E
	(bb) when the surface is not in sight;	
	(aaa) outside controlled airspace	E with E(2) duplicated
	(bbb) within controlled airspace	E with both E(2) and E(4) duplicated and F
	(iii) when flying at night;	
	(aa) with the surface in sight	C, E, G(3) and G(5) and (6)
	(bb) outside controlled airspace when the surface is not in sight	C, E with E(2) duplicated, G(3), (5) and (6)
	(cc) within controlled airspace when the surface is not in sight	C, E with both E(2) and E(4) duplicated, F, G(3), (5) and (6)
	(iv) when flying at a height of 13,000 ft or more above mean sea level	L1 or L2
	(v) when flying over water;	

- (aa) beyond autorotational gliding H
distance from land suitable for an
emergency landing
- (bb) on all flights on which in the H
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 helicopter
or gyroplane would be forced to land
onto water
- (cc) when at a distance of more than 10 KK(1) or KK(2)
minutes flying time at normal cruising
speed away from land suitable for
making an emergency landing
- (vi) when flying over areas which KK(2)
have been designated by the State
concerned as areas in which search and
rescue would be especially difficult,
and where;
- (aa) in the event of an emergency U (except U(1))
landing, tropical conditions are likely
to be met
- (bb) in the event of an emergency V (except V(1))
landing, polar conditions are likely to
be met
- (b) flying for the purpose of A, B(1), (2), (3),
commercial air transport; and (4), (5), (6) and
(7) and F(1) and
F(4)
- (i) when flying by day under Visual
Flight Rules
- (aa) with the surface in sight D
- (bb) when the surface is not in sight E
- (ii) when flying by day under
Instrument Flight Rules
- (aa) with the surface in sight E
- (bb) when the surface is not in sight E with both
E(2) and E(4)
duplicated, F(2),
F(3) and F(5)
- (iii) when flying by night with the
surface in sight;
- (aa) when flying in circumstances C, E with
where one pilot is required E(2) duplicated
and either E(4)

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 Statutory Instruments are not carried in their revised form on this site.

- duplicated or a
 radio altimeter,
 F(2), (3), (5) and
 G
- (bb) when flying in circumstances where two pilots are required C, E, F(2), F(3), F(5) and G for each pilot's station
- (iv) when flying by night when the surface is not in sight C, E with both E(2) and E(4) duplicated, F(2), (3), (5) and G
- (v) when flying over water;
- (aa) in the case of a helicopter carrying out Performance Class 2 or 3 operations or a gyroplane classified in its certificate of airworthiness as being of performance group A2 or B when beyond auto-rotational gliding distance from land suitable for an emergency landing E and H
- (bb) on all flights 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 helicopter or gyroplane would be forced to land onto water H
- (cc) in the case of a helicopter carrying out Performance Class 1 or 2 operations or a gyroplane classified in its certificate of airworthiness as being of performance group A2 when beyond 10 minutes flying time from land E, H, K and T
- (dd) for more than a total of 3 minutes in any flight EE
- (ee) in the case of a helicopter carrying out Performance Class 1 or 2 operations or a gyroplane classified in its certificate of airworthiness as being of performance group A2 which is intended to fly beyond 10 minutes flying time from land or which actually flies beyond 10 minutes flying time from land, on a flight which is either in support of or in connection with the offshore exploitation or exploration of I

mineral resources (including gas) or is on a flight under and in accordance with the terms of a police air operator's certificate, when in either case the weather reports or forecasts available to the commander of the aircraft indicate that the sea temperature will be less than plus 10°C during the flight or when any part of the flight is at night

(vi) when flying on Performance Class 1 or 2 operations over water beyond 10 minutes flying time from land and not required to comply with subparagraph (ix) KK(2)

(vii) when flying on Performance Class 3 operations beyond autorotational or safe forced landing distance from land KK(2)

(viii) when flying over land areas which have been designated by the State concerned as areas in which search and rescue would be especially difficult KK(2)

(ix) when flying on Performance Class 1 or 2 operations over water in a hostile environment at a distance from land corresponding to more than 10 minutes flying time at normal cruising speed in support of or in connection with the offshore exploitation or exploration of mineral resources (including gas) KK(3)

(x) on all flights which involve manoeuvres on water H, J and K

(xi) when flying at a height of 10,000 ft or more above mean sea level;

(aa) having a certificate of airworthiness first issued (whether in the Territory or elsewhere) before 1st January 1989 L1 or L2

(bb) having a certificate of airworthiness first issued (whether in the Territory or elsewhere) on or after 1st January 1989 L2

(xii) on flights when the weather reports or forecasts available at the aerodrome at the time of departure indicate that conditions favouring ice formation are likely to be met M

(xiii) on all flights on which the aircraft carries a flight crew of more than one person N

(xiv) on all flights for the purpose of the commercial air transport of passengers Y(1), (2) and (3)

(xv) when flying over substantially uninhabited land areas where, in the event of an emergency landing, tropical conditions are likely to be met U

(xvi) when flying over substantially uninhabited land or other areas where, in the event of an emergency landing, polar conditions are likely to be met V

(16) Helicopters and Gyroplanes;

(a) having a maximum total weight authorised exceeding 5,700 kg and which conform to a type for which a certificate of airworthiness was first applied for (whether in the Territory or elsewhere) after 30th April 1972 but not including any helicopter or gyroplane which in the opinion of the Governor is identical in all matters affecting the provision of emergency evacuation facilities to a helicopter or gyroplane for which a certificate of airworthiness was first applied for before that date; or when flying by night for the purpose of the commercial air transport of passengers Z(1) and (2)

(b) with a maximum approved passenger seating configuration of more than 19; or when flying by night for the purpose of the commercial air transport of passengers Z(1)

(c) which are commercial air transport helicopters or gyroplanes in respect of which there is in force a certificate of airworthiness and commercial air transport helicopters or gyroplanes in respect of which application has been made and not withdrawn or refused for a certificate of airworthiness, and which fly under a permit to fly; and

(i) which have a maximum total weight authorised exceeding 2,730 kg but not exceeding 7,000 kg or with a maximum approved passenger seating configuration of more than 9 or both when flying on any flight SS(1) or (3)

(ii) which have a maximum total weight authorised exceeding 7,000 kg when flying on any flight SS(2) or (3)

6. The scales of equipment indicated in the foregoing Table shall be as follows—

Scale A

- (1) Spare fuses for all electrical circuits the fuses of which can be replaced in flight, consisting of 10 per cent of the number of each rating or three of each rating, whichever is the greater.
- (2) Maps, charts, codes and other documents and navigational equipment necessary, in addition to any other equipment required under this Order, for the intended flight of the aircraft including any diversion which may reasonably be expected.
- (3) First aid equipment of good quality, sufficient in quantity, having regard to the number of persons on board the aircraft, and including the following—
 - (a) roller bandages;
 - (b) triangular bandages;
 - (c) adhesive plaster;
 - (d) absorbent gauze or wound dressings;
 - (e) cotton wool or wound dressings;
 - (f) burn dressings;
 - (g) safety pins;
 - (h) haemostatic bandages or tourniquets;
 - (i) scissors;
 - (j) antiseptic;
 - (k) analgesic and stimulant drugs;
 - (l) splints, in the case of aeroplanes the maximum total weight authorised of which exceeds 5,700 kg;
 - (m) a handbook on first aid.
- (4) In the case of a flying machine used for the commercial air transport of passengers in which, while the flying machine is at rest on the ground, the sill of any external door intended for the disembarkation of passengers, whether normally or in an emergency—
 - (a) is more than 1.82 metres from the ground when the undercarriage of the machine is in the normal position for taxiing; or
 - (b) would be more than 1.82 metres from the ground if the whole or any part of the undercarriage should collapse, break or fail to function;apparatus readily available for use at each such door consisting of a device or devices which will enable passengers to reach the ground safely in an emergency while the flying machine is on the ground, and can be readily fixed in position for use.
- (5) A hand fire extinguisher for each enclosed passenger and crew compartment, so installed that at least one extinguisher shall be conveniently located for use by a member of the flight crew.

Scale AA

- (1) Subject to sub-paragraph (2), an altitude alerting system capable of alerting the pilot upon approaching a preselected altitude in either ascent or descent, by a sequence of visual and aural signals in sufficient time to establish level flight at that preselected altitude and when deviating above or below that preselected altitude, by a visual and an aural signal.

- (2) If the system becomes unserviceable, the aircraft may fly or continue to fly, until it first lands at a place at which it is reasonably practicable for the system to be repaired or replaced.

Scale B

- (1) If the maximum total weight authorised of the aircraft is 2,730 kg or less, for every pilot's seat and for any seat situated alongside a pilot's seat, either a safety belt with one diagonal shoulder strap or a safety harness, or with the permission of the Governor, a safety belt without a diagonal shoulder strap which permission may be granted if the Governor is satisfied that it is not reasonably practicable to fit a safety belt with one diagonal shoulder strap or a safety harness.
- (2) If the maximum total weight authorised of the aircraft exceeds 2,730 kg, either a safety harness for every pilot's seat and for any seat situated alongside a pilot's seat, or with the permission of the Governor, a safety belt with one diagonal shoulder strap which permission may be granted if the Governor is satisfied that it is not reasonably practicable to fit a safety harness.
- (3) For every seat in use (not being a seat referred to in paragraphs (1), (2), (5) and (6)) a safety belt with or without one diagonal shoulder strap or a safety harness.
- (4) In addition, and to be attached to or secured by the equipment required in paragraph (3) above, a child restraint device for every child under the age of two years on board.
- (5) On all flights for the commercial air transport of passengers by aircraft, for each seat for use by cabin crew who are required to be carried under this Order, a safety harness.
- (6) On all flights in aeroplanes in respect of which a certificate of airworthiness was first issued (whether in the Territory or elsewhere) on or after 1st February 1989, the maximum total weight authorised of which does not exceed 5,700 kg but with a maximum approved passenger seating configuration of 9 or less, (otherwise than in seats referred to under paragraph (1) or (2)), a safety belt with one diagonal shoulder strap or a safety harness for each seat intended for use by a passenger.
- (7) If the commander cannot, from his own seat, see all the passengers' seats in the aircraft, a means of indicating to the passengers that seat belts should be fastened.
- (8) Subject to paragraph (9), a safety harness for every seat in use.
- (9) In the case of an aircraft carrying out aerobatic manoeuvres consisting only of erect spinning, the Governor may permit a safety belt with one diagonal shoulder strap to be fitted if it is satisfied that such restraint is sufficient for the carrying out of erect spinning in that aircraft and that it is not reasonably practicable to fit a safety harness in that aircraft.

Scale C

- (1) Equipment for displaying the lights required by the Rules of the Air Regulations 1996.
- (2) Electrical equipment, supplied from the main source of supply in the aircraft, to provide sufficient illumination to enable the flight crew properly to carry out their duties during flight.
- (3) Unless the aircraft is equipped with radio, devices for making the visual signal specified in the Rules of the Air Regulations 1996 as indicating a request for permission to land.

Scale D

- (1) In the case of a helicopter or gyroplane, a slip indicator.
- (2) In the case of any other flying machine either—
- (a) a turn indicator and a slip indicator; or

- (b) a gyroscopic bank and pitch indicator and a gyroscopic direction indicator.
- (3) A sensitive pressure altimeter adjustable for any sea level barometric pressure which the weather report or forecasts available to the commander of the aircraft indicate is likely to be encountered during the intended flight.

Scale E

- (1) In the case of—
 - (a) a helicopter or gyroplane, a slip indicator;
 - (b) any other flying machine, a slip indicator and either a turn indicator or, at the option of the operator, an additional gyroscopic bank and pitch indicator.
- (2) A gyroscopic bank and pitch indicator.
- (3) A gyroscopic direction indicator.
- (4) A sensitive pressure altimeter adjustable for any sea level barometric pressure which the weather report or forecasts available to the commander of the aircraft indicate is likely to be encountered during the intended flight.

Scale EE

- (1) Subject to paragraph (2), a radio altimeter with an audio voice warning operating below a preset height and a visual warning capable of operating at a height selectable by the pilot.
- (2) A helicopter flying under and in accordance with the terms of a police air operator's certificate may instead be equipped with a radio altimeter with an audio warning and a visual warning each capable of operating at a height selectable by the pilot.

Scale F

- (1) A timepiece indicating the time in hours, minutes and seconds.
- (2) A means of indicating whether the power supply to the gyroscopic instrument is adequate.
- (3) A rate of climb and descent indicator.
- (4) A means of indicating in the flight crew compartment the outside air temperature calibrated in degrees celsius.
- (5) If the maximum total weight authorised of the aircraft exceeds 5,700 kg two air speed indicators.

Scale G

- (1) In the case of an aircraft other than a helicopter or gyroplane landing lights consisting of 2 single filament lamps, or one dual filament lamp with separately energised filaments.
- (2) An electrical lighting system to provide illumination in every passenger compartment.
- (3) Either—
 - (a) one electric torch for each member of the crew of the aircraft; or
 - (b) one electric torch—
 - (i) for each member of the flight crew of the aircraft; and
 - (ii) affixed adjacent to each floor level exit intended for the disembarkation of passengers whether normally or in an emergency, provided that such torches shall—
 - (a) be readily accessible for use by the crew of the aircraft at all times; and
 - (b) number in total not less than the minimum number of members of the cabin crew required to be carried with a full passenger complement.

- (4) In the case of an aircraft other than a helicopter or gyroplane of which the maximum total weight authorised exceeds 5,700 kg, means of observing the existence and build up of ice on the aircraft.
- (5) In the case of a helicopter carrying out Performance Class 1 or 2 operations or a gyroplane in respect of which there is in force a certificate of airworthiness designating the gyroplane as being of performance group A, either—
 - (a) 2 landing lights both of which are adjustable so as to illuminate the ground in front of and below the helicopter or gyroplane and one of which is adjustable so as to illuminate the ground on either side of the helicopter or gyroplane; or
 - (b) one landing light or, if the maximum total weight authorised of the helicopter or gyroplane exceeds 5,700 kg, one dual filament landing light with separately energised filaments, or 2 single filament lights, each of which is adjustable so as to illuminate the ground in front of and below the helicopter or gyroplane, and 2 parachute flares.
- (6) In the case of a helicopter carrying out Performance Class 3 operations or a gyroplane in respect of which there is in force a certificate of airworthiness designating the gyroplane as being of performance group B, either—
 - (a) one landing light and 2 parachute flares; or
 - (b) if the maximum total weight authorised of the helicopter or gyroplane exceeds 5,700 kg, either one dual filament landing light with separately energised filaments or 2 single filament landing lights, and 2 parachute flares.
 - (c) if the maximum total weight authorised of the helicopter or gyroplane is 5700 kg or less and the flight is for a purpose other than commercial air transport —
 - (i) 2 landing lights, one of which is adjustable in flight so as to illuminate the ground in front of, below and on either side of the helicopter; or
 - (ii) 2 landing lights in addition to the helicopter standard equipment, which shall be adjusted so as to illuminate the ground in front of the helicopter.

Scale GG

A landing light.

Scale GGG

A windshield wiper for each pilot station.

Scale H

- (1) Subject to paragraph (2), for each person on board, a lifejacket equipped with a whistle and a survivor locator light.
- (2) Lifejackets constructed and carried solely for use by children under three years of age need not be equipped with a whistle.

Scale I

A survival suit for each member of the crew.

Scale J

- (1) Additional flotation equipment, capable of supporting one-fifth of the number of persons on board, and provided in a place of stowage accessible from outside the flying machine.
- (2) Parachute distress rocket signals capable of making, from the surface of the water, the pyrotechnical signal of distress specified in the Rules of the Air Regulations 1996 and complying with Part III of Schedule 15 to the Merchant Shipping (Life-Saving Appliances) Regulations 1980[50].

- (3) A sea anchor and other equipment necessary to facilitate mooring, anchoring or manoeuvring the flying machine on water, appropriate to its size, weight and handling characteristics.

Scale K

- (1) In the case of—
- (a) a flying machine, other than a helicopter or gyroplane carrying 20 or more persons, liferafts sufficient to accommodate all persons on board;
 - (b) a helicopter or gyroplane carrying 20 or more persons, a minimum of 2 liferafts sufficient together to accommodate all persons on board.
- (2) Each liferaft shall contain the following equipment—
- (a) means for maintaining buoyancy;
 - (b) a sea anchor;
 - (c) life-lines, and means of attaching one liferaft to another;
 - (d) paddles or other means of propulsion;
 - (e) means of protecting the occupants from the elements;
 - (f) a waterproof torch;
 - (g) marine type pyrotechnical distress signals;
 - (h) means of making sea water drinkable, unless the full quantity of fresh water is carried as specified in sub-paragraph (i);
 - (i) for each 4 or proportion of 4 persons the liferaft is designed to carry—
 - (i) 100 grammes of glucose toffee tablets; and
 - (ii) 1/2 litre of fresh water in durable containers or in any case in which it is not reasonably practicable to carry the quantity of water above specified, as large a quantity of fresh water as is reasonably practicable in the circumstances; provided that in no case shall the quantity of water carried be less than is sufficient, when added to the amount of fresh water capable of being produced by means of the equipment specified in sub-paragraph (h) to provide 1/2 litre of water for each 4 or proportion of 4 persons the liferaft is designed to carry; and
 - (j) first aid equipment.
- (3) Items (2)(f) to (j) inclusive shall be contained in a pack.
- (4) The number of survival beacon radio apparatus carried when the aircraft is carrying the number of liferafts specified in column 1 of the following Table shall be not less than the number specified in, or calculated in accordance with, column 2.

<i>Column 1</i>	<i>Column 2</i>
Not more than 8 liferafts	2 survival beacon radio apparatus
For every additional 4 or proportion of 4 liferafts	1 additional survival beacon radio apparatus

Scale KK

- (1) A survival emergency locator transmitter capable of operating in accordance with the relevant provisions of Annex 10 to the Chicago Convention, Volume III (First Edition July 1995) and of transmitting on 121.5 MHz and 406 MHz.

- (2) An automatic emergency locator transmitter capable of operating in accordance with the relevant provisions of Annex 10 to the Chicago Convention, Volume III (First Edition July 1995) and transmitting on 121.5 MHz and 406 MHz.
- (3) An automatically deployable emergency locator transmitter capable of operating in accordance with the relevant provisions of Annex 10 to the Chicago Convention, Volume III (First Edition July 1995) and transmitting on 121.5 MHz and 406 MHz.

Scale L1

Part I

- (1) In every flying machine which is provided with means for maintaining a pressure greater than 700 hectopascals throughout the flight in the flight crew compartment and in the compartments in which the passengers are carried—
 - (a) a supply of oxygen sufficient, in the event of failure to maintain such pressure, occurring in the circumstances specified in columns 1 and 2 of the Table set out in Part II, for continuous use, during the periods specified in column 3 of the said Table, by the persons for whom oxygen is to be provided in accordance with column 4 of that Table; and
 - (b) in addition, in every case where the flying machine flies above flight level 350, a supply of oxygen in a portable container sufficient for the simultaneous first aid treatment of 2 passengers;
together with suitable and sufficient apparatus to enable such persons to use the oxygen.
- (2) In any other flying machine—
 - (a) a supply of oxygen sufficient for continuous use by all the crew other than the flight crew, and if passengers are carried, by 10% of the number of passengers, for any period exceeding 30 minutes during which the flying machine flies above flight level 100 but not above flight level 130 and the flight crew shall be supplied with oxygen sufficient for continuous use for any period during which the flying machine flies above flight level 100; and
 - (b) a supply of oxygen sufficient for continuous use by all persons on board for the whole time during which the flying machine flies above flight level 130;
together with suitable and sufficient apparatus to enable such persons to use the oxygen.
- (3) The quantity of oxygen required for the purpose of complying with paragraphs (1) and (2) of this Part shall be computed in accordance with the information and instructions relating thereto specified in the operations manual relating to the aircraft.

Part II

<i>Column 1 Vertical displacement of the flying machine in relation to flight levels</i>	<i>Column 2 Capability of flying machine to descend (where relevant)</i>	<i>Column 3 Period of supply of oxygen</i>	<i>Column 4 Persons for whom oxygen is to be provided</i>
Above flight level 100	—	30 minutes or the period specified at A hereunder whichever is the greater	In addition to any passengers for whom oxygen is provided as specified below, all the crew
Above flight level 100 but not above flight level 300	Flying machine is either flying at or below flight level 150 or is capable of descending and continuing to destination as specified at X hereunder	30 minutes or the period specified at A hereunder whichever is the greater	10% of number of passengers
	Flying machine is flying above flight level 150 and is not so capable	10 minutes or the period specified at B hereunder whichever is the greater and in addition 30 minutes or the period specified at C hereunder whichever is the greater	All passengers 10% of number of passengers
Above flight level 300 but not above flight level 350	Flying machine is capable of descending and continuing to destination as specified at Y hereunder	30 minutes or the period specified at A hereunder whichever is the greater	15% of number of passengers
	Flying machine is not so capable	10 minutes or the period specified at B hereunder whichever is the greater and in addition 30 minutes or the period specified at C hereunder whichever is the greater	All passengers 15% of passengers
Above flight level 350		10 minutes or the period specified at B hereunder whichever is the greater and in addition 30 minutes or the period specified at C hereunder whichever is the greater	All passengers 15% of number of passengers

A. The whole period during which, after a failure to maintain a pressure greater than 700 hectopascals in the control compartment and in the compartments in which passengers are carried has occurred, the flying machine flies above flight level 100.

B. The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies above flight level 150.

C. The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies above flight level 100, but not above flight level 150.

X. The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 150 within 6 minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Y. The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 150 within 4 minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale L2

- (1) A supply of oxygen and the associated equipment to meet the requirements set out in Part I in the case of unpressurised aircraft and Part II in the case of pressurised aircraft.
- (2) The duration for the purposes of this Scale shall be whichever is the greater of—
 - (a) that calculated in accordance with the operations manual prior to the commencement of the flight, being the period or periods which it is reasonably anticipated that the aircraft will be flown in the circumstances of the intended flight at a height where the said requirements apply and in calculating the said duration account shall be taken of—
 - (i) in the case of pressurised aircraft, the possibility of depressurisation when flying above flight level 100;
 - (ii) the possibility of failure of one or more of the aircraft engines;
 - (iii) restrictions due to required minimum safe altitude;
 - (iv) fuel requirement; and
 - (v) the performance of the aircraft; or
 - (b) the period or periods during which the aircraft is actually flown in the circumstances specified in the said Parts.

Part I

Unpressurised aircraft

- (1) When flying at or below flight level 100—
Nil.
- (2) When flying above flight level 100 but not exceeding flight level 120—

<i>Supply for</i>	<i>Duration</i>
(a) Members of the flight crew	Any period during which the aircraft flies above flight level 100

<i>Supply for</i>	<i>Duration</i>
(b) Members of the cabin crew and 10% of passengers	For any continuous period exceeding 30 minutes during which the aircraft flies above flight level 100 but not exceeding flight level 120, the duration shall be the period by which 30 minutes is exceeded

- (3) When flying above flight level 120—

<i>Supply for</i>	<i>Duration</i>
(a) Members of the flight crew	Any period during which the aircraft flies above flight level 120
(b) Members of the cabin crew and all passengers	Any period during which the aircraft flies above flight level 120

Part II

Pressurised aircraft

- (1) When flying at or below flight level 100—

Nil.

- (2) When flying above flight level 100 but not exceeding flight level 250—

<i>Supply for</i>	<i>Duration</i>
(a) Members of the flight crew	30 minutes or whenever the cabin pressure altitude exceeds 10,000 ft, whichever is the greater
(b) Members of the cabin crew and 10% of passengers	(i) When the aircraft is capable of descending and continuing to its destination as specified at A hereunder, 30 minutes or whenever the cabin pressure altitude exceeds 10,000 ft, whichever is the greater
	(ii) When the aircraft is not so capable, whenever the cabin pressure altitude is greater than 10,000 ft but does not exceed 12,000 ft
(c) Members of the cabin crew and all passengers	(i) When the aircraft is capable of descending and continuing to its destination as specified at A hereunder, no requirement other than that at (2)(b)(aa) of this Part of this Scale
	(ii) When the aircraft is not so capable and the cabin pressure altitude exceeds 12,000 ft, the duration shall be the period when the cabin pressure altitude exceeds 12,000 ft or 10 minutes, whichever is the greater

- (3) When flying above flight level 250—

<i>Supply for</i>	<i>Duration</i>
(a) Members of the flight crew	2 hours or whenever the cabin pressure altitude exceeds 10,000 ft, whichever is the greater
(b) Members of the cabin crew	Whenever the cabin pressure altitude exceeds 10,000 ft, and a portable supply for 15 minutes
(c) 10% of passengers	Whenever the cabin pressure altitude exceeds 10,000 ft but does not exceed 12,000 ft
(d) 30% of passengers	Whenever the cabin pressure altitude exceeds 12,000 ft but does not exceed 15,000 ft
(e) All passengers	If the cabin pressure altitude exceeds 15,000 ft, the duration shall be the period when the cabin pressure altitude exceeds 15,000 ft or 10 minutes, whichever is the greater
(f) 2% of passengers or 2 passengers, whichever is the greater, being a supply of first aid oxygen which must be available for simultaneous first aid treatment of 2% or 2 passengers wherever they are seated in the aircraft	Whenever, after decompression, the cabin pressure altitude exceeds 8,000 ft

1. The flying machine is capable, at the time when a failure to maintain cabin pressurisation occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 120 within 5 minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale M

Equipment to prevent the impairment through ice formation of the functioning of the controls, means of propulsion, lifting surfaces, windows or equipment of the aircraft so as to endanger the safety of the aircraft.

Scale N

An intercommunication system for use by all members of the flight crew and including microphones, not of a hand-held type, for use by the pilot and flight engineer (if any).

Scale O

- (1) Subject to paragraph (2), a radar set capable of giving warning to the pilot in command of the aircraft and to the co-pilot of the presence of cumulo-nimbus clouds and other potentially hazardous weather conditions.
- (2) A flight may commence if the set is unserviceable or continue if the set becomes unserviceable thereafter—
 - (a) so as to give the warning only to one pilot, so long as the aircraft is flying only to the place at which it first becomes reasonably practicable for the set to be repaired; or
 - (b) when the weather report or forecasts available to the commander of the aircraft indicate that cumulo-nimbus clouds or other potentially hazardous weather

conditions, which can be detected by the set when in working order, are unlikely to be encountered on the intended route or any planned diversion therefrom or the commander has satisfied himself that any such weather conditions will be encountered in daylight and can be seen and avoided, and the aircraft is in either case operated throughout the flight in accordance with any relevant instructions given in the operations manual.

Scale P

- (1) Subject to paragraphs (2) and (5), a flight data recorder which is capable of recording, by reference to a time-scale, the following data—
 - (a) indicated airspeed;
 - (b) indicated altitude;
 - (c) vertical acceleration;
 - (d) magnetic heading;
 - (e) pitch attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;
 - (f) engine power, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;
 - (g) flap position;
 - (h) roll attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded.
- (2) Subject to paragraph (5), any aeroplane having a maximum total weight authorised not exceeding 11,400 kg may be provided with—
 - (a) a flight data recorder capable of recording the data described in paragraph (1)(a) to (1)(h); or
 - (b) a 4 channel cockpit voice recorder.
- (3) Subject to paragraph (5), in addition, on all flights by turbine-powered aeroplanes having a maximum total weight authorised exceeding 11,400 kg, a 4 channel cockpit voice recorder.
- (4) The flight data recorder and cockpit voice recorder referred to above shall be so constructed that the record would be likely to be preserved in the event of an accident to the aeroplane.
- (5) An aeroplane shall not be required to carry the said equipment if, before take off, the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Governor.

Scale Q

If the maximum total weight authorised of the aeroplane exceeds 5,700 kg and it was first registered, whether in the Territory or elsewhere, on or after 1st June 1965, a door between the flight crew compartment and any adjacent compartment to which passengers have access, which door shall be fitted with a lock or bolt capable of being worked from the flight crew compartment.

Scale R

- (1) In respect of—
 - (a) aeroplanes having a maximum total weight authorised exceeding 5,700 kg, equipment sufficient to protect the eyes, nose and mouth of all members of the flight crew required to be carried by virtue of article 20 for a period of not less than 15 minutes and, in addition, where the minimum flight crew required as aforesaid

is more than one and a member of the cabin crew is not required to be carried by virtue of article 20, portable equipment sufficient to protect the eyes, nose and mouth of one member of the flight crew for a period of not less than 15 minutes;

- (b) aeroplanes having a maximum total weight authorised not exceeding 5,700 kg, either the equipment specified in sub-paragraph (1)(a) or, in the case of such aeroplanes restricted by virtue of the operator's operations manual to flight at or below flight level 250 and capable of descending as specified at paragraph (4) such equipment sufficient to protect the eyes only.
- (2) In respect of—
 - (a) aeroplanes having a maximum total weight authorised exceeding 5,700 kg, portable equipment to protect the eyes, nose and mouth of all members of the cabin crew required to be carried by virtue of article 20 for a period of not less than 15 minutes;
 - (b) aeroplanes having a maximum total weight authorised not exceeding 5,700 kg, subject to paragraph (3), the equipment specified in sub-paragraph (2)(a).
 - (3) Sub-paragraph (2)(b) shall not apply to such aeroplanes restricted by virtue of the operator's operations manual to flight at or below flight level 250 and capable of descending as specified at paragraph (4).
 - (4) The aeroplane is capable of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aeroplane, to flight level 100 within 4 minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale S

- (1) Subject to paragraphs (7) and (8), either a 4 channel cockpit voice recorder or a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, attitude and the basic lift, thrust and drag forces acting upon it.
- (2) Subject to paragraphs (7) and (8), a 4 channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the information specified in paragraph (1) together with use of VHF transmitters.
- (3) Subject to paragraphs (7) and (8), a 4 channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, attitude, the basic lift, thrust and drag forces acting upon it, the selection of high lift devices (if any) and airbrakes (if any), the position of primary flying control and pitch trim surfaces, outside air temperature, instrument landing deviations, use of automatic flight control systems, use of VHF transmitters, radio altitude (if any), the level or availability of essential AC electricity supply and cockpit warnings relating to engine fire and engine shut-down, cabin pressurisation, presence of smoke and hydraulic/pneumatic power supply.
- (4) Subject to paragraphs (7) and (8), either a cockpit voice recorder and a flight data recorder or a combined cockpit voice recorder/flight data recorder capable in either case of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane—
 - (a) the flight path;
 - (b) speed;
 - (c) attitude;

- (d) engine power;
 - (e) outside air temperature;
 - (f) configuration of lift and drag devices;
 - (g) use of VHF transmitters; and
 - (h) use of automatic flight control systems.
- (5) Subject to paragraphs (7) and (8), a cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane—
- (a) the flight path;
 - (b) speed;
 - (c) attitude;
 - (d) engine power;
 - (e) outside air temperature;
 - (f) configuration of lift and drag devices;
 - (g) use of VHF transmitters; and
 - (h) use of automatic flight control systems.
- (6) Subject to paragraphs (7) and (8), a cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane—
- (a) the flight path;
 - (b) speed;
 - (c) attitude;
 - (d) engine power;
 - (e) outside air temperature;
 - (f) instrument landing system deviations;
 - (g) marker beacon passage;
 - (h) radio altitude;
 - (i) configuration of the landing gear and lift and drag devices;
 - (j) position of primary flying controls;
 - (k) pitch trim position;
 - (l) use of automatic flight control systems;
 - (m) use of VHF transmitters;
 - (n) ground speed/drift angle or latitude/longitude if the navigational equipment provided in the aeroplane is of such a nature as to enable this information to be recorded with reasonable practicability;
 - (o) cockpit warnings relating to ground proximity; and
 - (p) the master warning system.
- (7) An aircraft shall not be required to carry the equipment specified in paragraphs (1) to (6) if, before take-off, the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Governor.

- (8) The cockpit voice recorder or flight data recorder or combined cockpit voice recorder/flight data recorder, as the case may be, shall be so constructed that the record would be likely to be preserved in the event of an accident.

Scale SS

- (1) Subject to paragraphs (4) and (5), a 4 channel cockpit voice recorder capable of recording and retaining the data recorded during at least the last 30 minutes of its operation and a flight data recorder capable of recording and retaining the data recorded during at least the last 8 hours of its operation being the data required to determine by reference to a time scale the following matters accurately in respect of the helicopter or gyroplane—
- (a) flight path;
 - (b) speed;
 - (c) attitude;
 - (d) engine power;
 - (e) main rotor speed;
 - (f) outside air temperature;
 - (g) position of pilot's primary flight controls;
 - (h) use of VHF transmitters;
 - (i) use of automatic flight controls (if any);
 - (j) use of stability augmentation system (if any);
 - (k) cockpit warnings relating to the master warning system; and
 - (l) selection of hydraulic system and cockpit warnings of failure of essential hydraulic systems.
- (2) Subject to paragraphs (4) and (5), a 4 channel cockpit voice recorder capable of recording and retaining the data recorded during at least the last 30 minutes of its operation and a flight data recorder capable of recording and retaining the data recorded during at least the last 8 hours of its operation being the data required to determine by reference to a time scale the information specified in paragraph (1) together with the following matters accurately in respect of the helicopter or gyroplane—
- (a) landing gear configuration;
 - (b) indicated sling load force if an indicator is provided in the helicopter or gyroplane of such a nature as to enable this information to be recorded with reasonable practicability;
 - (c) radio altitude;
 - (d) instrument landing system deviations;
 - (e) marker beacon passage;
 - (f) ground speed/drift angle or latitude/longitude if the navigational equipment provided in the helicopter or gyroplane is of such a nature as to enable this information to be recorded with reasonable practicability; and
 - (g) main gear box oil temperature and pressure.
- (3) Subject to paragraphs (4) and (5)—
- (a) a combined cockpit voice recorder/flight data recorder which meets the following requirements—
 - (i) in the case of a helicopter or gyroplane which is otherwise required to carry a flight data recorder specified at paragraph (1) the flight data recorder shall be

- capable of recording the data specified therein and retaining it for the duration therein specified;
- (ii) in the case of a helicopter or gyroplane which is otherwise required to carry a flight data recorder specified at paragraph (2) the flight data recorder shall be capable of recording the data specified therein and retaining it for the duration therein specified;
 - (iii) the cockpit voice recorder shall be capable of recording and retaining at least the last hour of cockpit voice recording information on not less than three separate channels;
- (b) in any case when a combined cockpit voice recorder/flight data recorder specified at paragraph (3)(a) is required to be carried by or under this Order, the flight data recorder shall be capable of retaining—
- (i) as protected data the data recorded during at least the last 5 hours of its operation or the maximum duration of the flight, whichever is the greater; and
 - (ii) additional data as unprotected data for a period which together with the period for which protected data is required to be retained amounts to a total of 8 hours; provided that the flight data recorder need not be capable of retaining the said additional data if additional data is retained which relates to the period immediately preceding the period to which the required protected data relates or for such other period or periods as the Governor may permit under article 56 and the additional data is retained in accordance with arrangements approved by the Governor.
- (4) A helicopter or gyroplane shall not be required to carry the equipment specified in paragraphs (1) to (3) if, before take-off, the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Governor.
- (5) With the exception of flight data which it is expressly stated above may be unprotected, the cockpit voice recorder, flight data recorder or combined cockpit voice recorder/flight data recorder, as the case may be, shall be so constructed and installed that the record (herein referred to as “protected data”) would be likely to be preserved in the event of an accident and each cockpit voice recorder, flight data recorder or combined cockpit voice recorder/flight data recorder required to be carried on the helicopter or gyroplane shall have attached an automatically activated underwater sonar location device or an emergency locator radio transmitter.

Scale T

An underwater sonar location device except in respect of those helicopters or gyroplanes which are required to carry equipment in accordance with Scale SS.

Scale U

- (1) 1 survival beacon radio apparatus.
- (2) Marine type pyrotechnical distress signals.
- (3) For each 4 or proportion of 4 persons on board, 100 grammes of glucose toffee tablets.
- (4) For each 4 or proportion of 4 persons on board, 1/2 litre of fresh water in durable containers.
- (5) First aid equipment.

Scale V

- (1) 1 survival beacon radio apparatus.
- (2) Marine type pyrotechnical distress signals.

- (3) For each 4 or proportion of 4 persons on board, 100 grammes of glucose toffee tablets.
- (4) For each 4 or proportion of 4 persons on board, 1/2 litre of fresh water in durable containers.
- (5) First aid equipment.
- (6) For every 75 or proportion of 75 persons on board, 1 stove suitable for use with aircraft fuel.
- (7) 1 cooking utensil, in which snow or ice can be melted.
- (8) 2 snow shovels.
- (9) 2 ice saws.
- (10) Single or multiple sleeping-bags, sufficient for the use of one-third of all persons on board.
- (11) 1 arctic suit for each member of the crew of the aircraft.

Scale W

- (1) Subject to paragraph (2), cosmic radiation detection equipment calibrated in millirems per hour and capable of indicating the action and alert levels of radiation dose rate.
- (2) An aircraft shall not be required to carry the said equipment if before take-off the equipment is found to be unserviceable and it is not reasonably practicable to repair or replace it at the aerodrome of departure and the radiation forecast available to the commander of the aircraft indicates that hazardous radiation conditions are unlikely to be encountered by the aircraft on its intended route or any planned diversion therefrom.

Scale X

- (1) Subject to paragraph (3), a Terrain Awareness and Warning System known as Class A, being equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water, including excessive closure rate to terrain, flight into terrain when not in landing configuration, excessive downward deviation from an instrument landing system glideslope, a predictive terrain hazard warning function and a visual display.
- (2) Subject to paragraph (3), a Terrain Awareness and Warning System known as Class B, being equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water, including a predictive terrain hazard warning function.
- (3) If the equipment becomes unserviceable, the aircraft may fly or continue to fly until it first lands at a place at which it is reasonably practicable for the equipment to be repaired or replaced.

Scale Y

- (1) If the aircraft may in accordance with its certificate of airworthiness carry more than 19 and less than 100 passengers, one portable battery-powered megaphone capable of conveying instructions to all persons in the passenger compartment and readily available for use by a member of the crew.
- (2) If the aircraft may in accordance with its certificate of airworthiness carry more than 99 and less than 200 passengers, 2 portable battery-powered megaphones together capable of conveying instructions to all persons in the passenger compartment and each readily available for use by a member of the crew.
- (3) If the aircraft may in accordance with its certificate of airworthiness carry more than 199 passengers, 3 portable battery-powered megaphones together capable of conveying instructions to all persons in the passenger compartment and each readily available for use by a member of the crew.

- (4) If the aircraft may in accordance with its certificate of airworthiness carry more than 19 passengers—
 - (a) a public address system; and
 - (b) an interphone system of communication between members of the flight crew and the cabin crew.

Scale Z

- (1) An emergency lighting system to provide illumination in the passenger compartment sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting systems specified in paragraph (2) of Scale G.
- (2) An emergency lighting system to provide illumination outside the aircraft sufficient to facilitate the evacuation of the aircraft.
- (3) An emergency floor path lighting system in the passenger compartment sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting systems specified in paragraph (2) of Scale G; provided that if the equipment becomes unserviceable the aircraft may fly or continue to fly in accordance with arrangements approved by the Governor.

SCHEDULE 5

Article 16(2)

RADIO COMMUNICATION AND RADIO NAVIGATION
EQUIPMENT TO BE CARRIED IN AIRCRAFT

1. Subject to paragraph 3, every aircraft shall be provided, when flying in the circumstances specified in the first column of the Table in paragraph 2 of this Schedule, with the scales of equipment respectively indicated in the second column of that Table; provided that, if the aircraft is flying in a combination of such circumstances the scales of equipment shall not on that account be required to be duplicated.

2. Table

<i>Aircraft and Circumstances of Flight</i>	<i>Scale of Equipment Required</i>									
	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>	<i>J</i>	
(1) All aircraft (other than gliders) within the Territory—										
(a) when flying under Instrument Flight Rules within controlled airspace	A				E1	F				
(b) when flying within controlled airspace	A									
(c) when making an approach to landing at an aerodrome notified							G			

for the purpose of this sub-paragraph

(d) when flying for the purpose of commercial air transport E1

(2) All aircraft within the Territory—

(a) when flying at or above flight level 245 A

(b) when flying within airspace notified for the purposes of this sub paragraph A

(3) All aircraft (other than gliders) within the Territory—

(a) when flying at or above flight level 245 E1 F

(b) when flying within airspace notified for the purposes of this sub-paragraph E1

(c) when flying at or above flight level 100 E1

(4) When flying under Instrument Flight Rules within airspace notified for the purposes of this paragraph—

(a) all aeroplanes having a maximum take-off weight authorised not exceeding 5,700 kg and a maximum cruising true airspeed capability not exceeding 250 knots E2

(b) all rotorcraft E2

(c) all aeroplanes having either a maximum take-off weight authorised of more than 5,700 kg or a maximum E3

cruising true airspeed capability of more than 250 knots

(d) all aircraft required to carry Scale E2 or E3

EE

(5) All aircraft (other than gliders) registered in the Territory, wherever they may be—

(a) when flying for the purpose of commercial air transport under Instrument Flight Rules—

(i) while making an approach to landing

A

C

D

H

(ii) on all other occasions

A

C

H

(b) when flying for the purpose of commercial air transport

E1

(c) multi-engined aircraft when flying for the purpose of commercial air transport under Visual Flight Rules

A

H

(d) single-engined aircraft when flying for the purpose of commercial air transport under Visual Flight Rules—

(i) over a route on which navigation is effected solely by visual reference to landmarks

A

(ii) on all other occasions

A

B

(e) when flying under Instrument Flight Rules and not required to comply

A

with paragraph (5)(a)
above

(6) All aeroplanes registered in the Territory, wherever they may be, and all aeroplanes wherever registered when flying in the Territory, powered by one or more turbine jets or turbine propeller engines and either having a maximum take-off weight exceeding 15,000 kg or with a maximum approved passenger seating configuration of more than 30 J

(7) All aeroplanes powered by one or more turbine jets or turbine propeller engines and either having a maximum take-off weight exceeding 5,700 kg or a maximum approved passenger seating configuration of more than 19; and—

(a) registered in the Territory and flying for the purpose of commercial air transport; or J

(b) registered in the Territory and flying within the airspace of the member states of the European Civil Aviation Conference; or J

(c) flying in the Territory J

3.—(1) In the case of sub-paragraphs (1), (2), (3), (4)(a), (4)(c) and (5)(e) of paragraph 2, the specified equipment need not be carried if the appropriate air traffic control unit otherwise permits in relation to the particular flight and the aircraft complies with any instructions which the air traffic control unit may give in the particular case.

(2) An aircraft which is not a commercial air transport aircraft and which is flying in Class D or Class E airspace shall not be required to be provided with distance measuring equipment in accordance with paragraph (b) of Scale F when flying in the circumstances specified in sub-paragraph (1)(a) of paragraph 2.

4. The scales of radio communication and radio navigation equipment indicated in the foregoing Table shall be as follows—

Scale A

Radio communication equipment capable of maintaining direct two-way communication with the appropriate air traffic control units on the intended route using the frequencies notified or otherwise designated by the competent authority for that purpose.

Scale B

Radio navigation equipment capable of enabling the aircraft to be navigated on the intended route including such equipment as may be prescribed.

Scale C

Radio communication equipment capable of receiving from the appropriate aeronautical radio stations meteorological broadcasts relevant to the intended flight.

Scale D

Radio navigation equipment capable of receiving signals from one or more aeronautical radio stations on the surface to enable the aircraft to be guided to a point from which a visual landing can be made at the aerodrome at which the aircraft is to land.

Scale E1

Secondary surveillance radar equipment which includes a pressure altitude reporting transponder capable of operating in Mode A and Mode C and is capable of being operated in accordance with such instructions as may be given to the aircraft by the air traffic control unit.

Scale E2

Secondary surveillance radar equipment which includes a pressure altitude reporting transponder capable of operating in Mode A and Mode C and has the capability and functionality prescribed for Mode S Elementary Surveillance and is capable of being operated in accordance with such instructions as may be given to the aircraft by the air traffic control unit.

Scale E3

Secondary surveillance radar equipment which includes a pressure altitude reporting transponder capable of operating in Mode A and Mode C and has the capability and functionality prescribed for Mode S Enhanced Surveillance and is capable of being operated in accordance with such instructions as may be given to the aircraft by the air traffic control unit.

Scale EE

The aircraft shall, in the circumstances specified in paragraph 2.1.5.3 of Volume IV (Third Edition July 2002) of Annex 10 to the Chicago Convention, comply with the requirements for antenna diversity set out in that paragraph.

Scale F

Radio communication and radio navigation equipment capable of enabling the aircraft to be navigated along the intended route including—

- (a) automatic direction finding equipment;
- (b) distance measuring equipment; and
- (c) VHF omni-range equipment.

Scale G

Radio navigation equipment capable of enabling the aircraft to make an approach to landing using the Instrument Landing System.

Scale H

- (1) Subject to paragraphs (2) and (3), radio navigation equipment capable of enabling the aircraft to be navigated on the intended route including—
 - (a) automatic direction finding equipment;
 - (b) distance measuring equipment;
 - (c) duplicated VHF omni-range equipment; and
 - (d) a 75 MHz marker beacon receiver.
- (2) An aircraft may fly notwithstanding that it does not carry the equipment specified in this Scale if it carries alternative radio navigation equipment or navigational equipment approved in accordance with article 16(2).
- (3) Where not more than one item of equipment specified in this Scale is unserviceable when the aircraft is about to begin a flight, the aircraft may nevertheless take off on that flight if—
 - (a) it is not reasonably practicable for the repair or replacement of that item to be carried out before the beginning of the flight;
 - (b) the aircraft has not made more than one flight since the item was last serviceable; and
 - (c) the commander of the aircraft has satisfied himself that, taking into account the latest information available as to the route and aerodrome to be used (including any planned diversion) and the weather conditions likely to be encountered, the flight can be made safely and in accordance with any relevant requirements of the appropriate air traffic control unit.

Scale J

An airborne collision avoidance system.

5. In this Schedule—

(1) “Airborne collision avoidance system” means an aeroplane system which conforms to requirements prescribed for the purpose; is based on secondary surveillance radar transponder signals; operates independently of ground based equipment and which is designed to provide advice and appropriate avoidance manoeuvres to the pilot in relation to other aeroplanes which are equipped with secondary surveillance radar and are in undue proximity;

(2) “Automatic direction finding equipment” means radio navigation equipment which automatically indicates the bearing of any radio station transmitting the signals received by such equipment;

(3) “Distance measuring equipment” means radio equipment capable of providing a continuous indication of the aircraft’s distance from the appropriate aeronautical radio stations;

(4) “Mode A” means replying to an interrogation from secondary surveillance radar units on the surface to elicit transponder replies for identity and surveillance with identity provided in the form of a 4 digit identity code;

(5) “Mode C” means replying to an interrogation from secondary surveillance radar units on the surface to elicit transponder replies for automatic pressure-altitude transmission and surveillance;

(6) “Secondary surveillance radar equipment” means such type of radio equipment as may be notified as being capable of—

- (a) replying to an interrogation from secondary surveillance radar units on the surface; and
- (b) being operated in accordance with such instructions as may be given to the aircraft by the appropriate air traffic control unit;

(7) “VHF omni-range equipment” means radio navigation equipment capable of giving visual indications of bearings of the aircraft by means of signals received from very high frequency omni-directional radio ranges.

(8) For the purposes of paragraphs 3 and 4 of this schedule, the prescribed requirements for an airborne collision avoidance system shall be the requirements for ACAS II equipment set out in Volume IV, Chapter 4, of Annex 10 (Third Edition) to the Chicago Convention.

(9) For the purposes of paragraph 3 of this schedule, the capability and functionality prescribed for Mode S Elementary Surveillance and Mode S Enhanced Surveillance shall be that specified for a level 2 transponder in Volumes III (First Edition) and IV (Third Edition) of Annex 10 to the Chicago Convention.

SCHEDULE 6

Articles 22, 23, 24, and 26

LICENCES

MINIMUM AGE, PERIOD OF VALIDITY, PRIVILEGES

AEROPLANE PILOTS

Private Pilot’s Licence (Aeroplanes)

Minimum age – 17 years

No maximum period of validity

Privileges:

(1) Subject to paragraph (2), the holder of the licence shall be entitled to fly as pilot-in-command or co-pilot of an aeroplane of any of the types specified or otherwise falling within an aircraft rating included in the licence.

(2) He shall not fly such an aeroplane for the purpose of commercial air transport or aerial work save as provided below—

- (a) he may fly such an aeroplane for the purpose of aerial work which consists of—
 - (i) the giving of instruction in flying, if his licence includes a flying instructor’s rating;
or
 - (ii) the conducting of flying tests for the purposes of this Order;
in either case in an aeroplane owned, or operated under arrangements entered into, 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;
- (b) he may fly such an aeroplane for the purpose of aerial work which consists of—
 - (i) towing a glider in flight; or
 - (ii) a flight for the purpose of dropping of persons by parachute;

in either case in an aeroplane owned, or operated under arrangements entered into, by a club of which the holder of the licence and any person carried in the aircraft or in any glider towed by the aircraft are members.

(3) He shall not receive any remuneration for his services as a pilot on a flight save that if his licence includes a flying instructor's rating by virtue of which he is entitled to give instruction in flying microlight aircraft or self-launching motor gliders he may receive remuneration for the giving of such instruction or the conducting of such flying tests as are specified in paragraph (2)(a)(i) in a microlight aircraft or a self-launching motor glider.

(4) He shall not, unless his licence includes an instrument rating (aeroplanes), fly as pilot-in-command of such an aeroplane—

- (i) on a flight outside controlled airspace when the flight visibility is less than 3 km;
- (ii) on a special VFR flight in a control zone in a flight visibility of less than 10 km except on a route or in an aerodrome traffic zone notified for the purpose of this sub-paragraph; or
- (iii) out of sight of the surface.

(5) He shall not fly as pilot-in-command of such an aeroplane at night unless his licence includes a night rating (aeroplanes).

(6) He shall not, unless his licence includes an instrument rating (aeroplanes), fly as pilot-in-command or co-pilot of such an aeroplane flying in Class A, B or C airspace in circumstances which require compliance with the Instrument Flight Rules.

(7) He shall not, unless his licence includes an instrument rating (aeroplanes), fly as pilot-in-command or co-pilot of such an aeroplane flying in Class D or E airspace in circumstances which require compliance with the Instrument Flight Rules.

(8) He shall not fly as pilot-in-command of such an aeroplane carrying passengers unless within the preceding 90 days he has made three take-offs and three landings as the sole manipulator of the controls of an aeroplane of the same type and if such a flight is to be carried out at night and his licence does not include an instrument rating (aeroplane) at least one of those take-offs and landings shall have been at night.

Commercial Pilot's Licence (Aeroplanes)

Minimum age – 18 years

Maximum period of validity – 10 years

Privileges:

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Aeroplanes) which includes a night rating (aeroplanes), and shall be entitled to fly as pilot-in-command of an aeroplane—

- (a) on a special VFR flight notwithstanding that the flight visibility is less than 3km;
- (b) when the aeroplane is taking off or landing at any place notwithstanding that the flight visibility below cloud is less than 1800 metres.

(2) Subject to paragraphs (3) and (7), he shall be entitled to fly as pilot-in-command of an aeroplane of a type or class on which he is so qualified and which is specified in an aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever.

(3) He shall not—

- (a) unless his licence includes an instrument rating (aeroplanes), fly such an aeroplane on any scheduled journey;
- (b) fly as pilot-in-command of an aeroplane carrying passengers unless he has carried out at least three take-offs and three landings as pilot flying in an aeroplane of the same type or

in a flight simulator, approved for the purpose, of the aeroplane type to be used, in the preceding 90 days;

- (c) as co-pilot serve at the flying controls in an aeroplane carrying passengers during take-off and landing unless he has served as a pilot at the controls during take-off and landing in an aeroplane of the same type or in a flight simulator, approved for the purpose, of the aeroplane type to be used, in the preceding 90 days; or
- (d) as the holder of a licence which does not include a valid instrument rating (aeroplanes) act as pilot-in-command of an aeroplane carrying passengers at night unless during the previous 90 days at least one of the take-offs and landings required in sub-paragraph (b) above has been carried out at night;
- (e) unless his licence includes an instrument rating (aeroplanes), fly any such aeroplane of which the maximum total weight authorised exceeds 2300 kg on any flight for the purpose of commercial air transport, except a flight beginning and ending at the same aerodrome and not extending beyond 25 nautical miles from that aerodrome;
- (f) fly such an aeroplane on a flight for the purpose of commercial air transport unless it is certificated for single pilot operation;
- (g) fly such an aeroplane on any flight for the purpose of commercial air transport after he attains the age of 60 years unless the aeroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Order entitling him to act as pilot-in-command or co-pilot of that aeroplane;
- (h) unless his licence includes an instrument rating (aeroplanes), fly as pilot-in-command or co-pilot of such an aeroplane flying in Class A, B or C airspace in circumstances which require compliance with the Instrument Flight Rules.

(4) Subject to paragraph (5), he shall be entitled to fly as pilot-in-command of an aeroplane of a type specified in a flying instructor's rating included in the licence on a flight for the purpose of aerial work which consists of—

- (a) the giving of instruction in flying; or
- (b) the conducting of flying tests for the purposes of this Order;

in either case in an aeroplane owned, or operated under arrangements entered into, 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.

(5) He shall not be entitled to exercise privileges contained in this paragraph other than in an aeroplane which he is entitled to fly as pilot-in-command on a private flight, an aerial work flight or a commercial air transport flight pursuant to the privileges set out in paragraph (1) or (2) of these privileges.

(6) He shall be entitled to fly as co-pilot of any aeroplane of a type specified in an aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever.

(7) He shall not at any time after he attains the age of 65 years act as pilot-in-command or co-pilot of any aeroplane on a flight for the purpose of commercial air transport.

Airline Transport Pilot's Licence (Aeroplanes)

Minimum age - 21 years

Maximum period of validity - 10 years

Privileges:

The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot's Licence (Aeroplanes) except that sub-paragraph (3)(f) of those privileges shall not apply.

HELICOPTER AND GYROPLANE PILOTS

Private Pilot's Licence (Helicopters)

Minimum age – 17 years

No maximum period of validity

Privileges:

(1) Subject to paragraph (2), the holder of the licence shall be entitled to fly as pilot-in-command or co-pilot of any helicopter of a type specified in an aircraft rating included in the licence.

(2) He shall not fly such a helicopter for the purpose of commercial air transport or aerial work other than aerial work which consists of—

- (a) the giving of instruction in flying if his licence includes a flying instructor's rating;
- (b) the conducting of flying tests for the purposes of this Order;

in either case in a helicopter owned, or operated under arrangements entered into, 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.

(3) He shall not receive any remuneration for his services as a pilot on a flight other than remuneration for the giving of such instruction or the conducting of such flying tests as are specified in paragraph (2).

(4) He shall not fly as pilot-in-command of such a helicopter at night unless his licence includes a night rating (helicopters).

(5) He shall not, unless his licence includes an instrument rating (helicopter), fly as pilot-in-command or co-pilot of such a helicopter in circumstances which require compliance with the Instrument Flight Rules—

- (a) in Class A, B or C airspace at any time; or
- (b) in Class D, E, F or G airspace unless flying at night and remaining clear of cloud and with the surface in sight.

(6) He shall not fly as pilot-in-command of such a helicopter carrying passengers unless—

- (a) within the preceding 90 days he has made three circuits, each to include take-offs and landings as the sole manipulator of the controls of a helicopter of the same type; or
- (b) if the privileges are to be exercised by night and his licence does not include an instrument rating, within the preceding 90 days he has made three circuits, each to include take-offs and landings by night as the sole manipulator of the controls of a helicopter of the same type.

Private Pilot's Licence (Gyroplanes)

Minimum age – 17 years

No maximum period of validity

Privileges:

(1) Subject to paragraph (2), the holder of the licence shall be entitled to fly as pilot-in-command or co-pilot of any aeroplane of a type specified in the aircraft rating included in the licence.

(2) He shall not fly such a gyroplane for the purpose of commercial air transport or aerial work other than aerial work which consists of—

- (a) the giving of instruction in flying if his licence includes a flying instructor's rating or an assistant flying instructor's rating; or

(b) the conducting of flying tests for the purposes of this Order;
in either case in a gyroplane owned, or operated under arrangements entered into, 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.

(3) He shall not receive any remuneration for his services as a pilot on a flight other than remuneration for the giving of such instruction or the conducting of such flying tests as are specified in paragraph (2).

(4) He shall not fly as pilot-in-command of such a gyroplane at night unless his licence includes a night rating (gyroplanes) and he has within the immediately preceding 13 months carried out as pilot-in-command not less than 5 take-offs and five landings at a time when the depression of the centre of the sun was not less than 12° below the horizon.

Commercial Pilot's Licence (Helicopters and Gyroplanes)

Minimum age – 18 years

Maximum period of validity – 10 years

Privileges:

(1) Subject to paragraph (2), the holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Helicopters) or a Private Pilot's Licence (Gyroplanes) which includes respectively either a night rating (helicopters) or a night rating (gyroplanes).

- (a) Subject to sub-paragraphs (b) and (c), he shall be entitled to fly as pilot-in-command of any helicopter or gyroplane on which he is so qualified and which is of a type specified in an aircraft rating included in the licence when the helicopter or gyroplane is engaged on a flight for any purpose whatsoever.
- (b)
 - (i) He shall not fly such a helicopter on a flight for the purpose of commercial air transport unless it is certificated for single pilot operation.
 - (ii) He shall not fly such a helicopter at night unless his licence includes an instrument rating, (helicopters) or he has within the immediately preceding 13 months carried out as pilot-in-command not less than 5 flights, each consisting of a take-off, a transition from hover to forward flight, a climb to at least 500 ft and a landing, at a time when the depression of the centre of the sun was not less than 12° below the horizon.
 - (iii) He shall not fly such a helicopter on any flight for the purpose of commercial air transport after he attains the age of 60 years unless the helicopter is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Order entitling him to act as pilot-in-command or co-pilot of that helicopter.
 - (iv) He shall not unless his licence includes an instrument rating (helicopter) fly as pilot-in-command of such a helicopter in circumstances which require compliance with the Instrument Flight Rules—
 - (aa) in Class A, B or C airspace at any time; or
 - (bb) in Class D, E, F or G airspace unless remaining clear of cloud and with the surface in sight.
 - (v) He shall not—
 - (aa) fly as pilot-in-command of a helicopter carrying passengers unless he has carried out at least three circuits, each to include take-offs and landings, as pilot flying in a helicopter of the same type or a flight simulator of the helicopter type to be used, in the preceding 90 days; or

- (bb) as the holder of a helicopter licence which does not include a valid instrument rating (helicopter) act as pilot-in-command of a helicopter carrying passengers at night unless during the previous 90 days at least one of the take-offs and landings required in sub-paragraph (aa) above has been carried out at night.
- (c)
 - (i) He shall not fly such a gyroplane on a flight for the purpose of commercial air transport unless it is certificated for single pilot operation.
 - (ii) He shall not fly such a gyroplane at night unless he has 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° below the horizon.
 - (iii) He shall not fly such a gyroplane on any flight for the purpose of commercial air transport after he attains the age of 60 years unless the gyroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Order entitling him to act as pilot-in-command or co-pilot of that gyroplane.
- (a) Subject to sub-paragraph (b) he shall be entitled to fly as co-pilot of any helicopter or gyroplane of a type specified in an aircraft rating included in the licence when the helicopter or gyroplane is engaged on a flight for any purpose whatsoever.
- (b)
 - (i) He shall not unless his licence includes an instrument rating (helicopter) fly as co-pilot of a helicopter flying in circumstances which require compliance with the Instrument Flight Rules—
 - (aa) in Class A, B or C airspace at any time; or
 - (bb) in Class D, E, F or G airspace unless remaining clear of cloud and with the surface in sight.
 - (ii) He shall not as co-pilot serve at the flying controls in a helicopter carrying passengers during take-off and landing unless he has served as a pilot at the controls during take-off and landing in a helicopter of the same type or in a flight simulator of the helicopter type to be used, in the preceding 90 days.
- (4) He shall not at any time after he attains the age of 65 years act as pilot-in-command or co-pilot of any helicopter or gyroplane on a flight for the purpose of commercial air transport.

Airline Transport Pilot's Licence (Helicopters and Gyroplanes)

Minimum age – 21 years

Maximum period of validity – 10 years

Privileges:

The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot's Licence (Helicopters and Gyroplanes) except that sub-paragraphs (2)(b)(i) and (2)(c)(i) of those privileges shall not apply.

BALLOON AND AIRSHIP PILOTS

Private Pilot's Licence (Balloons and Airships)

Minimum age – 17 years

No maximum period of validity

Privileges:

(1) Subject to paragraph (2), the holder of the licence shall be entitled to fly as pilot-in-command of any type of balloon or airship on which he is so qualified and which is specified in an aircraft rating in the licence and co-pilot of any type of balloon or airship specified in such a rating.

- (a) He shall not fly such a balloon or airship for the purpose of commercial air transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in either case in a balloon or airship owned, or operated under arrangements entered into, 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.
- (b) He shall not receive any remuneration for his services as a pilot on a flight other than remuneration for the giving of such instruction or the conducting of such flying tests as are specified in sub-paragraph (a).
- (c) He shall not fly such a balloon unless he has within the immediately preceding 13 months carried out as pilot-in-command in a free balloon 5 flights each of not less than 5 minutes duration.

Commercial Pilot's Licence (Balloons)(21)

Minimum age – 18 years

Maximum period of validity – 10 Years

Privileges:

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Balloons and Airships).

- (a) Subject to sub-paragraph (b), he shall be entitled to fly, when the balloon is flying for any purpose whatsoever, as pilot-in-command or co-pilot of any type of balloon specified in the aircraft rating included in the licence.
- (b) He shall not act as pilot-in-command on a flight for the purpose of the commercial air transport of passengers unless he has within the immediately preceding 90 days carried out as pilot-in-command in a free balloon 3 flights each of not less than 5 minutes duration.

Commercial Pilot's Licence (Airships)

Minimum age – 18 years

Maximum period of validity – 10 years

Privileges:

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Balloons and Airships).

(2) He shall be entitled to fly, when the airship is flying for any purpose whatsoever, as pilot-in-command of any type of airship on which he is so qualified and which is specified in an aircraft rating included in the licence and as co-pilot of any type of airship specified in such a rating.

GLIDER PILOTS

Commercial Pilot's Licence (Gliders)

Minimum age – 18 years

(21) In respect of the privileges of a Private Pilot's licence the maximum period of validity shall be as given for that licence.

Maximum period of validity – 10 years

Privileges:

The holder of the licence shall be entitled to fly for any purpose as pilot-in-command or co-pilot of—

- (a) any glider of which the maximum total weight authorised does not exceed 680 kg.
- (b) any glider of which the maximum total weight authorised exceeds 680 kg and which is of a type specified in the rating included in the licence.

OTHER FLIGHT CREW

Flight Navigator’s Licence

Minimum age – 21 years

Maximum period of validity – 10 years

Privileges:

The holder of the licence shall be entitled to act as flight navigator in any aircraft.

Flight Engineer’s Licence

Minimum age – 21 years

Maximum period of validity – 10 years

Privileges:

The holder of the licence shall be entitled to act as flight engineer in any type of aircraft specified in an aircraft rating included in the licence.

Flight Radiotelephony Operator’s Licence

Minimum age – 16 years

Maximum period of validity – 10 years

Privileges:

The holder of the licence shall be entitled to operate radiotelephony apparatus in any aircraft if the stability of the frequency radiated by the transmitter is maintained automatically but shall not be entitled to operate the transmitter, or to adjust its frequency, except by the use of external switching devices.

SCHEDULE 7

Article 134

PENALTIES

PART A

Provisions Referred to in Article 134(5)

<i>Article of order</i>	<i>Subject matter</i>
3	Aircraft flying unregistered

<i>Article of order</i>	<i>Subject matter</i>
5	Aircraft flying with false or incorrect markings
10(1)(a)	Flight without appropriate maintenance
11	Failure to keep a technical log or other log books
12	Flight without a certificate of release to service issued under the Order
13(7) and (8)	Exercise of privileges of aircraft maintenance engineer's licence whilst unfit
15	Flight without required equipment
16	Flight without required radio equipment
17	Minimum equipment requirements
18	Requirement to weigh aircraft and keep weight schedule
20	Crew requirement
21	Requirement for appropriate licence
23(1), (3) and (4)	Requirement for appropriate certificate of test or experience
24	Requirement for appropriate certificate of test
25(1)	Flight without valid medical certificate
25(5)	Flight in unfit condition
26(1)	Prohibition of flight after failure of test
29	Instruction in flying without appropriate licence and rating
32(3)	Operator's obligation to obtain flight time records of flight crew
33(2)	Flight crew member's obligation to inform operator of flight times
34	Flight time limitations
37	Breach of the Rules of the Air
38	Flight in contravention of restriction of flying regulations
39	Flight by balloons, kites, airships, gliders and parascending parachutes
40	Flight by small aircraft
42	Aerodrome operating minima – non-commercial air transport aircraft
43	Requirement for pilot to remain at controls
45	Pre-flight action by pilot-in-command of aircraft
46	Requirement for passenger briefing
49	Requirements for radio station in aircraft to be licensed and for operation of same
50	Requirement for minimum navigation performance equipment
51	Requirement for height keeping performance equipment – aircraft registered in the Territory
52	Requirement for height keeping performance equipment – aircraft registered elsewhere than in the Territory

<i>Article of order</i>	<i>Subject matter</i>
53	Requirement for area navigation equipment – aircraft registered in the Territory
54	Requirement for area navigation equipment – aircraft registered elsewhere than in the Territory
55	Requirement for an airborne collision avoidance system
56	Use of flight recording systems and presentation of records
60	Carriage of persons in or on any part of an aircraft not designed for that purpose
61 and 62	Requirement for exits and break-in markings
63	Flying displays
66	Operations manual requirement
67	Police operations manual requirement
68	Training programme requirement
70	Operator’s responsibilities in connection with crew
71	Requirements for loading aircraft
72 and 73	Operational restrictions on aeroplanes and helicopters
74	Prohibition on commercial air transport flights at night or in Instrument Meteorological Conditions by single-engined aeroplanes
75	Aerodrome operating minima – commercial air transport aircraft registered in the Territory
76	Aerodrome operating minima – commercial air transport aircraft registered elsewhere than in the Territory
77	Carriage of passengers – additional duties of pilot-in-command.
78	Requirement for aerial work certificate
79	Towing of gliders
80	Towing, picking up and raising of persons and articles by aircraft
81	Dropping of articles and animals from aircraft
82	Dropping of persons
84	Requirement for approval
87	Duty of person in charge to satisfy himself as to competence of controllers
89	Provision of air traffic services
90	Use of radio call signs at aerodromes
91	Requirement for licensing of air traffic controllers
98	Requirement for licensing of flight information service officers
100	Requirement for aerodrome information service manual
101	Use of aeronautical telecommunications service
102	Requirement to keep aeronautical telecommunications service records

<i>Article of order</i>	<i>Subject matter</i>
103	Requirement for certificated aerodrome
105(5)	Contravention of conditions of aerodrome certificate
110	Use of aeronautical lights
112(1)	Prohibition of dangerous lights
112(2)	Failure to extinguish or screen dangerous lights
114(1) and (3)	Management of aviation fuel at aerodromes
128	Prohibition of smoking in aircraft
129	Requirement to obey lawful commands of aircraft pilot-in-command
130 (a) and (b)	Acting in a disruptive manner
131	Obstruction of persons performing duties under the Order
133	Prohibition of stowaways
139(3), (6) and (9)	Requirement to report occurrences

PART B

Provisions Referred to in Article 134(6)

<i>Article of order</i>	<i>Subject matter</i>
7	Flight without a certificate of airworthiness
32(1)	Operator's obligation to regulate flight times of flight crew
32(2)	Operator's obligation not to allow flight by crew in dangerous state of fatigue
33(1)	Crew's obligation not to fly in dangerous state of fatigue
35	Protection of air crew from cosmic radiation
36	Keeping and production of records of exposure to cosmic radiation
41	Operation of aircraft
57	Prohibition of carriage of weapons and munitions of war
58	Prohibition of carriage of dangerous goods
64	Flight for the purpose of commercial air transport without an air operator's certificate
65	Flight in the service of a police authority without a police air operator's certificate
86	Provision of an air traffic control service without an approval
96	Prohibition of drunkenness etc of controllers
97	Controller's obligation not to act in a dangerous state of fatigue
114(4)	Use of aviation fuel which is unfit for use in aircraft
124 (except(3))	Use of false or unauthorised documents and records

<i>Article of order</i>	<i>Subject matter</i>
125	Endangering safety of aircraft
126	Endangering safety of persons or property
127	Prohibition of drunkenness in aircraft
130(c)	Acting in disruptive manner and intentional interference
135	Restriction of flights for valuable consideration by aircraft registered elsewhere than in the Territory
137	Restriction of flights for aerial photography, aerial survey and aerial work by aircraft registered elsewhere than in the Territory
138	Operators' or pilot-in-commands' obligations in respect of flights over any foreign country
139(8)	Making false reports
141	Flight in contravention of direction not to fly

SCHEDULE 8

Article 37

RULES OF THE AIR

SECTION I

*INTERPRETATION***Interpretation****1.** In these Rules—

- (a) 'air-taxiing' means flight by a helicopter, or other type of aircraft capable of vertical take-off and landing, above the surface of an aerodrome at a ground speed of less than 20 knots for the purpose of taxiing in accordance with normal aviation practice;
- (b) 'air traffic control clearance' means an authorisation by an air traffic control unit for an aircraft to proceed under conditions specified by that unit;
- (c) 'anti-collision light' means—
 - (i) in relation to rotorcraft, a flashing red light;
 - (ii) in relation to any other aircraft, a flashing red or flashing white light;
 in either case showing in all directions;
- (d) 'Class C ATS route' means a route notified as such;
- (e) 'flight plan' means a plan containing such information as may be notified in respect of an air traffic control service unit, being information provided or to be provided to that unit which relates to an intended flight, or part of a flight, of an aircraft;
- (f) 'flight visibility' means the visibility forward from the flight deck of an aircraft in flight;
- (g) 'ground visibility' means the horizontal visibility at ground level;
- (h) 'IFR flight' means a flight conducted in accordance with the Instrument Flight Rules in Section 7 of these Rules;

- (i) 'runway' means an area, whether or not paved, which is provided for the take-off or landing of aircraft;
- (j) 'simulated instrument flight conditions' means a flight during which mechanical or optical devices are used in order to reduce the field of vision or the range of visibility from the cockpit of the aircraft;
- (k) 'special VFR flight' means a flight—
 - (i) made at any time in a control zone which is Class A airspace; or
 - (ii) made in any other control zone in either Instrument Meteorological Conditions or at night;
 - (iii) in respect of which the appropriate air traffic control unit has given permission for the flight to be made in accordance with special instructions given by that unit instead of in accordance with the Instrument Flight Rules; and
 - (iv) in the course of which the aircraft complies with any instructions given by that unit and the aircraft remains clear of cloud and with the surface in sight;
- (l) 'VFR flight' means a flight conducted in accordance with the Visual Flight Rules in Section 5 of these Rules;
- (m) 'with the surface in sight' means with the flight crew being able to see sufficient surface features or surface illumination to enable the flight crew to maintain the aircraft in a desired attitude without reference to any flight instrument.

SECTION II

GENERAL

Application of Rules to aircraft

2. These Rules, insofar as they apply to aircraft, shall apply—
- (a) to all aircraft within the Territory; and
 - (b) for the purposes of rule 5, to all aircraft in the neighbourhood of an offshore installation; and
 - (c) to all aircraft registered in the Territory, wherever they may be.

Misuse of signals and markings

3.—(1) A signal or marking which is given a meaning by Section IX or which is required by Section IX to be used in specified circumstances or for a specified purpose shall not be used except with that meaning, in those circumstances or for that purpose.

(2) A person in an aircraft or on an aerodrome or at any place at which an aircraft is taking off or landing shall not—

- (a) make any signal which may be confused with a signal specified in Section IX; or
- (b) except with lawful authority, make any signal which he knows or ought reasonably to know to be a signal in use for signalling to or from any of Her Majesty's naval, military or air force aircraft.

(3) Signals prescribed in accordance with general international aeronautical practice for the purposes of search and rescue shall not be used for any purpose other than that intended.

Reporting hazardous conditions

4.—(1) If any aircraft encounters hazardous conditions in the course of a flight, the pilot-in-command of the aircraft shall send to the appropriate air traffic control unit, by the quickest means available to him, information containing such particulars of the hazardous conditions as may be pertinent to the safety of other aircraft.

(2) The information shall be sent immediately the aircraft encounters the hazardous conditions or as soon as it is possible to do so afterwards.

SECTION III

LOW FLYING RULE

Low flying prohibitions

5.—(1) Subject to paragraph (2), an aircraft shall comply with the low flying prohibitions in paragraph (3) unless exempted by rule 6.

(2) If an aircraft is flying in circumstances such that more than one of the low flying prohibitions applies, it shall fly at the greatest height required by any of the applicable prohibitions.

(3) The low flying prohibitions are as follows—

(a) Failure of power unit

An aircraft shall not be flown below such height as would enable it to make an emergency landing without causing danger to persons or property on the surface in the event of a power unit failure.

(b) The 500 feet rule

Except with the permission in writing of the Governor, an aircraft shall not be flown closer than 500 feet to any person, vessel, vehicle or structure.

(c) The 1,000 feet rule

Except with the written permission of the Governor, an aircraft flying over a congested area of a city town or settlement shall not fly below a height of 1,000 feet above the highest fixed obstacle within a horizontal radius of 600 metres of the aircraft.

(d) The land clear rule

An aircraft flying over a congested area of a city, town or settlement shall not fly below such height as would permit the aircraft to land clear of the congested area in the event of a power unit failure.

(e) Flying over open air assemblies

Except with the written permission of the Governor, an aircraft shall not fly over an organised open-air assembly of more than 1,000 persons below whichever is the higher of the following heights—

(i) 1,000 feet; or

(ii) such height as would permit the aircraft to land clear of the assembly in the event of a power unit failure.

(f) Landing and taking off near open air assemblies

An aircraft shall not land or take-off within 1,000 metres of an organised, open-air assembly of more than 1,000 persons except—

(i) at an aerodrome, in accordance with procedures notified by the Governor; or

(ii) at a landing site which is not an aerodrome, in accordance with procedures notified by the Governor and with the written permission of the organiser of the assembly.

Exemptions from the low flying prohibitions

6. The exemptions from the low flying prohibitions are as follows—
- (a) Landing and taking off
 - (i) Any aircraft shall be exempt from the low flying prohibitions in so far as it is flying in accordance with normal aviation practice for the purpose of—
 - (aa) taking off from, landing at or practising approaches to landing at; or
 - (bb) checking navigational aids or procedures at, a government or certificated aerodrome.
 - (ii) Any aircraft shall be exempt from the 500 feet rule when landing and taking-off in accordance with normal aviation practice or air-taxiing.
 - (b) Captive balloons and kites

None of the low flying prohibitions shall apply to any captive balloon or kite.
 - (c) Special VFR flight and notified routes
 - (i) Subject to paragraph (ii), any aircraft shall be exempt from the 1,000 feet rule if—
 - (aa) it is flying on a special VFR flight; or
 - (bb) it is operating in accordance with the procedures notified for the route being flown.
 - (ii) Unless the written permission of the Governor has been obtained landings may only be made by an aircraft flying under this exemption at a certificated or Government aerodrome.
 - (d) Balloons and helicopters over congested areas
 - (i) A balloon shall be exempt from the 1,000 feet rule if it is landing because it is becalmed.
 - (ii) Any helicopter flying over a congested area shall be exempt from the land clear rule.
 - (e) Police air operator's certificate

Any aircraft flying in accordance with the terms of a police air operator's certificate shall be exempt from the 500 feet rule, the 1,000 feet rule and the prohibitions on flying over open air assemblies and on landing and taking off near open air assemblies.
 - (f) Flying displays etc

An aircraft taking part in a flying display shall be exempt from the 500 feet rule if it is within a horizontal distance of 1,000 metres of the gathering of persons assembled to witness the event.
 - (g) Glider hill-soaring

A glider shall be exempt from the 500 feet rule if it is hill-soaring.
 - (h) Picking up and dropping at an aerodrome

Any aircraft picking up or dropping tow ropes, banners or similar articles at an aerodrome shall be exempt from the 500 feet rule.
 - (i) Manoeuvring helicopters
 - (i) Subject to paragraph (ii), a helicopter shall be exempt from the 500 feet rule if it is conducting manoeuvres, in accordance with normal aviation practice, within the boundaries of a certificated or Government aerodrome or, with the written permission of the Governor, at other sites.

(ii) When flying in accordance with this exemption the helicopter must not be operated closer than 60 metres to any persons, vessels, vehicles or structures located outside the aerodrome or site.

(j) Dropping articles with the permission of the Governor

Any aircraft shall be exempt from the 500 feet rule if it is flying in accordance with—

(i) article 81(3)(f) of this Order; or

(ii) an aerial work certificate granted by the Governor under article 78(2) of this Order.

SECTION IV

GENERAL FLIGHT RULES

Weather reports and forecasts

7.—(1) Subject to paragraph (2), immediately before an aircraft flies the pilot-in-command of the aircraft shall examine the current reports and forecasts of the weather conditions on the proposed flight path, in order to determine whether Instrument Meteorological Conditions prevail, or are likely to prevail, during any part of the flight.

(2) Paragraph (1) shall only apply if it is reasonably practicable for the pilot-in-command to obtain current reports and forecasts of the weather conditions on the proposed flight path.

(3) Subject to paragraph (4), an aircraft which is unable to communicate by radio with an air traffic control unit at the aerodrome of destination shall not begin a flight to the aerodrome if—

(a) the aerodrome is within a control zone; and

(b) the weather reports and forecasts which it is reasonably practicable for the pilot-in-command of the aircraft to obtain indicates that it will arrive at that aerodrome when the ground visibility is less than 10 km or the cloud ceiling is less than 1,500 feet.

(4) Paragraph (3) shall not apply if, before take-off, the pilot-in-command of the aircraft has obtained permission from the air traffic control unit at the aerodrome of destination to enter the aerodrome traffic zone.

Avoiding aerial collisions

8.—(1) Notwithstanding that a flight is being made with air traffic control clearance it shall remain the duty of the pilot-in-command of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft.

(2) An aircraft shall not be flown in such proximity to other aircraft as to create a danger of collision.

(3) Subject to paragraph (7), aircraft shall not fly in formation unless the pilots-in-command of the aircraft have agreed to do so.

(4) An aircraft which is obliged by this Section to give way to another aircraft shall avoid passing over or under the other aircraft, or crossing ahead of it, unless passing well clear of it.

(5) Subject to paragraph (7), an aircraft which has the right-of-way under this rule shall maintain its course and speed.

(6) For the purposes of this rule a glider and a flying machine which is towing it shall be considered to be a single aircraft under the command of the pilot-in-command of the flying machine.

(7) Paragraphs (3) and (5) shall not apply to an aircraft flying under and in accordance with the terms of a police air operator's certificate.

Converging

9.—(1) Subject to paragraphs (2) and (3) and to rules 10 and 11, aircraft in the air shall give way to other, converging aircraft as follows—

- (a) flying machines shall give way to airships, gliders and balloons;
- (b) airships shall give way to gliders and balloons;
- (c) gliders shall give way to balloons.

(2) Mechanically driven aircraft shall give way to aircraft which are towing other aircraft or objects.

(3) Subject to paragraph (2), when two aircraft are converging in the air at approximately the same altitude, the aircraft which has the other on its right shall give way.

Approaching head-on

10. When two aircraft are approaching head-on, or approximately so, in the air and there is a danger of collision, each shall alter its course to the right.

Overtaking

11.—(1) Subject to paragraph (3), an aircraft which is being overtaken in the air shall have the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering course to the right.

(2) An aircraft which is overtaking another aircraft shall keep out of the way of the other aircraft until that other aircraft has been passed and is clear, notwithstanding any change in the relative positions of the two aircraft.

(3) A glider overtaking another glider in the Territory may alter its course to the right or to the left.

Flight in the vicinity of an aerodrome

12.—(1) Subject to paragraph (2), a flying machine, glider or airship flying in the vicinity of what the pilot-in-command of the aircraft knows, or ought reasonably to know, to be an aerodrome shall—

- (a) conform to the pattern of traffic formed by other aircraft intending to land at that aerodrome or keep clear of the airspace in which the pattern is formed; and
- (b) make all turns to the left unless ground signals otherwise indicate.

(2) Paragraph (1) shall not apply if the air traffic control unit at that aerodrome otherwise authorises.

Order of landing

13.—(1) An aircraft landing or on its final approach to land shall have the right-of-way over other aircraft in flight or on the ground or water.

(2) An aircraft shall not cut in front of another aircraft on its final approach to land or overtake that aircraft.

(3) If an air traffic control unit has communicated to any aircraft an order of priority for landing, the aircraft shall approach to land in that order.

(4) If the pilot-in-command of an aircraft is aware that another aircraft is making an emergency landing, he shall give way to that aircraft.

(5) If the pilot-in-command gives way in the circumstances referred to in paragraph (4) at night then, notwithstanding that he may have previously received permission to land, he shall not attempt to land until he has received further permission to do so.

(6) Subject to paragraphs (2), (3) and (4), if two or more flying machines, gliders or airships are approaching any place for the purpose of landing, the aircraft at the lower altitude shall have the right-of-way.

Landing and take-off

14.—(1) A flying machine, glider or airship shall take off and land in the direction indicated by the ground signals or, if no such signals are displayed, into the wind, unless good aviation practice demands otherwise.

(2) Subject to paragraph (5), a flying machine or glider shall not land on a runway at an aerodrome if there are other aircraft on the runway.

(3) If take-offs and landings are not confined to a runway—

- (a) when landing a flying machine or glider shall leave clear on its left any aircraft which has landed, is already landing or is about to take off;
- (b) a flying machine or glider which is about to turn shall turn to the left after the pilot-in-command of the aircraft has satisfied himself that such action will not interfere with other traffic movements; and
- (c) a flying machine which is about to take off shall take up position and manoeuvre in such a way as to leave clear on its left any aircraft which has already taken off or is about to take off.

(4) Subject to paragraph (5) a flying machine shall move clear of the landing area as soon as it is possible to do so after landing.

(5) Paragraphs (2) and (4) shall not apply if the air traffic control unit at the aerodrome otherwise authorises the flying machine or glider.

Aerobatic manoeuvres

15. An aircraft shall not carry out any aerobatic manoeuvre—

- (a) over the congested area of any city, town or settlement; or
- (b) within controlled airspace except with the consent of the appropriate air traffic control unit.

Right-hand traffic rule

16.—(1) Subject to paragraph (2), an aircraft which is flying within the Territory with the surface in sight and following a road, railway, canal or coastline, or any other line of landmarks, shall keep them on its left.

(2) Paragraph (1) shall not apply to an aircraft flying within controlled airspace in accordance with instructions given by the appropriate air traffic control unit.

Notification of arrival and departure

17.—(1) If the pilot-in-command of an aircraft has caused notice of the intended arrival of the aircraft at an aerodrome to be given to the air traffic control unit or other authority at that aerodrome, he shall ensure that the unit or authority is informed as quickly as possible of—

- (a) any change of intended destination; and
- (b) any estimated delay in arrival of 45 minutes or more.

(2) The pilot-in-command of an aircraft arriving at or departing from an aerodrome in the Territory shall take all reasonable steps to ensure, upon landing or prior to departure, as the case may be, that the person in charge of the aerodrome or the air traffic control unit or flight information service unit at the aerodrome is given notice of the landing or departure.

(3) Before an aircraft of which the maximum total weight authorised exceeds 5,700 kg takes off from an aerodrome in the Territory on a flight with an intended destination more than 40 km from the aerodrome, the pilot-in-command shall cause a flight plan, containing such particulars of the intended flight as may be necessary for search and rescue purposes, to be communicated to the air traffic control unit notified for the purpose of this rule.

Flight in Class A airspace

18.—(1) Subject to paragraphs (2) and (3), the pilot-in-command of an aircraft flying in Visual Meteorological Conditions in Class A airspace shall comply with rules 35, 36 and 37 as if the flight were an IFR flight.

(2) For the purposes of paragraph (1) rule 36(2) shall not apply.

(3) Paragraph (1) shall not apply to the pilot-in-command of a glider which is flying in Class A airspace which is notified for the purpose of this paragraph if the glider is flown in accordance with such conditions as may also be notified for that purpose.

Flight in Class C Airspace

19.—(1) Subject to paragraphs (2) and (3) the pilot-in-command of an aircraft flying in Visual Meteorological Conditions in Class C airspace above flight level 195, or along a Class C ATS route at any level, shall comply with rules 35, 36 and 37 as if the flight were an IFR flight.

(2) For the purposes of paragraph (1) rule 36(2) shall not apply.

(3) Paragraph (1) shall not apply to the pilot-in-command of an aircraft which is flying in accordance with an authorisation issued by the Governor.

Choice of VFR or IFR

20.—(1) Subject to paragraph (2) an aircraft shall always be flown in accordance with the Visual Flight Rules or the Instrument Flight Rules.

(2) In the Territory an aircraft flying at night shall—

- (a) be flown in accordance with the Instrument Flight Rules outside a control zone;
- (b) be flown in accordance with the Instrument Flight Rules in a control zone unless it is flying on a special VFR flight.

Speed limitations

21.—(1) Subject to paragraph (2), an aircraft shall not fly below flight level 100 at a speed which, according to its air speed indicator, is more than 250 knots.

(2) Paragraph (1) shall not apply to—

- (a) flights in Class A airspace;
- (b) VFR flights or IFR flights in Class B airspace;
- (c) IFR flights in Class C airspace;
- (d) VFR flights in Class C airspace or VFR flights or IFR flights in Class D airspace when authorised by the appropriate air traffic control unit;

- (e) an aircraft taking part in an exhibition of flying for which a permission is required by article 63(1) of this Order, if the flight is made in accordance with the terms of the permission granted to the organiser of the exhibition of flying and in accordance with the conditions of the display authorisation granted to the pilot under article 63(6)(a) of this Order;
 - (f) the flight of an aircraft flying in accordance with a permit to fly granted under article 9 of the Order; or
 - (g) an aircraft flying in accordance with a written permission granted by the Governor authorising the aircraft to exceed the speed limit in paragraph (1).
- (3) The Governor may grant a permission for the purpose of paragraph (2)(g) subject to such conditions as he thinks fit and either generally or in respect of any aircraft or class of aircraft.

Use of radio navigation aids

22.—(1) Subject to paragraph (2), the pilot-in-command of an aircraft shall not make use of any radio navigation aid without complying with such restrictions and procedures as may be notified in relation to that aid.

- (2) The pilot-in-command of an aircraft shall not be required to comply with this rule if—
 - (a) he is required to comply with rules 35 and 36; or
 - (b) he is otherwise authorised by an air traffic control unit.

Simulated instrument flight

23.—(1) An aircraft shall not be flown in simulated instrument flight conditions unless the conditions in paragraph (2) are met.

- (2) The conditions referred to in paragraph (1) are as follows—
 - (a) the aircraft is fitted with dual controls which are functioning properly;
 - (b) an additional pilot (in this rule called a ‘safety pilot’) is carried in a second control seat of the aircraft for the purpose of providing assistance to the pilot flying the aircraft; and
 - (c) if the safety pilot’s field of vision is not adequate, both forwards and to each side of the aircraft, a third person, who is a competent observer, occupies a position in the aircraft from which his field of vision makes good the deficiencies in that of the safety pilot, and from which he can readily communicate with the safety pilot.

Practice instrument approaches

24.—(1) An aircraft shall not carry out an instrument approach practice within the Territory if it is flying in Visual Meteorological Conditions unless the conditions in paragraph (2) are met.

- (2) The conditions referred to in paragraph (1) are as follows—
 - (a) the appropriate air traffic control unit has previously been informed that the flight is to be made for the purpose of instrument approach practice; and
 - (b) if the flight is not being carried out in simulated instrument flight conditions, a competent observer is carried in such a position in the aircraft that he has an adequate field of vision and can readily communicate with the pilot flying the aircraft.

SECTION V

VISUAL FLIGHT RULES

Applicability of the Visual Flight Rules

- 25.—(1) Within controlled airspace rules 27, 29 and 30 shall be the Visual Flight Rules.
(2) Outside controlled airspace rule 28 shall be the Visual Flight Rules.

Reported visibility

26. For the purposes of an aircraft taking off from or approaching to land at an aerodrome within Class B, Class C, or Class D airspace, the visibility, if any, communicated to the pilot-in-command of the aircraft by the appropriate air traffic control unit shall be taken to be the flight visibility for the time being.

Flight within controlled airspace

27.—(1) Subject to paragraphs (2) and (3), an aircraft flying within Class B, Class C, Class D or Class E airspace—

- (a) at or above flight level 100 shall remain at least 1,500 metres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 8 km;
 - (b) below flight level 100 shall remain at least 1,500 metres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 5 km.
- (2) An aircraft shall be deemed to have complied with paragraph (1)(b) if—
- (a) the aircraft is not a helicopter and it—
 - (i) flies at or below 3,000 feet above mean sea level;
 - (ii) flies at a speed which, according to its airspeed indicator, is 140 knots or less; and
 - (iii) remains clear of cloud, with the surface in sight and in a flight visibility of at least 5 km; or
 - (b) the aircraft is a helicopter and it—
 - (i) flies at or below 3,000 feet above mean sea level; and
 - (ii) remains clear of cloud, with the surface in sight and in a flight visibility of at least 1,500 metres.
- (3) Nothing in this rule shall apply to a helicopter that is air-taxiing or conducting manoeuvres in accordance with rule 6(i).

Flight outside controlled airspace

28.—(1) An aircraft flying outside controlled airspace at or above flight level 100 shall remain at least 1,500 metres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 8 km.

(2) Subject to paragraphs (3), (4) and (5), an aircraft flying outside controlled airspace below flight level 100 shall remain at least 1,500 metres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 5 km.

- (3) Paragraph (2) shall not apply to an aircraft which—
- (a) flies at or below 3,000 feet above mean sea level;
 - (b) remains clear of cloud with the surface in sight; and
 - (c) is in a flight visibility of at least 5 km.

(4) Paragraph (2) shall not apply to an aircraft which—

- (a) flies at or below 3,000 feet above mean sea level;
- (b) flies at a speed which, according to its air speed indicator, is 140 knots or less;
- (c) remains clear of cloud with the surface in sight; and
- (d) is in a flight visibility of at least 1,500 metres.

(5) Nothing in this rule shall apply to a helicopter which is air-taxiing or conducting manoeuvres in accordance with rule 6(i).

VFR flight plan and air traffic control clearance in Class B, Class C or Class D airspace

29.—(1) Subject to rule 31, before an aircraft flies within Class B, Class C or Class D airspace during the notified hours of watch of the appropriate air traffic control unit, the pilot-in-command of the aircraft shall—

- (a) cause to be communicated to the appropriate air traffic control unit a flight plan which complies with paragraphs (2) and (3) (as appropriate); and
- (b) obtain an air traffic control clearance to fly within that airspace.

(2) The flight plan shall contain such particulars of the flight as may be necessary to enable the air traffic control unit to issue a clearance and for search and rescue purposes.

(3) The flight plan required for a flight within Territory reduced vertical separation minimum airspace shall also state whether or not the aircraft is equipped with height keeping systems, as required by articles 51 or 52 of this Order.

(4) The pilot-in-command of an aircraft shall not cause a flight plan to be communicated to the appropriate air traffic control unit for VFR flight in Class C airspace above FL195 or along a Class C ATS route at any level unless authorised to do so by the Governor.

Maintaining continuous watch and complying with air traffic control instructions

30.—(1) Subject to rule 31, whilst flying within Class B, Class C or Class D airspace during the notified hours of watch of the appropriate air traffic control unit, the pilot-in-command of an aircraft shall—

- (a) cause a continuous watch to be maintained on the notified radio frequency appropriate to the circumstances; and
- (b) comply with any instructions which the appropriate air traffic control unit may give.

Exceptions to rules 29 and 30

31.—(1) Rule 29 shall not apply if the aircraft has otherwise been authorised by the appropriate air traffic control unit.

(2) Rules 29(1) and 30 shall not apply to any glider flying or intending to fly in Class B airspace notified for the purpose of this paragraph.

(3) Rules 29(1) and 30 shall not apply to any glider which—

- (a) flies during the day;
- (b) is in controlled airspace notified for the purpose of this paragraph; and
- (c) remains at least 1,500 metres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 8 km.

(4) Rules 29(1) and 30 shall not apply to any mechanically driven aircraft without radio equipment if—

- (a) it flies during the day;
- (b) it is in controlled airspace notified for the purpose of this paragraph;
- (c) it remains at least 1,500 metres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 5 km; and
- (d) its pilot-in-command has previously obtained the permission of the appropriate air traffic control unit to fly within the controlled airspace.

SECTION VI

INSTRUMENT FLIGHT RULES

Instrument Flight Rules

32.—(1) For flights within controlled airspace rules 33, 34, 35, 36 and 37 shall be the Instrument Flight Rules.

(2) For flights outside controlled airspace rules 33 and 34 shall be the Instrument Flight Rules.

Minimum height

33.—(1) Subject to paragraphs (2) and (3), an aircraft shall not fly at a height of less than 1,000 feet above the highest obstacle within a distance of 5 nautical miles of the aircraft unless—

- (a) it is necessary for the aircraft to do so in order to take off or land;
- (b) the aircraft flies on a route notified for the purposes of this rule;
- (c) the aircraft has been otherwise authorised by the competent authority in relation to the area over which the aircraft is flying; or
- (d) the aircraft flies at an altitude not exceeding 3,000 feet above mean sea level and remains clear of cloud and with the surface in sight and in a flight visibility of at least 800 metres.

(2) The aircraft shall comply with rule 5.

(3) Paragraph (1) shall not apply to a helicopter that is air-taxiing or conducting manoeuvres in accordance with rule 6(i).

Quadrantal rule and semi-circular rule

34.—(1) Subject to paragraphs (2) and (3), an aircraft in level flight above 3,000 feet above mean sea level or above the appropriate transition altitude, whichever is the higher, shall be flown at a level appropriate to its magnetic track, in accordance with Table 1 or Table 2, as appropriate.

(2) For the purposes of paragraph (1), the level of flight shall be measured by an altimeter set—

- (a) in the case of a flight over the Territory, to a pressure setting of 1013.2 hectopascals; or
- (b) in the case of any other flight, according to the system published by the competent authority in relation to the area over which the aircraft is flying.

(3) An aircraft may be flown at a level other than the level required by paragraph (1) if it flies—

- (a) in conformity with instructions given by an air traffic control unit;
- (b) in accordance with notified en-route holding patterns; or
- (c) in accordance with holding procedures notified in relation to an aerodrome.

(4) For the purposes of this rule ‘transition altitude’ means the altitude which is notified in relation to flights over notified areas.

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Table 1—Flights At Levels Below 19,500 Feet

<i>Magnetic Track</i>	<i>Cruising Level</i>
Less than 90°	Odd thousands of feet
90° but less than 180°	Odd thousands of feet + 500 feet
180° but less than 270°	Even thousands of feet
270° but less than 360°	Even thousands of feet + 500 feet

Table 2—Flights At Levels Above 19,500 Feet

<i>Magnetic Track</i>	<i>Cruising Level</i>
Less than 180°	21,000 feet
	23,000 feet
	25,000 feet
	27,000 feet
	29,000 feet
	31,000 feet
	33,000 feet
	35,000 feet
	37,000 feet
	39,000 feet
	41,000 feet or higher levels at intervals of 4,000 feet
180° but less than 360°	20,000 feet
	22,000 feet
	24,000 feet
	26,000 feet
	28,000 feet
	30,000 feet
	32,000 feet
	34,000 feet
	36,000 feet
	38,000 feet
	40,000 feet
43,000 feet or higher levels at intervals of 4,000 feet	

Flight plan and air traffic control clearance

35.—(1) Before an aircraft either takes off from a point within any controlled airspace or otherwise flies within any controlled airspace the pilot-in-command of the aircraft shall—

- (a) send or transmit a flight plan complying with paragraph (2) to the appropriate air traffic control unit; and
- (b) obtain an air traffic control clearance based on that flight plan.

(2) The flight plan shall—

- (a) contain such particulars of the intended flight as may be necessary to enable the air traffic control unit to issue an air traffic control clearance and for search and rescue purposes; and
- (b) for a flight within Territory reduced vertical separation minimum airspace, also state whether or not the aircraft is equipped with height keeping systems as required by articles 51 and 52 of this Order.

(3) Unless he has requested the appropriate air traffic control unit to cancel his flight plan, the pilot-in-command of the aircraft shall forthwith inform that unit when the aircraft lands within or leaves the controlled airspace.

Compliance with air traffic control clearance and notified procedures

36.—(1) Subject to paragraph (2), the pilot-in-command of the aircraft shall fly in conformity with—

- (a) the air traffic control clearance issued for the flight, as amended by any further instructions given by an air traffic control unit; and, unless he is otherwise authorised by the appropriate air traffic control unit,
- (b) the instrument departure procedures notified in relation to the aerodrome of departure; and
- (c) the holding and instrument approach procedures notified in relation to the aerodrome of destination.

(2) The pilot-in-command of the aircraft shall not be required to comply with paragraph (1) if—

- (a) he is able to fly in uninterrupted Visual Meteorological Conditions for so long as he remains in controlled airspace; and
- (b) he has informed the appropriate air traffic control unit of his intention to continue the flight in compliance with Visual Flight Rules and has requested that unit to cancel his flight plan.

(3) If any deviation is made from the provisions of paragraph (2) for the purpose of avoiding immediate danger the pilot-in-command of the aircraft shall inform the appropriate air traffic control unit of the deviation as soon as possible.

Position reports

37. The pilot-in-command of an aircraft in IFR flight who flies in or is intending to enter controlled airspace shall report to the appropriate air traffic control unit the time, position and level of the aircraft at such reporting points or at such intervals of time as may be notified for this purpose or as may be directed by the air traffic control unit.

SECTION VII

AERODROME TRAFFIC RULES

Application of aerodrome traffic rules

38. The rules in this Section which expressly apply to flying machines shall also be observed, so far as is practicable, by all other aircraft.

Visual signals

39.—(1) Subject to paragraph (2), the pilot-in-command of a flying machine on, or in the pattern of traffic flying at, an aerodrome shall—

- (a) observe such visual signals as may be displayed at or directed to him from the aerodrome by the authority of the person in charge of the aerodrome; and
- (b) obey any instructions which may be given to him by means of such signals.

(2) The pilot-in-command of a flying machine shall not be required to obey such signals if it is inadvisable to do so in the interests of safety.

Movement of aircraft on aerodromes

40. An aircraft shall not taxi or air-taxi on the apron or the manoeuvring area of an aerodrome without the permission of either—

- (a) the person in charge of the aerodrome; or
- (b) the air traffic control unit or aerodrome flight information service unit notified as being on watch at the aerodrome.

Access to and movement of persons and vehicles on aerodromes

41.—(1) Unless there is a public right of way over it, a person or vehicle shall—

- (a) not go onto any part of an aerodrome without the permission of the person in charge of that part of the aerodrome; and
- (b) comply with any conditions subject to which that permission may be granted.

(2) A person or vehicle shall—

- (a) not go onto or move on the manoeuvring area of an aerodrome which has an air traffic control unit or an aerodrome flight information service unit without the permission of that unit; and
- (b) comply with any conditions subject to which that permission may be granted.

(3) Any permission granted for the purposes of this rule may be granted whether in respect of persons or vehicles generally, or in respect of any particular person or vehicle or any class of person or vehicle.

Right of way on the ground

42.—(1) This rule shall apply to flying machines and vehicles on any part of a land aerodrome provided for the use of aircraft and under the control of the person in charge of the aerodrome.

(2) Notwithstanding any air traffic control clearance it shall remain the duty of the pilot-in-command of a flying machine to take all possible measures to ensure that his flying machine does not collide with any other aircraft or vehicle.

(3) Flying machines and vehicles shall give way to aircraft which are taking off or landing.

(4) Vehicles and flying machines which are not taking off or landing shall give way to vehicles towing aircraft.

(5) Vehicles which are not towing aircraft shall give way to aircraft.

Action to be taken in case of danger of collision on the ground

43.—(1) Subject to rules 42 and 14(3), this rule shall apply if there is any danger of collision between two flying machines on the ground.

(2) If the two flying machines are approaching head-on, or approximately so, each shall alter its course to the right.

(3) If the two flying machines are on converging courses, the flying machine which has the other flying machine on its right shall give way to that other flying machine and shall avoid crossing ahead of it unless passing well clear of it.

(4) A flying machine which is being overtaken by another flying machine shall have the right-of-way over the flying machine overtaking it.

(5) A flying machine which is overtaking another flying machine shall keep out of the way of the other flying machine by altering its course to the left until that other flying machine has been passed and is clear, notwithstanding any change in the relative positions of the two flying machines.

(6) A vehicle shall—

(a) overtake another vehicle on the right hand side of that vehicle ; and

(b) keep to the left when passing another vehicle which is approaching head-on or approximately so.

Launching, picking up and dropping of tow ropes, etc.

44.—(1) Tow ropes, banners or similar articles towed by aircraft shall not be launched at an aerodrome except in accordance with arrangements made with—

(a) the air traffic control unit at the aerodrome; or

(b) if there is no such unit, the person in charge of the aerodrome.

(2) Tow ropes, banners or similar articles towed by aircraft shall not be picked up by or dropped from aircraft at an aerodrome except—

(a) in accordance with arrangements made with the air traffic control unit at the aerodrome or, if there is no such unit, with the person in charge of the aerodrome; or

(b) in the area designated by the marking described in rule 59(9), but only when the aircraft is flying in the direction appropriate for landing.

Flights within aerodrome traffic zones

45.—(1) Paragraphs (2) and (3) shall apply only in relation to those aerodromes described in Column 1 of Table 3 as are notified for the purposes of this rule and at such times as are specified in Column 2 of the Table.

Table 3

<i>Column 1</i>	<i>Column 2</i>
(a) A Government aerodrome	At such times as are notified
(b) An aerodrome having an air traffic control unit or flight information service unit	During the notified hours of watch of the air traffic control unit or the flight information service unit

(c) A certificated aerodrome having a means of two-way radio communication with aircraft	During the notified hours of watch of the air/ground station
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(2) An aircraft shall not fly, take off or land within the aerodrome traffic zone of an aerodrome unless the pilot-in-command of the aircraft has complied with paragraphs (3), (4) or (5), as appropriate.

(3) If the aerodrome has an air traffic control unit the pilot-in-command shall obtain the permission of the air traffic control unit to enable the flight to be conducted safely within the zone.

(4) If the aerodrome has a flight information service unit the pilot-in-command shall obtain information from the flight information service unit to enable the flight to be conducted safely within the zone.

(5) If there is no flight information service unit at the aerodrome the pilot-in-command shall obtain information from the air/ground communication service to enable the flight to be conducted safely within the zone.

(6) The pilot-in-command of an aircraft flying within the aerodrome traffic zone of an aerodrome shall—

- (a) cause a continuous watch to be maintained on the appropriate radio frequency notified for communications at the aerodrome; or
- (b) if this is not possible, cause a watch to be kept for such instructions as may be issued by visual means; and
- (c) if the aircraft is fitted with means of communication by radio with the ground, communicate his position and height to the air traffic control unit, the flight information service unit or the air/ground communication service at the aerodrome (as the case may be) on entering the zone and immediately prior to leaving it.

SECTION VIII

LIGHTS AND OTHER SIGNALS TO BE SHOWN OR MADE BY AIRCRAFT

General

46.—(1) For the purposes of this Section the horizontal plane of a light shown by an aircraft means the plane which would be the horizontal plane passing through the source of that light if the aircraft were in level flight.

(2) If it is necessary to fit more than one lamp in order to show a light required by this Section because of the physical construction of an aircraft, the lamps shall be so fitted and constructed that, so far as is reasonably practicable, not more than one such lamp is visible from any one point outside the aircraft.

(3) If a light is required by this Section to show through specified angles in the horizontal plane, the lamps giving such light shall be so constructed and fitted that the light is visible—

- (a) from any point in any vertical plane within those angles throughout angles of 90° above and below the horizontal plane; but
- (b) so far as is reasonably practicable, through no greater angle, either in the horizontal plane or the vertical plane.

(4) If a light is required by this Section to show in all directions, the lamps giving such light shall be so constructed and fitted that, so far as is reasonably practicable, the light is visible from any point in the horizontal plane and on any vertical plane passing through the source of that light.

(5) Notwithstanding the provisions of this Section the pilot-in-command of an aircraft may switch off or reduce the intensity of any flashing light fitted to the aircraft if such a light does or is likely to—

- (a) adversely affect the performance of the duties of any member of the flight crew; or
- (b) subject an outside observer to unreasonable dazzle.

Display of lights by aircraft

47.—(1) During the night an aircraft shall—

- (a) display such of the lights specified in this Section as it is required by this Section; and
- (b) subject to rule 49(6), not display any other lights which might obscure or otherwise impair the visibility of, or be mistaken for, such lights.

(2) Subject to rule 48(4) an aircraft fitted with an anti-collision light shall display that light in flight during the day.

(3) A flying machine on a Territory aerodrome shall—

- (a) during the night display either the lights which it would be required to display when flying or the lights specified in rule 49(5)(c) unless it is stationary on the apron or on that part of the aerodrome provided for the maintenance of aircraft; and
- (b) during the day and night and subject to paragraph (4), display a red anti-collision light, if it is fitted with one, when it is stationary on the apron with engines running.

(4) A helicopter to which article 66 applies may, when stationary on an offshore installation, switch off the anti-collision light required to be shown by paragraph (3)(b) as long as that is done in accordance with a procedure contained in the operations manual of the helicopter as a signal to ground personnel that it is safe to approach the helicopter for the purpose of embarkation or disembarkation of passengers or the loading or unloading of cargo.

Failure of navigation and anti-collision lights

48.—(1) Paragraphs (2), (3) and (4) shall apply to aircraft in the Territory.

(2) An aircraft shall not depart from an aerodrome if there is a failure of any light which these Rules require to be displayed at night and the light cannot be immediately repaired or replaced.

(3) Subject to paragraph (4), if the aircraft is in flight and any such light as is referred to in paragraph (2) fails and cannot be immediately repaired or replaced, the aircraft shall land as soon as it can safely do so, unless authorised by the appropriate air traffic control unit to continue its flight.

(4) An aircraft may continue to fly during the day in the event of a failure of an anti-collision light on the flight as long as the light is repaired at the earliest practicable opportunity.

Flying machines at night

49.—(1) Subject to paragraph (6), a flying machine flying at night shall display lights in accordance with paragraphs (2), (3) or (4), as appropriate.

(2) In the case of—

- (a) a flying machine registered in the Territory which has a maximum total weight authorised of more than 5,700 kg; or
- (b) any other flying machine registered in the Territory which conforms to a type first issued with a type certificate on or after 1st April 1988,

the flying machine shall display the system of lights specified in paragraph 5(b).

(3) A flying machine registered in the Territory which—

- (a) conforms to a type first issued with a type certificate before 1st April 1988; and
- (b) has a maximum total weight authorised of 5,700 kg or less,

shall display the system of lights specified in—

- (i) paragraph (5)(a); or
- (ii) paragraph (5)(b); or
- (iii) paragraph (5)(d), but excluding sub-paragraph (ii) of that paragraph.

(4) In the case of any other flying machine, one of the systems of lights specified in paragraph (5) shall be displayed.

(5) The systems of lights referred to in paragraphs (2), (3) and (4) are as follows—

- (a) A steady green light of at least five candela showing to the starboard side through an angle of 110° from dead ahead in the horizontal plane; a steady red light of at least five candela showing to the port side through an angle of 110° from dead ahead in the horizontal plane; and a steady white light of at least three candela showing through angles of 70° from dead astern to each side in the horizontal plane;
- (b) the lights specified in sub-paragraph (a) and an anti-collision light;
- (c) the lights specified in sub-paragraph (a), but all being flashing lights (rather than steady lights) flashing together;
- (d) the lights specified in sub-paragraph (a), but all being flashing lights (rather than steady lights) flashing together in alternation with one or both of the following—
 - (i) a flashing white light of at least twenty candela showing in all directions;
 - (ii) a flashing red light of at least twenty candela showing through angles of 70° from dead astern to each side in the horizontal plane.

(6) If the lamp showing either the red or the green light specified in paragraph (5)(a) is fitted more than 2 metres from the wing tip, another lamp may be fitted at the wing tip to indicate its position showing a steady light of the same colour through the same angle.

Gliders at night

50. A glider flying at night shall display either a steady red light of at least five candela, showing in all directions, or lights in accordance with rule 49(5) and (6).

Free balloons at night

51. A free balloon flying at night shall display a steady red light of at least five candela showing in all directions, suspended not less than 5 metres and not more than 10 metres below the basket, or if there is no basket, below the lowest part of the balloon.

Captive balloons and kites at night

52.—(1) A captive balloon or kite flying at night at a height exceeding 60 metres above the surface shall display lights in accordance with paragraphs (2), (3) and (4).

(2) A group of two steady lights shall be displayed consisting of a white light placed 4 metres above a red light, both being of at least five candela and showing in all directions, the white light being placed not less than 5 metres nor more than 10 metres below the basket or, if there is no basket, below the lowest part of the balloon or kite.

(3) On the mooring cable of the balloon or kite, at intervals of not more than 300 metres measured from the group of lights specified in paragraph (2), there shall be displayed—

- (a) groups of two lights of the colour and power and in the relative positions specified in paragraph (2); and

- (b) if the lowest group of lights is obscured by cloud, an additional group of such lights below the cloud base.
- (4) On the surface of the ground there shall be displayed a group of three flashing lights arranged—
 - (a) in a horizontal plane at the apexes of a triangle, approximately equilateral, each side of which measures at least 25 metres;
 - (b) so that one side of the triangle shall be approximately at right angles to the horizontal projection of the cable and shall be delimited by two red lights; and
 - (c) so that the third light shall be a green light, placed so that the triangle encloses the object on the surface to which the balloon or kite is moored.

Captive balloons and kites by day

53.—(1) A captive balloon flying by day at a height exceeding 60 metres above the surface shall have attached to its mooring cable tubular streamers which are—

- (a) not less than 40 centimetres in diameter and 2 metres in length; and
- (b) marked with alternate bands of red and white 50 centimetres wide at intervals of not more than 200 metres measured from the basket or, if there is no basket, from the lowest part of the balloon.

(2) A kite flying by day at a height exceeding 60 metres above the surface shall have attached to its mooring cable either—

- (a) tubular streamers as specified in paragraph (1); or
- (b) at intervals of not more than 100 metres measured from the lowest part of the kite, streamers not less than 80 centimetres long and 30 centimetres wide at their widest point, marked with alternate bands of red and white 10 centimetres wide.

Airships at night

54.—(1) Except as provided in paragraph (2), an airship flying at night shall display the following lights—

- (a) a steady white light of at least five candela showing through angles of 110° from dead ahead to each side in the horizontal plane;
- (b) a steady green light of at least five candela showing to the starboard side through an angle of 110° from dead ahead in the horizontal plane;
- (c) a steady red light of at least five candela showing to the port side through an angle of 110° from dead ahead in the horizontal plane;
- (d) a steady white light of at least five candela showing through angles of 70° from dead astern to each side in the horizontal plane; and
- (e) an anti-collision light.

(2) Subject to paragraph (5), an airship flying at night in any of the circumstances referred to in paragraph (3) shall display the lights specified in paragraph (4).

- (3) The circumstances are as follows—
 - (a) if the airship is not under command; or
 - (b) has voluntarily stopped its engines, or
 - (c) is being towed.
- (4) The lights specified are the following lights—

- (a) the white lights specified in paragraph (1)(a) and (d);
 - (b) two steady, red lights, each of at least five candela, showing in all directions, suspended below the control car so that one is at least 4 metres above the other and at least 8 metres below the control car; and
 - (c) if the airship is making way but not otherwise, the green and red lights specified in paragraph (1)(b) and (c).
- (5) An airship picking up its moorings at night shall display the lights specified in paragraph (1).
- (6) An airship moored to a mooring mast within the Territory at night shall display, at or near the rear of the airship, a steady, white light of at least five candela showing in all directions.
- (7) An airship moored otherwise than to a mooring mast within the Territory at night shall display —
- (a) a white light of at least five candela showing through angles of 110° from dead ahead to each side in the horizontal plane; and
 - (b) a white light of at least five candela showing through angles of 70° from dead astern to each side in the horizontal plane.

Airships by day

55.—(1) An airship flying during the day in any of the circumstances referred to in paragraph (2) shall display two black balls suspended below the control car so that one is at least 4 metres above the other and at least 8 metres below the control car.

(2) The circumstances are as follows—

- (a) if the airship is not under command;
- (b) if it has voluntarily stopped its engines; or
- (c) if it is being towed.

(3) For the purposes of this rule and rule 54—

- (a) an airship shall be deemed not to be under command when it is unable to execute a manoeuvre which it may be required to execute by these Rules; and
- (b) an airship shall be deemed to be making way when it is not moored and is in motion.

SECTION IX

AERODROME SIGNALS AND MARKINGS—VISUAL AND AURAL SIGNALS

General

56.—(1) Within the Territory any signal or marking which is specified in this Section and which is given or displayed—

- (a) by any person in an aircraft; or
- (b) at an aerodrome; or
- (c) at any other place which is being used by aircraft for landing or take-off,

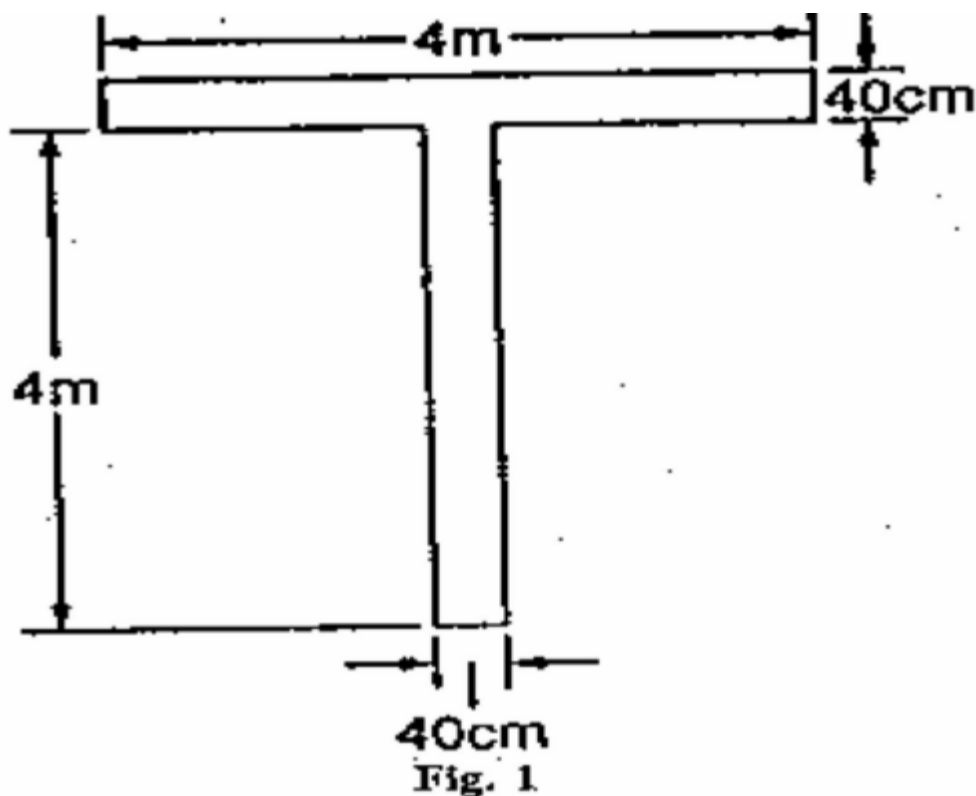
shall have the meaning assigned to it in this Section.

(2) Apart from those referred to in rule 60(6) and the distances at which markings must be placed, all dimensions of signals or markings specified in this Section of these Rules shall be subject to a tolerance of 10 per cent, plus or minus.

Signals in the Signals Area

57.—(1) Whenever any signal specified in this rule is displayed it shall be placed in a signals area, which shall be a square visible from all directions bordered by a white strip 30 centimetres wide and with the internal sides measuring 12 metres.

(2) A white landing T, as illustrated in this paragraph,



signifies that aeroplanes and gliders taking off or landing shall do so in a direction parallel with the shaft of the T and towards the cross arm, unless otherwise authorised by the appropriate air traffic control unit.

(3) A white disc 60 centimetres in diameter displayed alongside the cross arm of the T and in line with the shaft of the T, as illustrated in this paragraph,

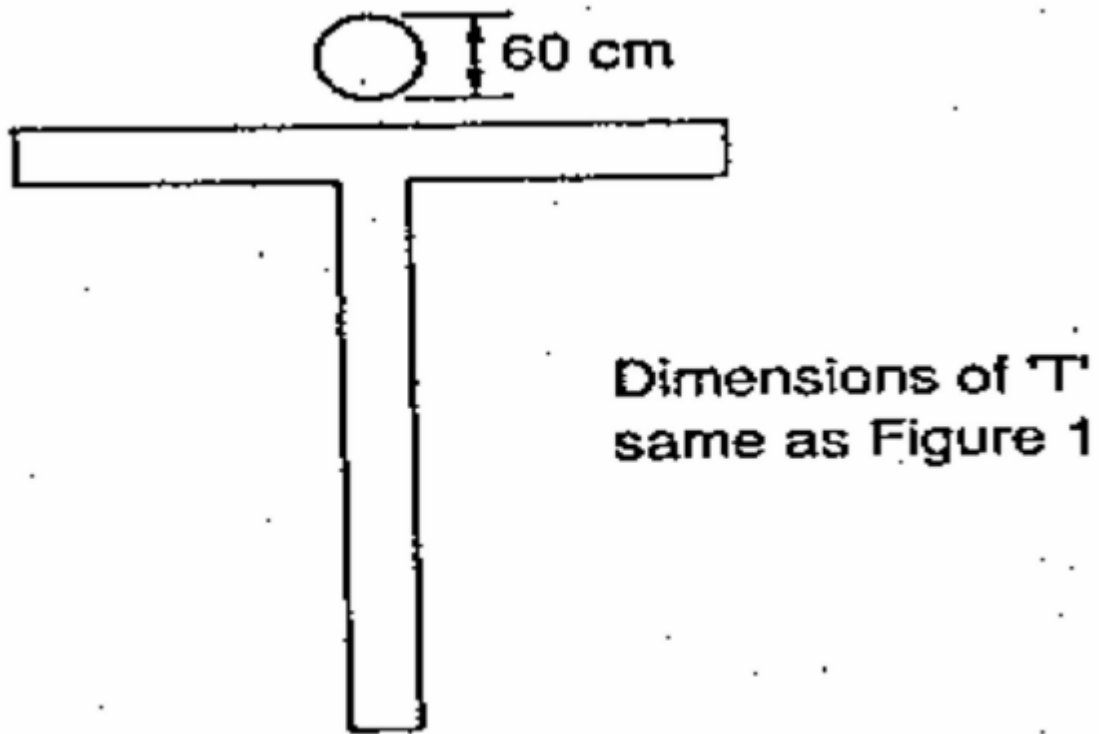


Fig. 2

signifies that the direction of landing and take off do not necessarily coincide.

(4) A white dumb-bell, as illustrated in this paragraph,

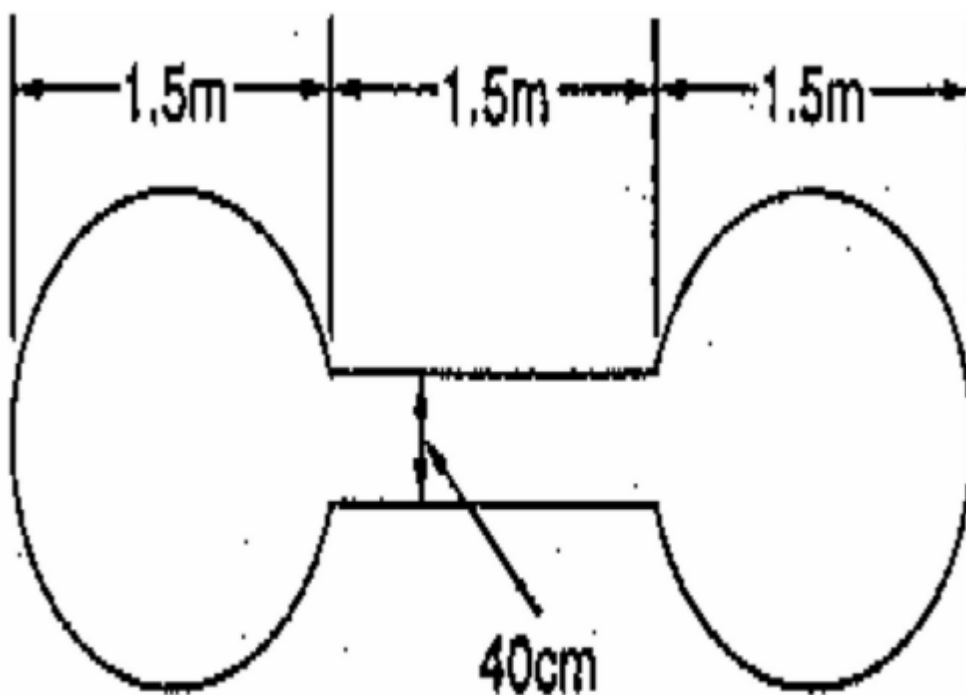


Fig. 3

signifies that movements of aeroplanes and gliders on the ground shall be confined to paved, metalled or similar hard surfaces.

(5) A white dumb-bell, as described in paragraph (4), but with a black strip 60 centimetres wide across each disc at right angles to the shaft of the dumb-bell, as illustrated in this paragraph,

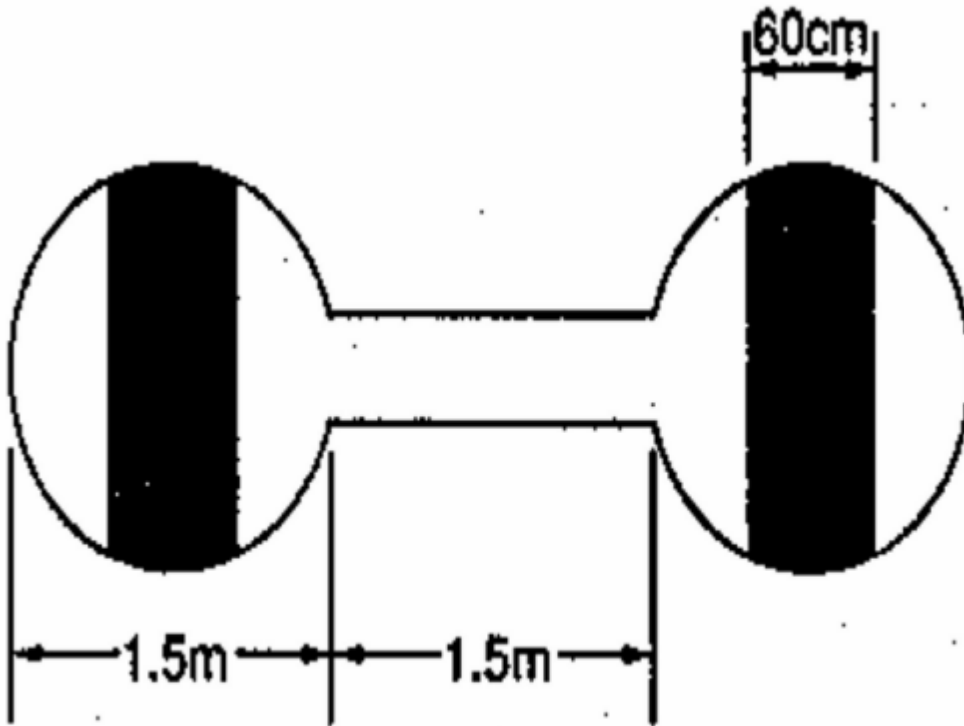


Fig. 4

signifies that aeroplanes and gliders taking off or landing shall do so on a runway but that movement on the ground is not confined to paved, metalled or similar hard surfaces.

(6) A red and yellow striped arrow, as illustrated in this paragraph,

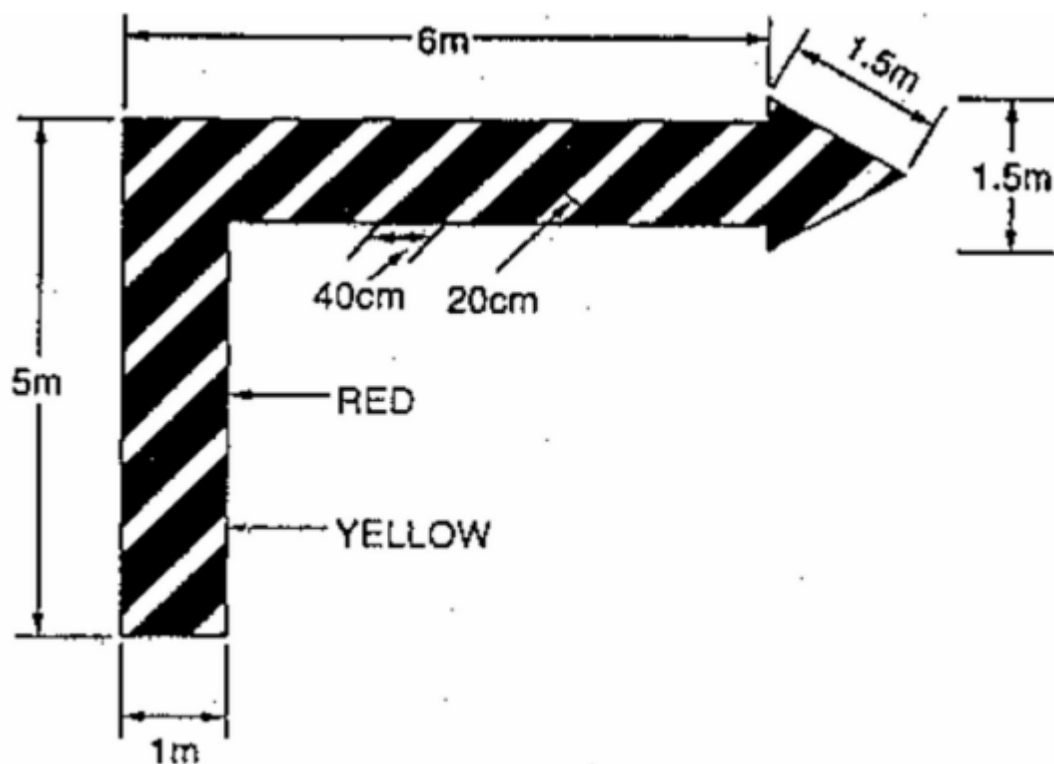


Fig. 5

the shaft of which is one metre wide and which is placed along the whole or a total of 11 metres of two adjacent sides of the signals area, and pointing in a clockwise direction, signifies that a right-hand circuit is in force.

(7) A red panel 3 metres square with a yellow strip along one diagonal 50 centimetres wide, as illustrated in this paragraph,

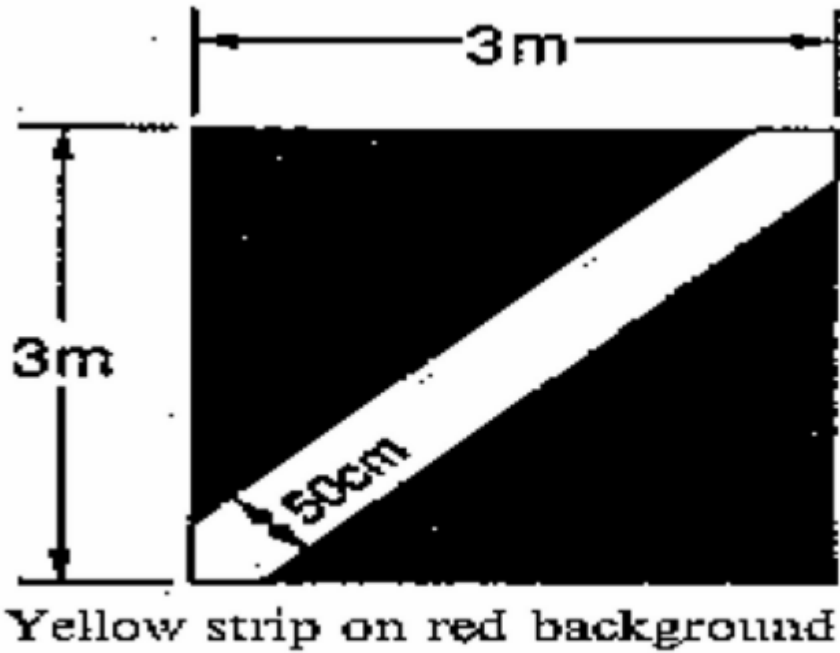


Fig. 6

signifies that the state of the manoeuvring area is poor and pilots must exercise special care when landing.

(8) A red panel 3 metres square with a yellow strip 50 centimetres wide along each diagonal, as illustrated in this paragraph,

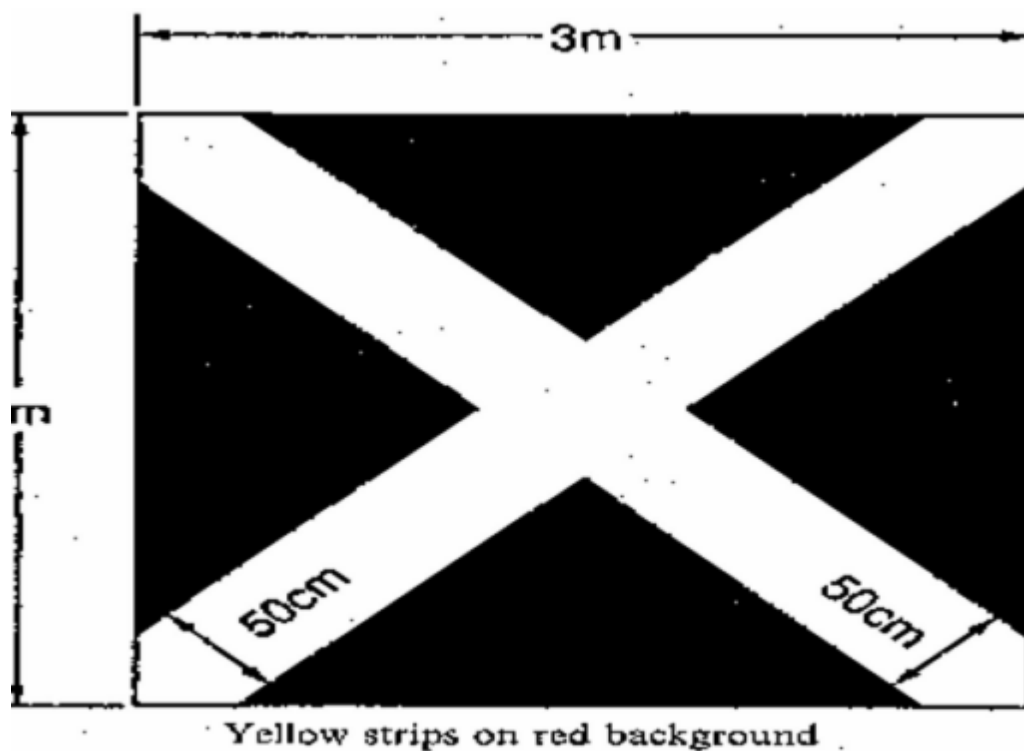


Fig. 7

signifies that the aerodrome is unsafe for the movement of aircraft and that landing on the aerodrome is prohibited.

(9) A white letter H, as illustrated in this paragraph,

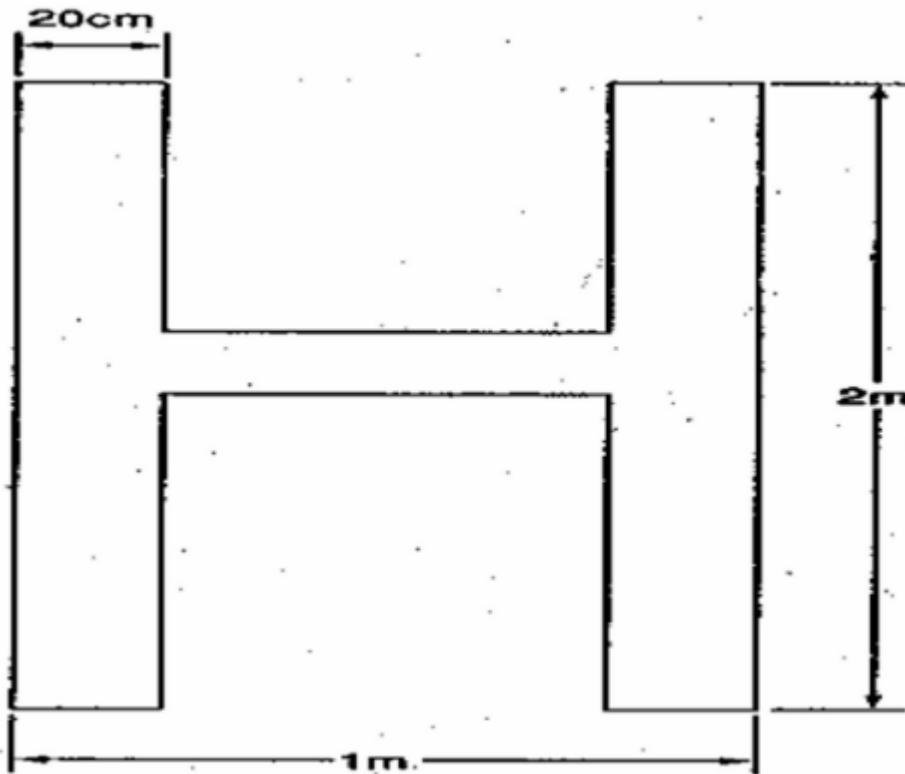


Fig. 8

signifies that helicopters shall take off and land only within the area designated by the marking specified in rule 59(7).

(10) A red letter L displayed on the dumb-bell specified in paragraphs (4) and (5), as illustrated in this paragraph,

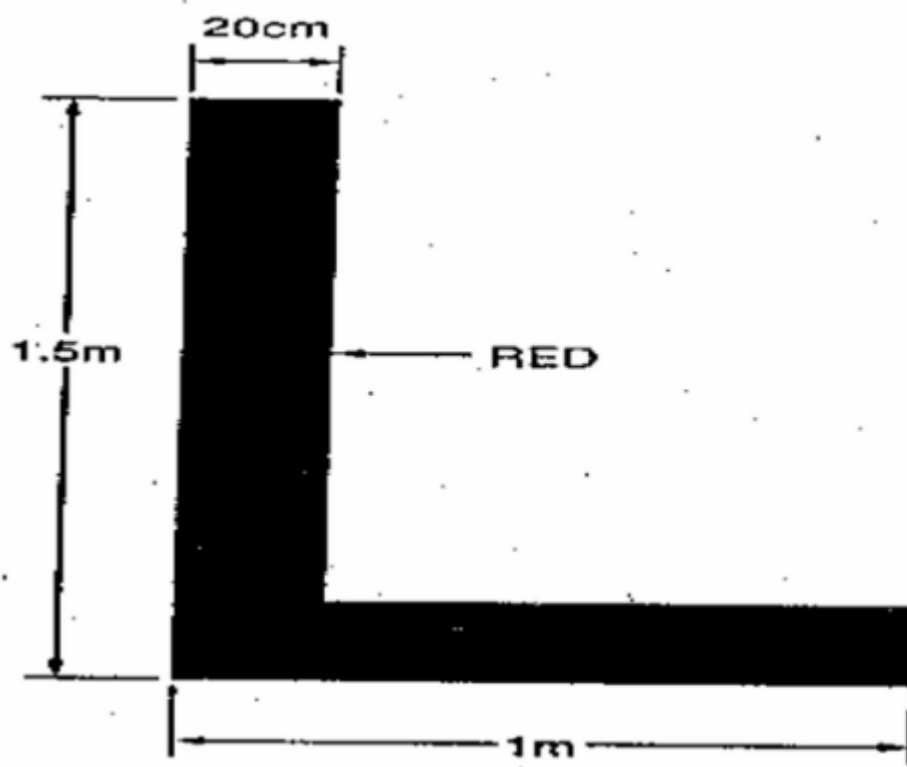
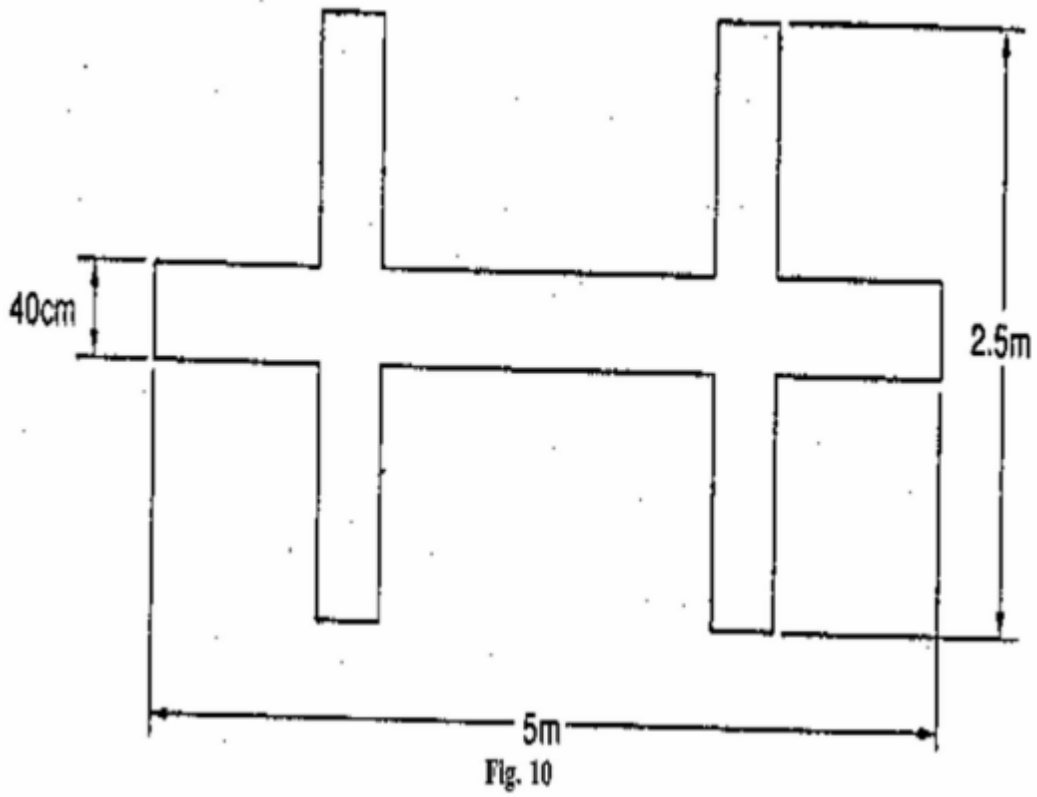


Fig. 9

signifies that light aircraft are permitted to take off and land either on a runway or on the area designated by the marking specified in rule 59(8).

(11) A white double cross, as illustrated in this paragraph,

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signifies that glider flying is in progress.

Markings for paved runways and taxiways

58.—(1) Two or more white crosses, as illustrated in this paragraph,

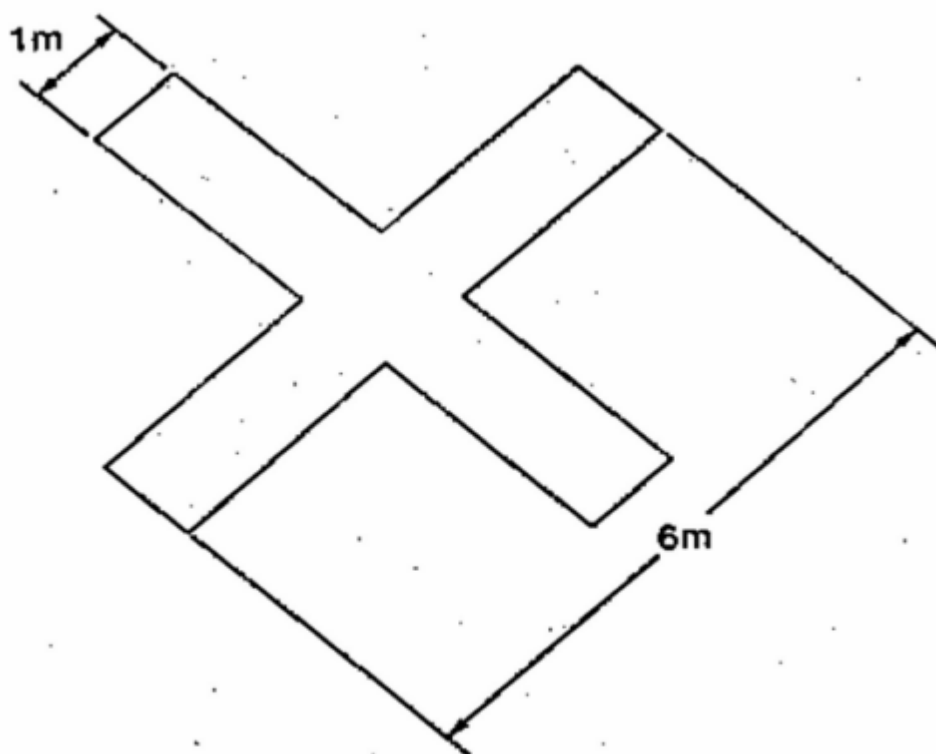
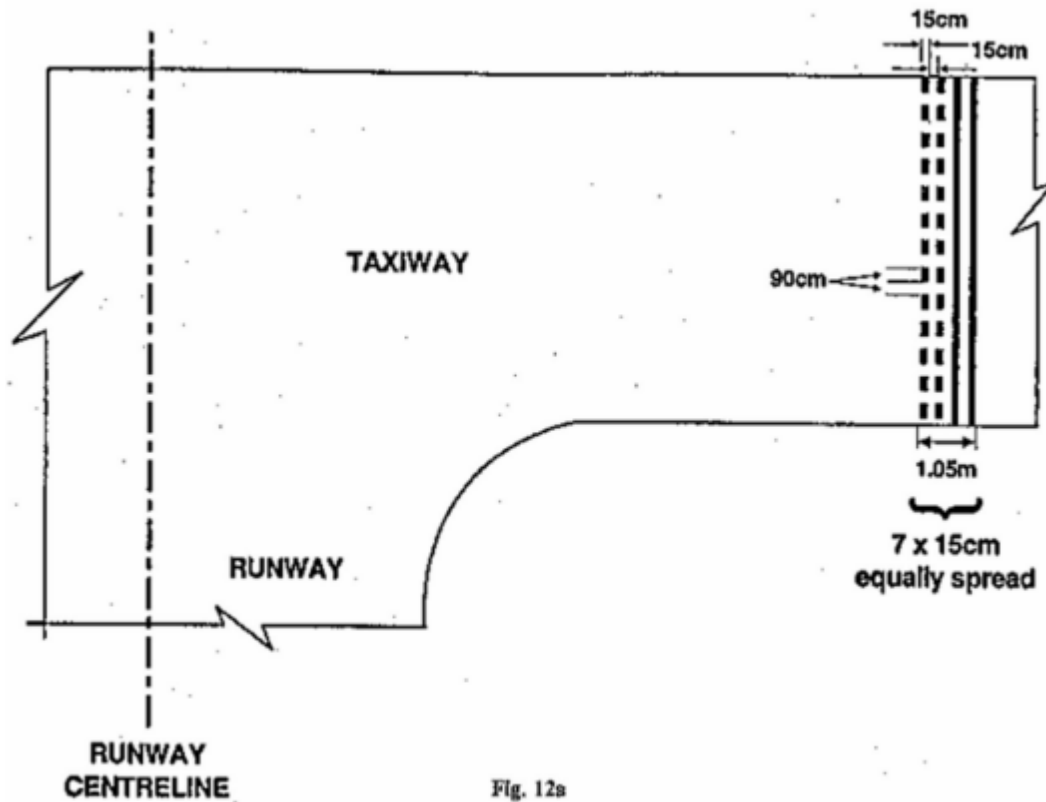


Fig. 11

displayed on a runway or taxiway, with each arm of each cross at an angle of 45° to the centre line of the runway, at intervals of not more than 300 metres signify that the section of the runway or taxiway marked by them is unfit for the movement of aircraft.

(2) Subject to paragraph (3), two yellow broken lines and two continuous lines, as illustrated



in this paragraph, signify the designated visual holding position associated with a runway beyond which no part of a flying machine or vehicle shall project in the direction of the runway without permission from the air traffic control unit at the aerodrome during the notified hours of watch of that unit.

(3) Outside the notified hours of watch of that unit or where there is no air traffic control unit at the aerodrome the markings referred to in paragraph (2) signify the position closest to the runway beyond which no part of a flying machine or vehicle shall project in the direction of the runway when the flying machine or vehicle is required by virtue of rule 42(3) to give way to aircraft which are taking off from or landing on that runway.

(4) Subject to paragraph (5), a yellow marking, as illustrated in this paragraph,

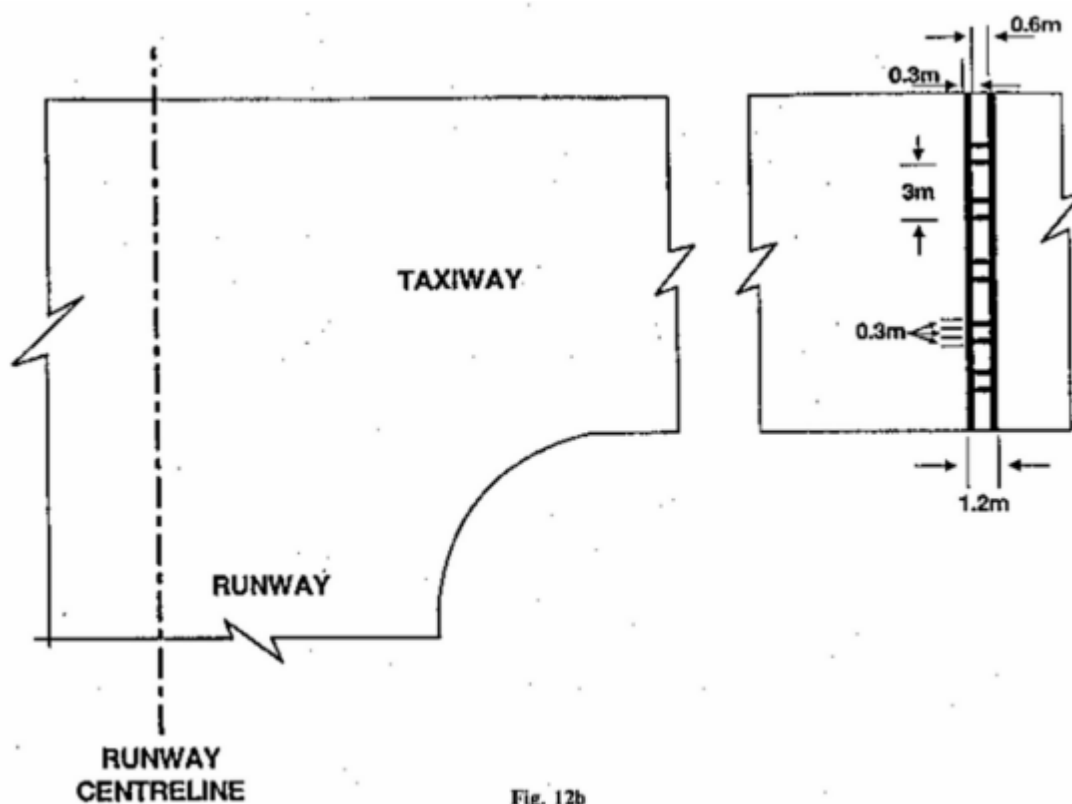
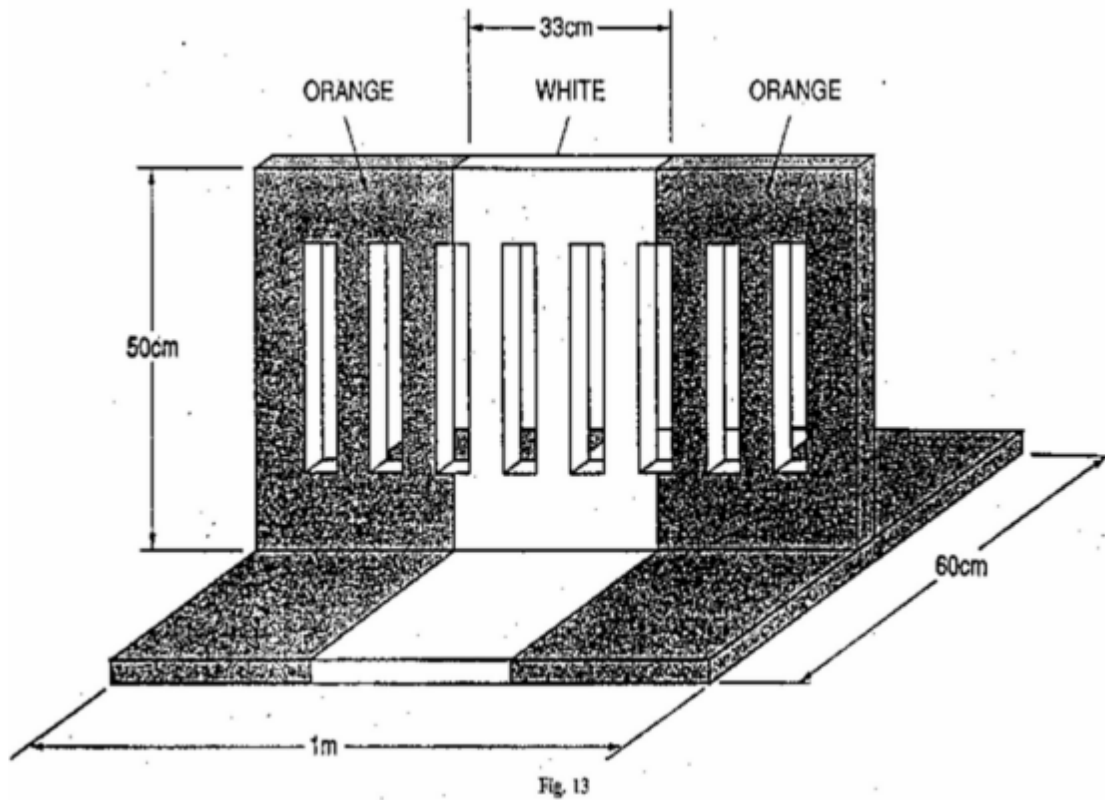


Fig. 12b

signifies a holding position other than that closest to the runway beyond which no part of a flying machine or vehicle shall project in the direction of the runway without permission from the air traffic control unit at the aerodrome during the notified hours of watch of that unit.

(5) Outside the notified hours of watch of that unit or where there is no air traffic control unit at the aerodrome the marking referred to in paragraph (4) may be disregarded.

(6) Orange and white markers, as illustrated in this paragraph,



spaced no more than 15 metres apart, signify the boundary of that part of a paved runway, taxiway or apron which is unfit for the movement of aircraft.

Markings on unpaved manoeuvring areas

59.—(1) Markers with orange and white stripes of an equal width of 50 centimetres, with an orange stripe at each end, alternating with flags 60 centimetres square showing equal orange and white triangular areas, spaced not more than 90 metres apart as illustrated in this paragraph,

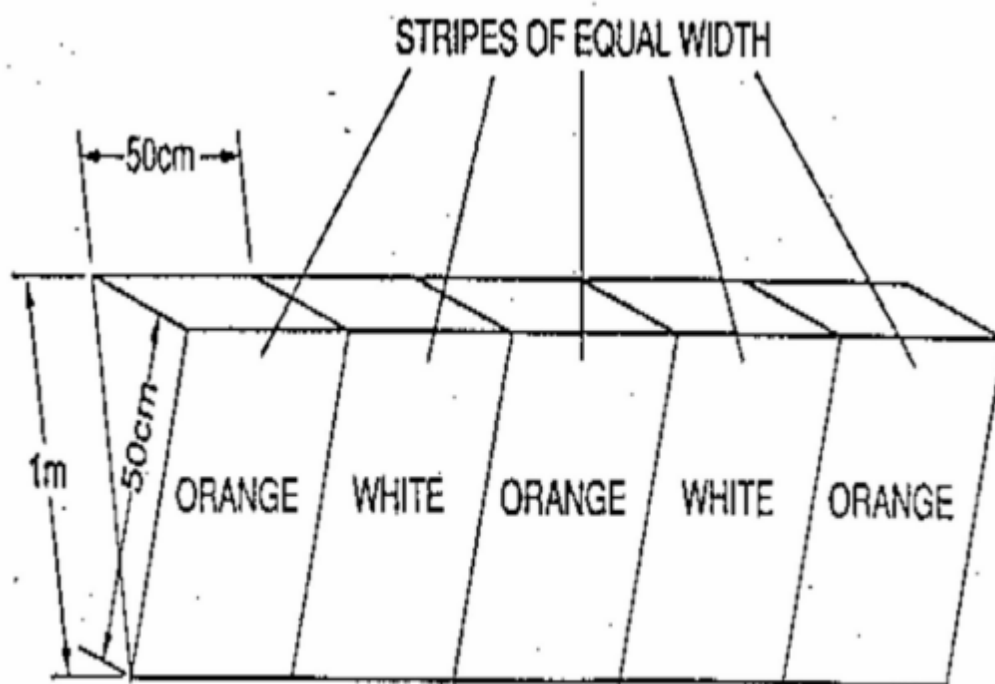


Fig. 14

indicate the boundary of an area unfit for the movement of aircraft.

(2) One or more white crosses, as specified in rule 58(1), also indicate such an area as is referred to in paragraph (1).

(3) Striped markers, as specified in paragraph (1), spaced not more than 45 metres apart, indicate the boundary of an aerodrome.

(4) On structures markers with orange and white vertical stripes, of an equal width of 50 centimetres, with an orange stripe at each end, spaced not more than 45 metres apart, as illustrated in this paragraph,

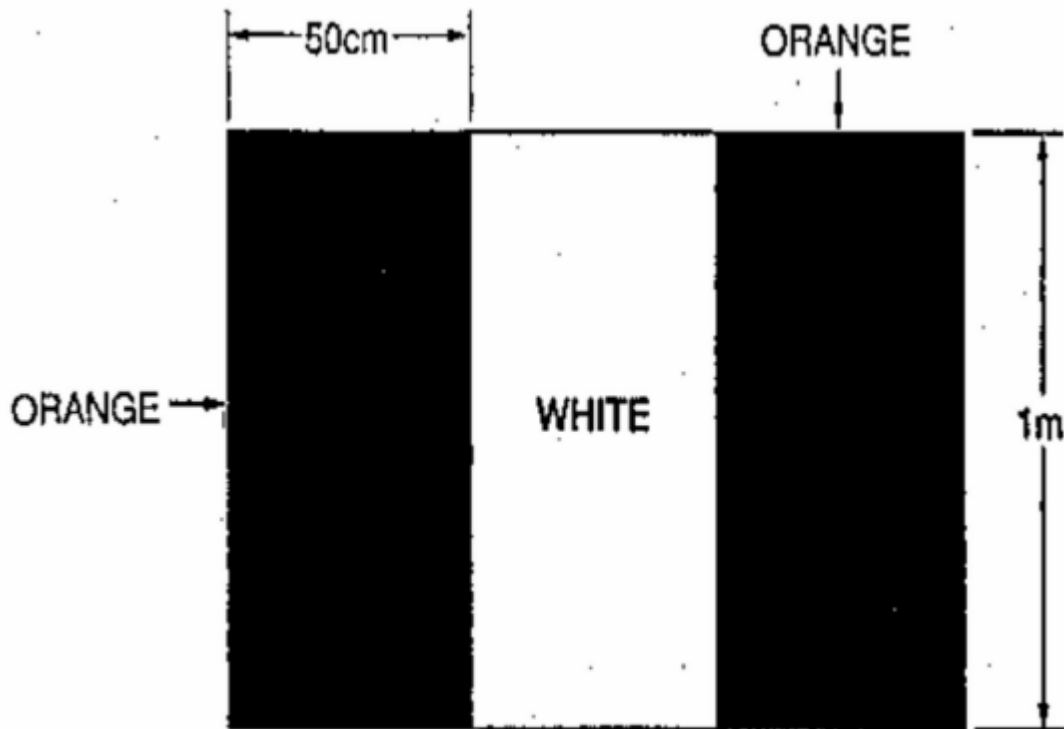


Fig. 15

indicate the boundary of an aerodrome.

(5) The pattern of the marker referred to in paragraph (4) shall be visible from inside and outside the aerodrome and the marker shall be affixed not more than 15 centimetres from the top of the structure.

(6) White, flat, rectangular markers 3 metres long and 1 metre wide, at intervals not exceeding 90 metres, flush with the surface of an unpaved runway or stopway, indicate the boundary of the unpaved runway or stopway.

(7) A white letter H, as illustrated in this paragraph,

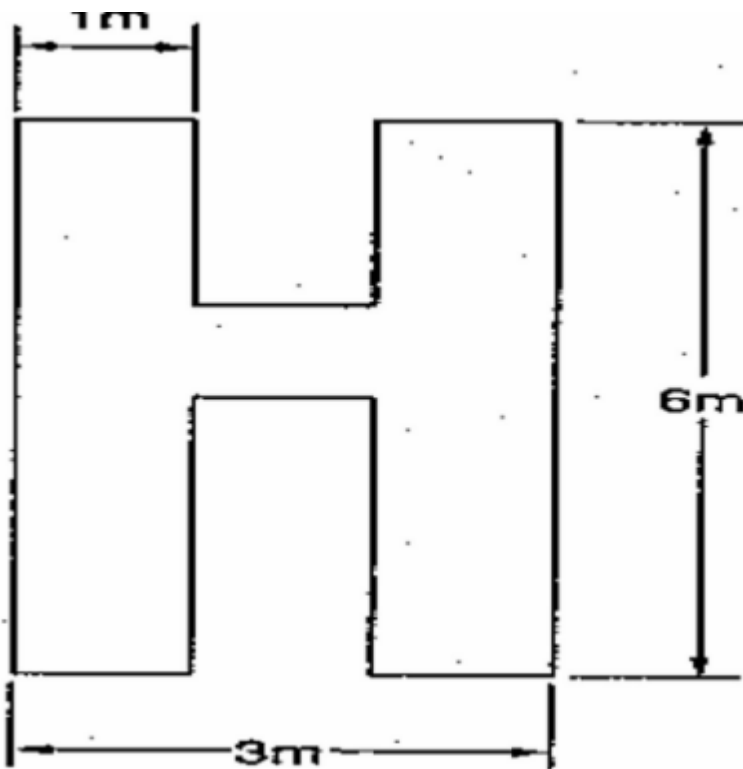


Fig. 16

an area which shall be used only for the taking off and landing of helicopters.

(8) A white letter L, as illustrated in this paragraph,

indicates

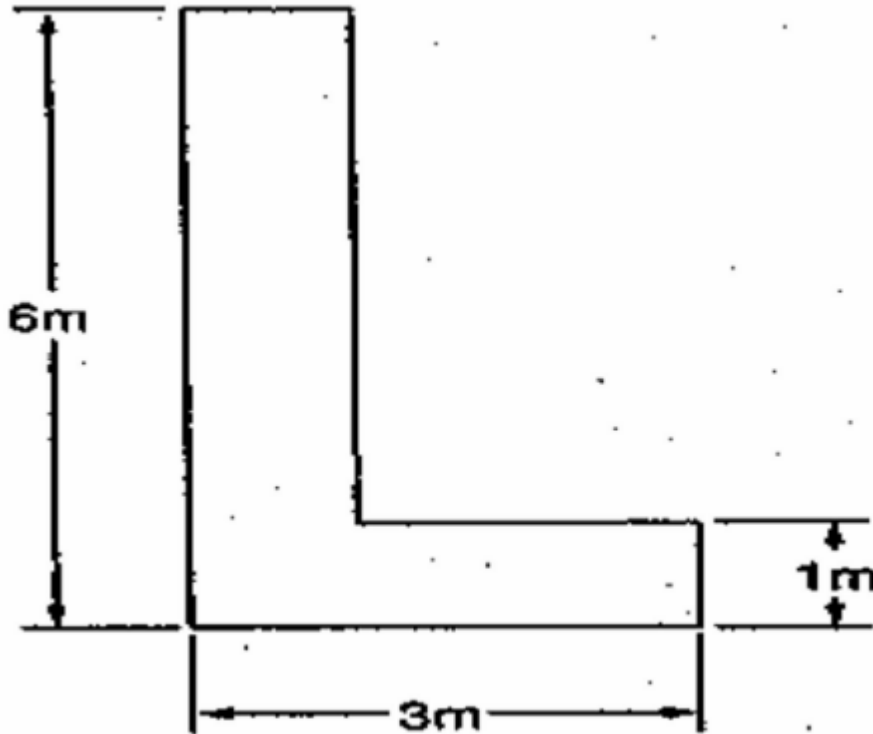


Fig. 17

indicates a part of the manoeuvring area which shall be used only for the taking off and landing of light aircraft.

(9) A yellow cross with two arms each 6 metres long by 1 metre wide at right angles, indicates that tow ropes, banners and similar articles towed by aircraft shall only be picked up and dropped in the area in which the cross is placed.

(10) A white double cross, as illustrated in this paragraph,

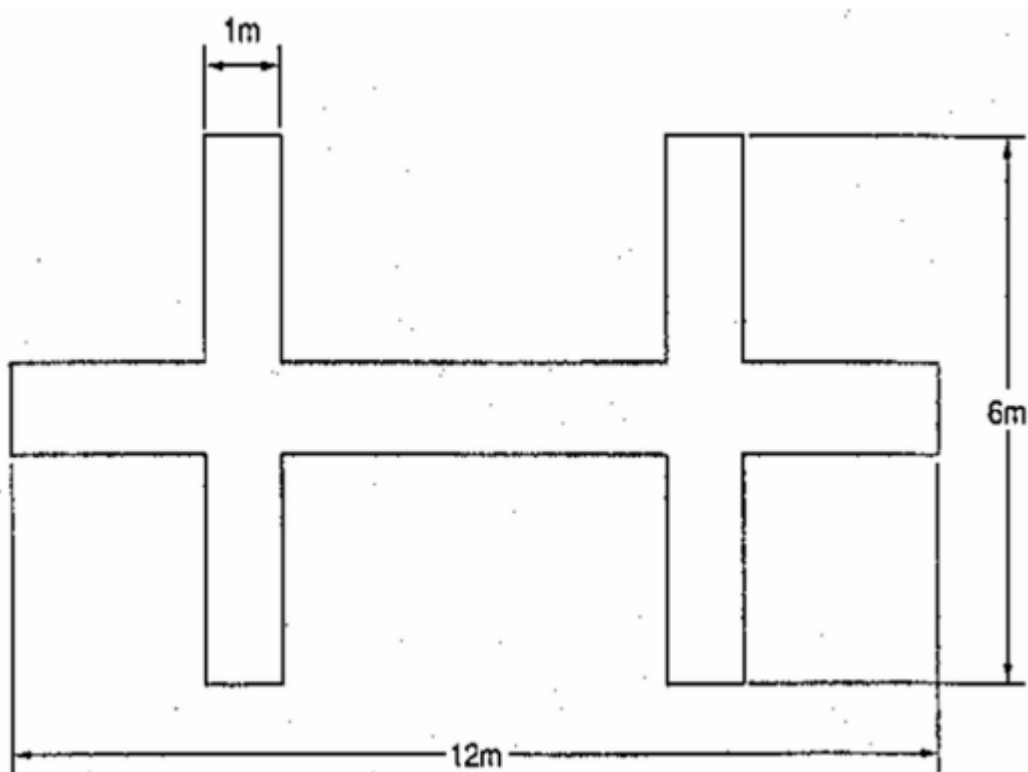


Fig. 18

indicates an area which shall be used only for the taking off and landing of gliders.

(11) Subject to paragraph (12) a white landing T, as specified in rule 57(2), placed at the left-hand side of the runway (when viewed from the direction of landing) indicates the runway to be used for take-off and landing.

(12) The white landing T referred to in paragraph (11), when placed at an aerodrome with no runway, indicates the direction for take-off and landing.

Signals visible from the ground

60.—(1) A black ball, 60 centimetres in diameter, suspended from a mast signifies that the directions of take off and landing are not necessarily the same.

(2) A chequered flag or board, 1.2 metres by 90 centimetres, containing 12 equal squares, 4 horizontally and 3 vertically, coloured red and yellow alternately, signifies that aircraft may move on the manoeuvring area and apron only in accordance with the permission of the air traffic control unit at the aerodrome.

(3) Two red balls, 60 centimetres in diameter, positioned vertically one above the other, 60 centimetres apart and suspended from a mast, signify that glider flying is in progress at the aerodrome.

(4) Black, Arabic numerals in two-figure groups and, where parallel runways are provided, the letter or letters L (left), LC (left centre), C (centre), RC (right centre) and R (right), placed against a yellow background, indicate the direction for take-off or the runway in use.

(5) A black letter C against a yellow background, as illustrated in this paragraph,

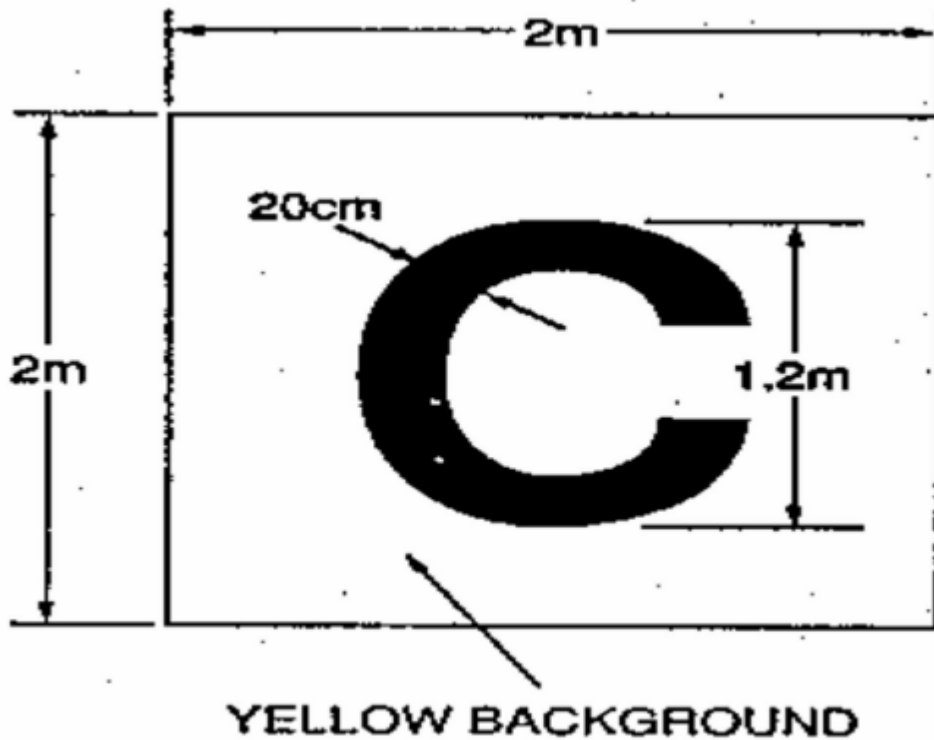


Fig. 19

indicates the position at which a pilot can report to the air traffic control unit or to the person in charge of the aerodrome.

(6) A rectangular green flag of not less than 60 centimetres square and not more than 66 centimetres square, flown from a mast, indicates that a right-hand circuit is in force.

Lights and pyrotechnic signals for control of aerodrome traffic

61. Each signal described in column 1 of Table 4 shall have the meanings respectively appearing in columns 2, 3 and 4 of the Table in the circumstances specified in the second row of the Table.

Table 4—Meaning Of Lights And Pyrotechnic Signals

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Characteristic and colour of light beam or pyrotechnic</i>	<i>Directed from an aerodrome to an aircraft in flight</i>	<i>Directed from an aerodrome to an aircraft or vehicle on the aerodrome</i>	<i>Directed from an aircraft in flight to an aerodrome</i>
(a) Continuous red light.	Give way to other aircraft and continue circling.	Stop.	—
(b) Red pyrotechnic light, or red flare.	Do not land; wait for permission.	—	Immediate assistance is required.

(c) Red flashes.	Do not land; aerodrome not available for landing.	Move clear of landing area.	—
(d) Green flashes.	Return to aerodrome; wait for permission to land.	To an aircraft: you may move on the manoeuvring area and apron. To a vehicle: you may move on the manoeuvring area.	—
(e) Continuous green light.	You may land.	You may take off (not applicable to a vehicle).	—
(f) Continuous green light, or green flashes, or green pyrotechnic light.	—	—	By night: May I land? By day: May I land from direction different from that indicated by landing T?
(g) White flashes.	Land at the aerodrome after receiving continuous green light, and then, after receiving green flashes, proceed to the apron.	Return to starting point on the aerodrome.	I am compelled to land.
(h) White pyrotechnic lights. Switching on and off the navigation lights. Switching on and off the landing lights.	—	—	I am compelled to land.

Marshalling signals (from a marshaller to an aircraft)

62.—(1) Each of the signals for the guidance of aircraft manoeuvring on or off the ground, described in column 1 of Table 5 and as illustrated in column 3, when given by a marshaller to an aircraft, shall have the meanings specified in column 2 of the Table.

(2) By day any such signals shall be given by hand or by circular bats and by night shall be given by torches or by illuminated wands.

Table 5—Meaning of Marshalling Signals (from a marshaller to an aircraft)

Column 2

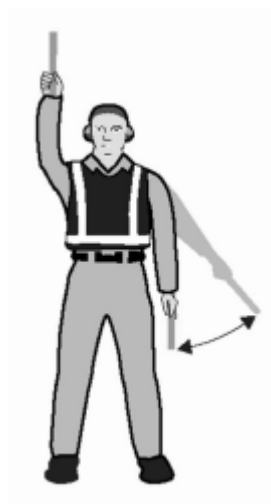
Column 3

1

Description of signal of Signal

Illustration of signal

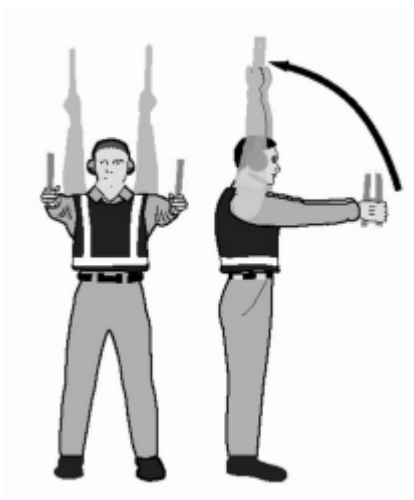
Wingwalker/guide — This signal provides right indication by a hand positioned at the aircraft wing tip, to the pilot/marshaller/ push-back operator, that the aircraft movement on/ off parking position is unobstructed.



up;
move
left-
hand
wand
pointing
down
toward
body.

Identify gate

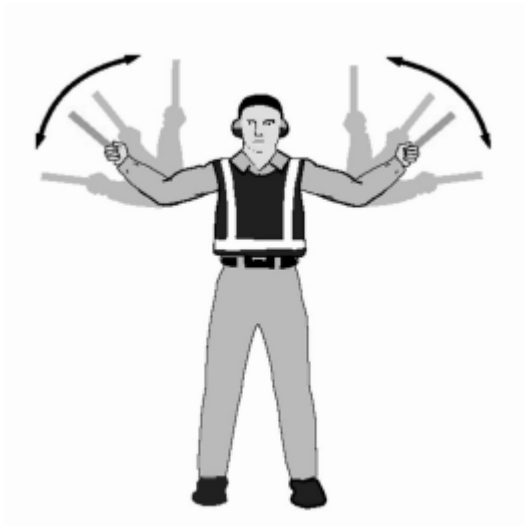
Raise fully extended arms straight above head with wands pointing up



Proceed to next
signalman or as directed
by tower/ground control
arms
upward,
move
and
extend
arms
outward
to
sides
of
body
and
point
with
wands
to
direction
of
next
signalman
or
taxi
area.



Straight ahead
Bend
extended
arms
at
elbows
and
move
wands
up
and
down
from
chest
height
to
head.



*Status: This is the original version (as it was originally made). UK
Statutory Instruments are not carried in their revised form on this site.*

3(a) left (fr
View of view
right
arm
and
wand
extended
at
a
90-
degree
angle
to
body,
make
“come
ahead”
signal
with
left
hand.
The
rate
of
signal
motion
indicates
to
pilot
the
rate
of
aircraft
turn.



3(b) right (f
View of view
left
arm
and
wand
extended
at
a
90-
degree
angle
to
body,
make
“come
ahead”
signal



with
right
hand.
The
rate
of
signal
motion
indicates
to
pilot
the
rate
of
aircraft
turn.

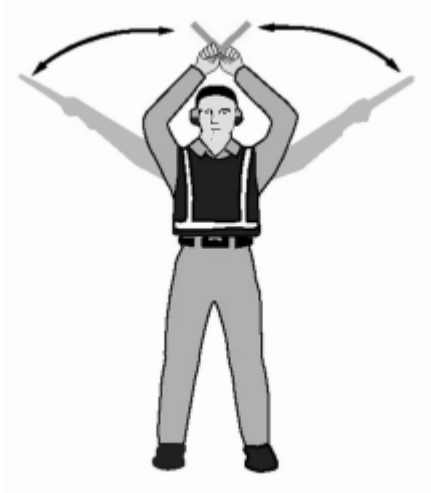
~~(a)~~ Normal stop

Fully
extend
arms
and
wands
at
a
90-
degree
angle
to
sides
and
slowly
move
to
above
head
until
wands
cross.



5(b) Emergency stop

Abruptly extend arms and wands to top of head, crossing wands.



5(a) brakes

Raise hand just above shoulder height with open palm. Ensuring eye contact with flight crew, close hand into a fist. Do Not move until receipt of “thumbs up” acknowledgement from flight crew.



~~Release~~ Release brakes

Raise hand just above shoulder height with hand closed in a fist. Ensuring eye contact with flight crew, open palm. Do not move until receipt of “thumbs up” acknowledgement from crew.



~~Blocks~~ Blocks inserted

With arms and wands fully extending above head, move wands inwards in a “jabbing” motion until wands touch. Ensure



acknowledgement
is
received
from
flight
crew.

Chocks removed

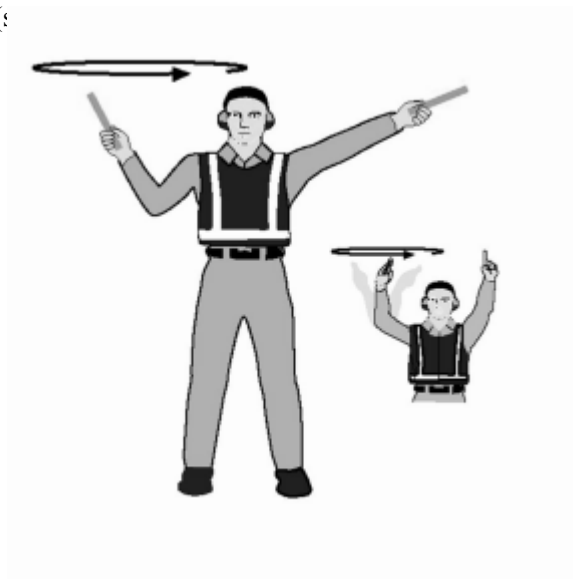
With
arms
and
wands
fully
extended
above
head,
move
wands
outward
in
“jabbing”
motion.

Do
not
remove
chocks
until
authorised
by
crew.



Start engine(:

Raise
right
arm
to
head
level
with
wand
pointing
up
and
start
a
circular
motion
with
hand;
at
the
same
time,
with



left
arm
raised
above
head
level,
point
to
engine
to
be
started.

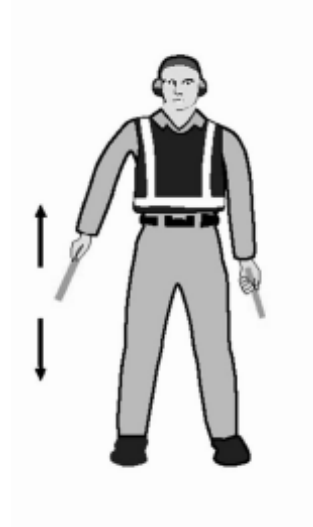
10. Extend arm with Cut engine(s)
wand forward of body
at shoulder level; move
hand and wand to top of
left shoulder and draw
wand to top of right
shoulder in a slicing
motion across throat.



11. Move extended Slow down
arms downwards in
a “patting” gesture,
moving wands up and
down from waist to
knees.



12. With arms down and wands toward ground, wave either right or left wand up and down indicating engine(s) on left or right side respectively should be slowed down.

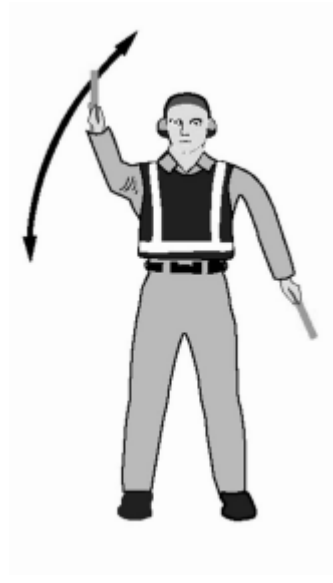


13. With arms in front of body at waist height, rotate arms in a forward motion. To stop rearward movement, use signal 6(a) or 6(b).



14(a) Point left arm with wand down and bring right arm from overhead vertical position to horizontal forward position, repeating right-arm movement.

Turns while backing (for tail to starboard)



14(b) Point right arm with wand down and bring left arm from overhead vertical position to horizontal forward position, repeating left-arm movement.

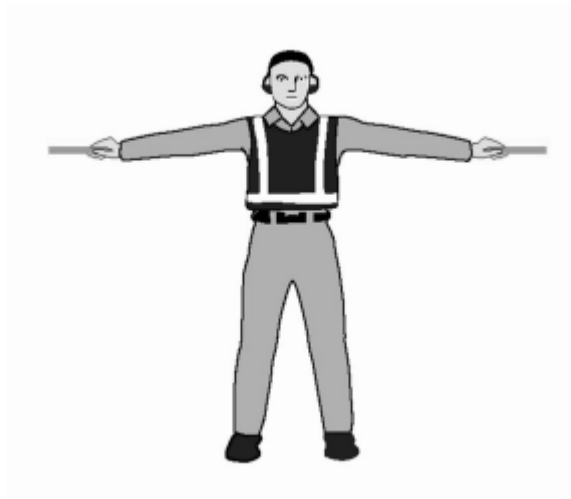
Turns while backing (for tail to port)



15. Raise right arm to head level with wand This signal is also used pointing up or display as a technical/servicing hand with “thumbs up”; communication signal. left arm remains at side by knee.



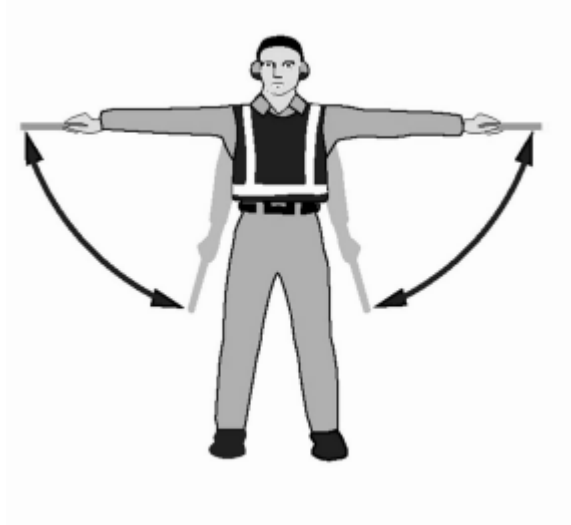
16. Fully extend arms Hover and wands at a 90-degree angle to sides.



17. Fully extend arms Move upwards and wands at a 90-degree angle to sides and, with palms turned up, move hands upwards. Speed of movement indicates rate of ascent.



18. Fully extend arms and wands at a 90-degree angle to sides and, with palms turned down, move hands downwards. Speed of movement indicates rate of descent.



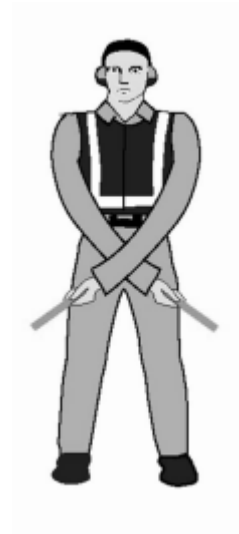
19(a) Extend arm horizontally left (from pilot's point of view) at a 90-degree angle to right side of body. Move other arm in same direction in a sweeping motion.



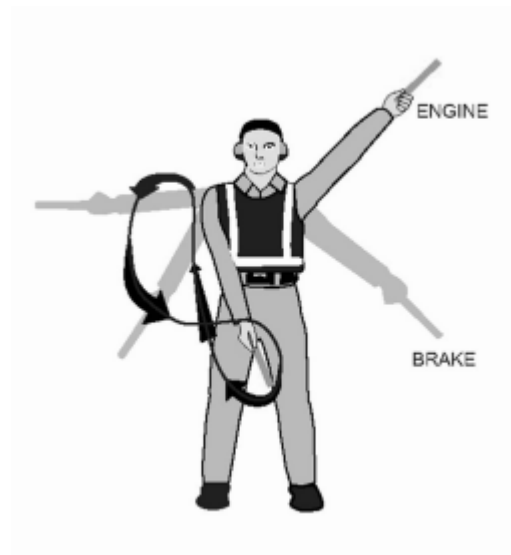
19(b) Extend arm horizontally right (from pilot's point of view) at a 90-degree angle to left side of body. Move other arm in same direction in a sweeping motion.



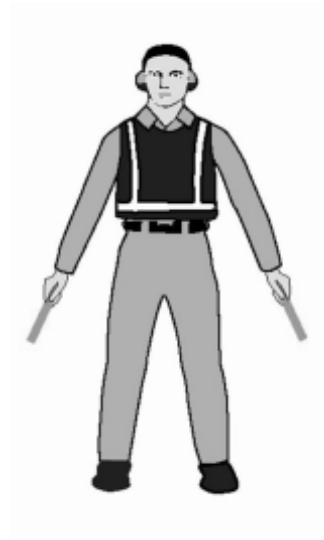
20. Cross arms with Land wands downwards and in front of body.



21. Move right-hand Fire wand in a “fanning” motion from shoulder to knee, while at the same time pointing with left-hand wand to area of fire.



22. Fully extend arms and wands downwards at a 45-degree angle to sides. Hold position until aircraft is clear for next manoeuvre.



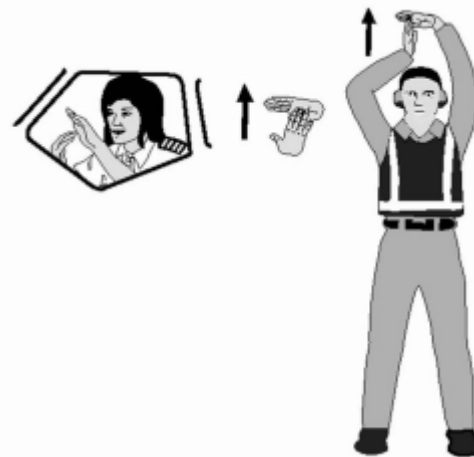
23. Perform a standard salute with right hand and/or wand to dispatch the aircraft. Maintain eye contact with flight crew until aircraft has begun to taxi.



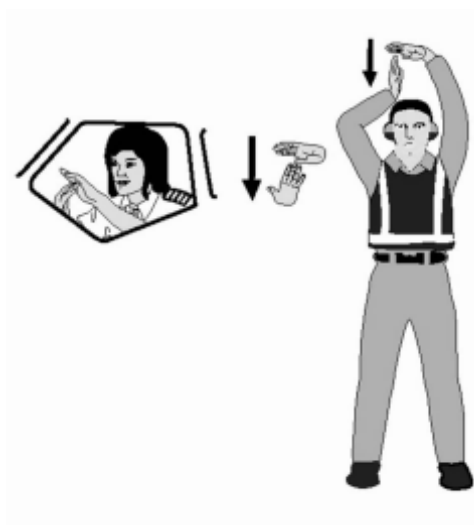
24. Extend right arm fully above head and close fist or hold wand in horizontal position; left arm remains at side by knee.



25. Hold arms fully extended above head, open left hand horizontally and move finger tips of right hand into a touch open palm of left hand (forming a "T"). At night, illuminated wands can also be used to form the "T" above head.



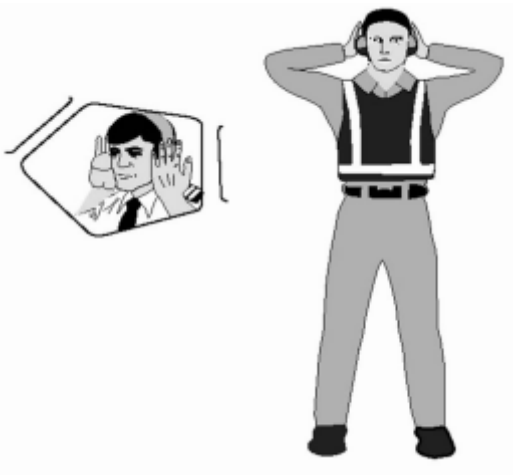
26. Hold arms fully extended above head with finger tips of right hand touching open horizontal palm of left hand (forming a "T"); then move right hand away from the left. Do not disconnect power until authorised by flight crew. At night illuminated wands can also be used to form the "T" above head.



27. Hold right arm straight out at 90 degrees from shoulder and point wand down to ground or display hand with “thumbs down”; left hand remains at side by knee.



28. Extend both arms at 90 degrees from body and move hands to cup both ears.



29. With right arm at side and left arm raised above head at a 45-degree angle, move right arm in a sweeping motion towards top of left shoulder.



Marshalling signals (from a pilot of an aircraft to a marshaller)

63. Each of the signals described in column 1 of Table 6, when made by a pilot in an aircraft to a marshaller on the ground, shall have the meanings specified in column 2 of the Table—

Table 6—Meaning of Marshalling Signals (from a pilot of an aircraft to a marshaller)

<i>Column 1</i>	<i>Column 2</i>
<i>Description of Signal</i>	<i>Meaning of Signal</i>
1. Raise arm and hand with fingers extended horizontally in front of face, then clench fist.	Brakes engaged.
2. Raise arm with fist clenched horizontally in front of face, then extend fingers.	Brakes released.
3. Arms extended palms facing outwards, move hands inwards to cross in front of face.	Insert chocks.
4. Hands crossed in front of face, palms facing outwards, move arms outwards.	Remove chocks.
5. Raise the number of fingers on one hand indicating the number of the engine to be started. For this purpose the aircraft engines shall be numbered in relation to the marshaller facing the aircraft, from his right to his left. For example, No. 1 engine shall be the port outer engine, No. 2 engine shall be the port inner engine, No. 3 engine shall be the starboard inner engine and No. 4 engine shall be the starboard outer engine.	Ready to start engines.

Distress, urgency and safety signals

64.—(1) The following signals, given either together or separately before the sending of a message, signify that an aircraft is threatened by grave and imminent danger and requests immediate assistance—

- (a) by radiotelephony—
 - the spoken word ‘MAYDAY’;
- (b) by visual signalling—
 - (i) the signal SOS (... --- ...);
 - (ii) a succession of pyrotechnic lights fired at short intervals each showing a single red light;
 - (iii) a parachute flare showing a red light;
- (c) by sound signalling other than radiotelephony—
 - (i) the signal SOS (... --- ...);
 - (ii) a continuous sounding with any sound apparatus.

(2) The following signals, given either together or separately, before the sending of a message, signify that the pilot-in-command of the aircraft wishes to give notice of difficulties which compel it to land but that he does not require immediate assistance—

- (a) a succession of white pyrotechnic lights;
- (b) the repeated switching on and off of the aircraft landing lights;

- (c) the repeated switching on and off of its navigation lights, in such a manner as to be clearly distinguishable from the flashing navigation lights described in rule 49.
- (3) The following signals, given either together or separately, indicate that the pilot-in-command of the aircraft has an urgent message to transmit concerning the safety of a ship, aircraft, vehicle or other property or of a person on board or within sight of the aircraft from which the signal is given—
- (a) by radiotelephony—
the repeated spoken word, ‘PAN PAN’;
 - (b) by visual signalling—
the signal XXX (- .. -- .. -- .. -);
 - (c) by sound signalling other than radiotelephony—
the signal XXX (- .. -- .. -- .. -).

SCHEDULE 9

Articles 50(1), 70(1), 109(1)

AIR NAVIGATION (GENERAL) REGULATIONS

1. In these Regulations any reference to—

- (a) a numbered article is a reference to the article in this Order so numbered;
- (b) a numbered regulation is to the regulation in these Regulations so numbered;
- (c) a numbered paragraph, or numbered or lettered sub-paragraph, is a reference to the paragraph or sub-paragraph so numbered or lettered in the regulation or paragraph, as the case may be, in which that reference appears.

Aeroplanes flying for the purpose of commercial air transport of passengers – aerodrome facilities for approach to landing and landing

2.—(1) This regulation shall apply to every aeroplane registered in the Territory engaged on a flight for the purpose of commercial air transport of passengers on a scheduled journey and to every aeroplane so registered of which the maximum total weight authorised exceeds 5,700 kg.

(2) For the purposes of article 70(1)(c), the following manning and equipment are prescribed in relation to aerodromes intended to be used for landing or as an alternate aerodrome by aircraft to which this regulation applies—

- (a) air traffic control service or aerodrome flight information service, including the reporting to aircraft of the current meteorological conditions at the aerodrome;
- (b) very high frequency radiotelephony;
- (c) at least one of the following radio navigation aids, either at the aerodrome or elsewhere, and in either case for the purpose of assisting the pilot in locating the aerodrome and in making an approach to landing there—
 - (i) radio direction finding equipment utilising emissions in the very high frequency bands;
 - (ii) a non-directional radio beacon transmitting signals in the low or medium frequency bands;
 - (iii) very high frequency omni-directional radio range;
 - (iv) radar equipment.

- (3) Subject to paragraph (4), an aircraft to which this regulation applies shall not land or make an approach to landing at any aerodrome unless—
- (a) one of the services and equipment prescribed by paragraph (2) are provided and are in operation at that aerodrome; and
 - (b) such services and equipment can be made use of by that aircraft; and
 - (c) in the case of the navigation aids specified in paragraph (2)(c), instructions and procedures for the use of the aid are included in the operations manual relating to the aircraft.
- (4) A person shall be deemed not to have contravened the provisions of paragraph (3) if he proves that—
- (a) for the time being use could not be made of the radio navigation aids provided under paragraph (2)(c) whether by reason of those aids not being in operation or of the unserviceability of equipment in the aircraft itself; and
 - (b) the approach to landing was made in accordance with instructions and procedures appropriate to that circumstance and included in the operations manual.

Minimum navigation performance specifications – prescribed airspace and navigation performance capability

3.—(1) For the purposes of article 50(1) the following navigation performance capability is hereby prescribed, that is to say, a capability to ensure that—

- (a) the standard deviation of lateral errors in the track of the aircraft is not more than 6.3 nautical miles; and
- (b) the proportion of the flight time of the aircraft during which the actual track of the aircraft is 30 nautical miles or more off the track along which it has been given an air traffic control clearance to fly is less than 5.3×10^{-4} ; and
- (c) the proportion of the flight time of the aircraft during which the actual track of the aircraft is between 50 and 70 nautical miles off the track along which it has been given an air traffic control clearance to fly is less than 13×10^{-5} .

(2) For the purposes of article 51(1) the following height keeping performance capability is hereby prescribed, that is to say, a capability to ensure that—

- (a) altimetry system error shall be in compliance with paragraph 2.1.1(2) of Document 7030/4-NAT Part 1 Rules of the Air, Air Traffic Services and Search and Rescue (ICAO Regional Procedures Fourth Edition-1987); and
- (b) (i) in respect of aircraft first registered in a Contracting State on or after 1st January 1997 altitude can be automatically controlled within a tolerance band of +/- 65 feet;
- (ii) in respect of aircraft first registered in a Contracting State before 1st January 1997 altitude can be automatically controlled within a tolerance band of +/- 130 feet.

(3) For the purposes of article 50(1), the following airspace is hereby prescribed as North Atlantic Minimum Navigation Performance Specification Airspace, that is to say, the airspace from flight level 285 to flight level 420 within the area defined by rhumb lines joining successively the following points—

N3410.00 W01748.00	North Pole	N4500.00 W05300.00
N3630.00 W01500.00	N8200.00 W06000.00	N4336.00 W06000.00
N4200.00 W01500.00	N7800.00 W07500.00	N4152.00 W06700.00
N4300.00 W01300.00	N7600.00 W07600.00	N3900.00 W06700.00

N4500.00 W01300.00	N6500.00 W05745.00	N3835.00 W06853.00
N4500.00 W00800.00	N6500.00 W06000.00	N3830.00 W06915.00
N5100.00 W00800.00	N6400.00 W06300.00	N3830.00 W06000.00
N5100.00 W01500.00	N6100.00 W06300.00	N2700.00 W06000.00
N5400.00 W01500.00	N5700.00 W05900.00	N2700.00 W04000.00
N5434.00 W01000.00	N5300.00 W05400.00	N2218.00 W04000.00
N6100.00 W01000.00	N4900.00 W05100.00	N1700.00 W03730.00
N6100.00 00000.00	N4500.00 W05100.00	N2400.00 W02500.00
N8200.00 00000.00		N3000.00 W02500.00
N8200.00 E03000.00		N3000.00 W02000.00
		N3139.00 W01725.00

and from there by that part of the arc of a circle radius 100 nautical miles centred on N3304.00 W01621.00 to N3410.00 W01748.00.

Noise and vibration caused by aircraft on aerodromes

4. For the purposes of article 109, the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, certificated aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft, shall be as follows—

- (a) the aircraft is taking off or landing; or
- (b) the aircraft is moving on the ground or water; or
- (c) the engines are being operated in the aircraft—
 - (i) for the purpose of ensuring their satisfactory performance;
 - (ii) for the purpose of bringing them to a proper temperature in preparation for, or at the end of, a flight; or
 - (iii) for the purpose of ensuring that the instruments, accessories or other components of the aircraft are in a satisfactory condition.

SCHEDULE 10

Article 58

THE AIR NAVIGATION (DANGEROUS GOODS) REGULATIONS

PART I

Interpretation

Interpretation

1.—(1) In these Regulations—

“acceptance check list” means a document used to assist in carrying out a check on the external appearance of packages of dangerous goods and their associated documents to determine that all appropriate requirements have been met;

“cargo aircraft” means any aircraft which is carrying goods or property but not passengers and for the purposes of these Regulations the following are not considered to be passengers—

- (a) a crew member;
- (b) an operator’s employee permitted to be carried by, and carried in accordance with, the instructions contained in the operations manual;
- (c) an authorised representative of a competent national aviation authority;
- (d) a person with duties in respect of a particular shipment on board;

“dangerous goods” means any article or substance which is identified as such in the Technical Instructions;

“dangerous goods accident” means an occurrence associated with and related to the carriage of dangerous goods by air which results in fatal or serious injury to a person or major property damage;

“dangerous goods incident” means an occurrence, other than a dangerous goods accident, which—

- (e) is associated with and related to the carriage of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained; or
- (f) relates to the carriage of dangerous goods and which seriously jeopardises the aircraft or its occupants;

“dangerous goods transport document” means a document which is specified by the Technical Instructions and contains information about those dangerous goods;

“freight container” means an article of transport equipment for radioactive materials, designed to facilitate the carriage of such materials, either packaged or unpackaged, by one or more modes of transport, but does not include a unit load device;

“handling agent” means an agent who performs on behalf of the operator some or all of the functions of the latter including receiving, loading, unloading, transferring or other processing of passengers or cargo;

“ID number” means an identification number specified in the Technical Instructions for an item of dangerous goods which has not been assigned a UN number;

“non-Territory operator” means an aircraft operator who holds an air operator’s certificate issued otherwise than by the Governor;

“overpack” means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage, but does not include a unit load device;

“package” means the complete product of the packing operation consisting of the packaging and its contents prepared for carriage;

“packaging” means the receptacles and any other components or materials necessary for the receptacle to perform its containment function;

“proper shipping name” means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packagings;

“serious injury” means an injury which is sustained by a person in an accident and which—

- (g) requires hospitalisation for more than 48 hours, commencing within seven days from the date the injury was received; or
- (h) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or
- (i) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or
- (j) involves injury to any internal organ; or
- (k) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or
- (l) involves verified exposure to infectious substances or injurious radiation.

“Technical Instructions” means the 2007-2008 English language edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air approved and published by decision of the Council of the International Civil Aviation Organisation;

“UN number” means the four-digit number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or a particular group of substances;

“unit load device” means any type of container or pallet designed for loading onto an aircraft but does not include a freight container for radioactive materials or an overpack; and

“Territory operator” means an aircraft operator who holds an air operator’s certificate issued by the Governor.

(2) Other expressions used in these Regulations shall have the same respective meanings as in this Order

(3) For the avoidance of doubt any reference in the Technical Instructions or these Regulations to the taking on board, loading onto or carriage of dangerous goods in or on an aircraft shall for the purpose of these Regulations be interpreted as applying also to the placing, suspending or carriage of such goods beneath an aircraft unless the context makes it otherwise apparent.

PART II

Requirements for carriage of dangerous goods

Requirement for approval of operator

- 2.—(1) An aircraft shall not carry or have loaded onto it any dangerous goods unless—
- (a) the operator is approved under this regulation; and
 - (b) such goods are carried or loaded in accordance with—
 - (i) any conditions to which such approval may be subject; and
 - (ii) in accordance with the Technical Instructions.
- (2) An approval under this regulation—
- (a) shall be granted by the Governor if he is satisfied the operator is competent to carry dangerous goods safely;
 - (b) shall be in writing; and
 - (c) may be subject to such conditions as the Governor thinks fit.

Prohibition of carriage of dangerous goods

3.—(1) Subject to paragraphs (2) and (3) a person shall not—

- (a) deliver or cause to be delivered for carriage in, or
- (b) take or cause to be taken on board;

an aircraft any dangerous goods, which he knows or ought to know or suspect to be goods capable of posing a risk to health, safety, property or the environment when carried by air, unless the Technical Instructions have been complied with and the package of those goods is in a fit condition for carriage by air.

(2) Subject to paragraph (3), these Regulations shall not apply to those dangerous goods specified in the Technical Instructions as being—

- (a) for the proper navigation or safety of flight;
- (b) to provide, during flight, medical aid to a patient;
- (c) to provide, during flight, veterinary aid or a humane killer for an animal;
- (d) to provide, during flight, aid in connection with search and rescue operations;
- (e) permitted for carriage by passengers or crew members; or
- (f) intended for use or sale during the flight in question.

(a) The goods specified in paragraph (2) shall only be carried provided they comply with the following sub-paragraphs and Part 8 and the applicable provisions in paragraphs 1.1.3 and 2.2 of Part 1 of the Technical Instructions.

(b) The goods specified in sub-paragraph (2)(a) shall only be carried if—

- (i) they are required to be carried on an aircraft by or under this Order or are otherwise intended for use on an aircraft for the purpose of the good order of the flight in accordance with the normal practice whether or not, in either case, such goods are required to be carried or intended to be used on that particular flight;
- (ii) when they are intended as replacements or have been removed for replacement, they comply with paragraph 2.2.2 of Part 1 of the Technical Instructions;

(c) The goods specified in sub-paragraph (2)(b) and (2)(c) shall only be carried if—

- (i) they are or may be required for use during the flight;
- (ii) they are or may be required for use during a subsequent flight by the same aircraft and it will not be practicable to load the goods onto the aircraft in the intervening period before the commencement of that subsequent flight; or
- (iii) they were used or might have been required for use during a previous flight by the same aircraft and it has not been practicable to unload them from the aircraft since that flight;

(d) The goods specified in sub-paragraph (2)(e) shall only be carried by passengers or crew members if they comply with the provisions in Part 8 of the Technical Instructions;

(e) The goods specified in sub-paragraph (2)(f) shall only be carried if the Technical Instructions identify them as being items which can be carried on an aircraft for sale or use during a flight or, when they are intended as replacements for such items or have been removed for replacement, they are carried in accordance with paragraph 2.2.3 of Part 1 of the Technical Instructions.

PART III

Operator's Obligations

Provision of information by the operator to crew etc

4.—(1)

- (a) The operator of an aircraft flying for the purposes of commercial air transport shall ensure that all appropriate manuals, including the operations manual, contain information about dangerous goods so that ground staff and crew members can carry out their responsibilities in regard to the carriage of dangerous goods, including the actions to be taken in the event of emergencies involving dangerous goods.
 - (b) Where applicable, the operator shall ensure such information is also provided to his handling agent.
- (2) The operator of an aircraft in which dangerous goods are to be carried as cargo shall ensure that, before the flight begins, the pilot-in-command of the aircraft is provided with—
- (a) written information about the dangerous goods as specified in paragraph 4.1 of Part 7 of the Technical Instructions; and
 - (b) information for use in responding to an in-flight emergency as specified in paragraph 4.8 of Part 7 of the Technical Instructions.
- (3) The operator of an aircraft which is involved—
- (a) in an aircraft accident whilst carrying any dangerous goods as cargo on the aircraft; or
 - (b) a serious incident in which, in the reasonable opinion of the operator, dangerous goods carried as cargo on the aircraft may be involved;

shall notify the Governor and a police officer for the area where the accident or serious incident occurred of any dangerous goods carried as cargo on the aircraft.

(4) For the purposes of this article “serious incident” means an incident involving circumstances indicating that an accident nearly occurred.

Acceptance of dangerous goods by the operator

- 5.—(1) The operator of an aircraft in which dangerous goods are to be carried shall ensure that no package, overpack or freight container which contains dangerous goods is accepted for carriage in an aircraft until such package, overpack or freight container has been inspected to determine that—
- (a) insofar as it is reasonable to ascertain, the goods are not forbidden for carriage by air in any circumstances by the provisions of the Technical Instructions;
 - (b) insofar as it is reasonable to ascertain, the goods are classified as required by the Technical Instructions;
 - (c) insofar as it is reasonable to ascertain, the goods are packed as required by the Technical Instructions;
 - (d) the package, overpack or freight container is marked and labelled in accordance with the provisions of Chapters 2 and 3 of Part 5 of the Technical Instructions;
 - (e) the package, overpack or freight container is not leaking or damaged so that the contents may escape.
- (2) The operator of an aircraft in which dangerous goods are to be carried shall ensure that no package, overpack or freight container which contains dangerous goods is accepted for carriage in that aircraft unless it is accompanied by a dangerous goods transport document, except where

the Technical Instructions indicate that such a document is not required, and shall inspect such a document to determine that it complies with the provisions of the Technical Instructions.

- (a) For the purpose of each of the inspections required by paragraphs (1) and (2) an acceptance check list shall be used and the results of the inspection shall be recorded thereon.
- (b) The acceptance check list shall be in such form and shall provide for the entry of such details as will enable the relevant inspection to be fully and accurately made by reference to the completion of that list.

Method of loading by the operator

6.—(1) The operator of an aircraft in which dangerous goods are to be carried as cargo shall ensure that dangerous goods are not carried in any compartment occupied by passengers or on the flight deck, except in circumstances permitted by the provisions in paragraph 2.1 of Part 7 of the Technical Instructions.

(2) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any package, overpack or freight container which contains dangerous goods is loaded, segregated, stowed and secured on an aircraft in accordance with the provisions in Chapter 2 of Part 7 of the Technical Instructions.

(3) The operator of an aircraft in which dangerous goods are to be carried shall ensure that packages, overpacks or freight containers bearing an indication that they can only be carried on a cargo aircraft are loaded and stowed in accordance with the provisions in paragraph 2.4.1 of Part 7 of the Technical Instructions and are not loaded on an aircraft carrying passengers.

Inspections by the operator for damage, leakage or contamination

7.—(1) The operator of an aircraft in which dangerous goods are to be carried shall ensure packages, overpacks or freight containers which contain dangerous goods are inspected for evidence of damage or leakage before being loaded on an aircraft or placed in a unit load device.

(2) The operator of an aircraft in which dangerous goods are to be carried shall ensure a unit load device containing dangerous goods is not loaded unless it has been inspected and found free from any evidence of leakage from or damage to the packages, overpacks or freight containers contained in it.

(3) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any package, overpack or freight container which contains dangerous goods which appears to be leaking or damaged is not loaded on an aircraft.

(4) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any package, overpack or freight container which contains dangerous goods which is found to be leaking or damaged on an aircraft is removed and that other cargo or baggage loaded on that aircraft is in a fit state for carriage by air and has not been contaminated.

(5) The operator of an aircraft in which dangerous goods have been carried shall ensure after unloading that all packages, overpacks or freight containers which contain dangerous goods are inspected for signs of damage or leakage and if there is such evidence shall ensure that any part of the aircraft where the package, overpack or freight container was stowed, or any sling or other apparatus which has been used to suspend goods beneath the aircraft is inspected for damage or contamination.

Removal of contamination by the operator

8.—(1) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any contamination found as a result of leaking or damaged packages, overpacks or freight containers is removed without delay.

(2) The operator of an aircraft shall ensure that an aircraft is not permitted to fly for the purpose of carrying passengers or cargo if it is known or suspected that radioactive materials have leaked in or contaminated the aircraft, unless the radiation level resulting from the fixed contamination at any accessible surface and the non-fixed contamination are not more than the values specified in paragraph 3.2 of Part 7 of the Technical Instructions.

PART IV

Shipper's Responsibilities

Shipper's responsibilities

9. Before consigning any dangerous goods for carriage by air the shipper shall ensure that—
- (a) the goods are not forbidden for carriage by air in any circumstances under the provisions in paragraph 2.1 of Part 1 of the Technical Instructions;
 - (b) if the goods are forbidden for carriage by air without approval, all such approvals have been obtained where the Technical Instructions indicate it is the responsibility of the shipper to so obtain them;
 - (c) the goods are classified according to the classification criteria contained in Part 2 of the Technical Instructions;
 - (d) the goods are packed according to paragraphs 2.2 and 2.4 of Part 1, Part 2, chapters 2 and 3 and paragraphs 4.2, 4.3 and 4.4 of Part 3 and Part 4 of the Technical Instructions and the packagings used are in accordance with such provisions of those paragraphs, chapters and Parts and Part 6 of the Technical Instructions as apply to those goods;
 - (e) the package is marked and labelled in English in addition to any other language required by the State of Origin as specified for those goods in paragraph 2.4 of Part 1, chapters 2 and 3 and paragraph 4.5 of Part 3, chapters 2 and 3 of Part 5 and chapter 2 of Part 6 of the Technical Instructions;
 - (f) the package is in a fit condition for carriage by air;
 - (g) when one or more packages are placed in an overpack, the overpack only contains packages of goods permitted to be carried by paragraph 1.1 of Part 5 of the Technical Instructions and the overpack is marked and labelled as required by paragraphs 2.4 and 3.2 of Part 5 of the Technical Instructions;
 - (h) a dangerous goods transport document—
 - (i) has been completed in English in addition to any other language required by the State of Origin as required by paragraph 4.1 of Part 5 of the Technical Instructions; and
 - (ii) contains a declaration signed by or on behalf of the shipper stating that the Technical Instructions have been complied with in that the dangerous goods—
 - (aa) are fully and accurately described;
 - (bb) are correctly classified, packed, marked and labelled; and
 - (cc) are in a proper condition for carriage by air;
 - (i) the operator of the aircraft has been furnished with the dangerous goods transport document required by paragraph (h) and such other documents in respect of dangerous goods as are required by Part 4 and paragraphs 4.3 and 4.4 of Part 5 of the Technical Instructions.

PART V

Pilot-in-command's Obligations

Pilot-in-command's duty to inform air traffic services

10. The pilot-in-command of an aircraft carrying dangerous goods as cargo shall, in the event of an in-flight emergency and as soon as the situation permits, inform the appropriate air traffic services unit of those dangerous goods in detail or as a summary or by reference to the location from where the detailed information can be obtained immediately.

PART VI

Training

Provision of information and training programmes by operators and shippers

11.—(1) The operator of an aircraft in which dangerous goods are to be carried shall, before the flight begins, provide the pilot-in-command of the aircraft with written information specifying the matters required by the provisions of Chapter 4.1 of Part 5 of the Technical Instructions and shall preserve a copy thereof for not less than six months.

(2) The operator of an aircraft and a shipper of dangerous goods by air and, in each case, any agent thereof shall inform any of their respective employees whose duties include a function connected with the carriage of passengers or cargo by air of the provisions of the Technical Instructions and for the purpose shall establish and undertake training programmes, as required by Chapter 4 of Part 1 of the Technical Instructions, which shall be submitted to the Governor for approval on such occasions as the Governor may require and which shall be amended as the Governor may require.

PART VII

Provision of Information to Passengers and in Respect of Cargo

Provision of information to passengers

12.—(1) An airport operator and the operator of an aircraft flying for the purpose of commercial air transport of passengers or his agent shall ensure that persons who are or may become passengers on an aircraft flying for the purposes of commercial air transport are warned as to the types of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them by displaying notices sufficient in number and prominence for this purpose—

- (a) at each of the places at an airport where tickets are issued;
- (b) at each of the areas at an airport maintained to assemble passengers to board an aircraft; and
- (c) at any location where a passenger may be checked in.

(2) The operator of an aircraft flying for the purpose of the commercial air transport of passengers or his agent shall ensure that passengers are warned as to the type of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them either by providing information with each passenger ticket, sufficient in prominence for this purpose, or by some other appropriate means such that passengers receive a warning in addition to that required by paragraph (1).

(3) Any person who, in the Territory, makes available flight accommodation shall ensure that persons who are or may become passengers on an aircraft flying for the purposes of commercial air transport are warned as to the types of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them by displaying notices sufficient in number and prominence for this purpose at any place where flight accommodation is offered for sale.

Provision of information in respect of cargo

13. The operator of an aircraft in which cargo is to be carried and any agent thereof shall ensure that notices giving information about the carriage of dangerous goods are displayed in sufficient number and prominence for this purpose at those places where cargo is accepted for carriage.

PART VIII

Documents and Records, Enforcement Powers and General

Keeping of documents and records

14.—(1) The operator of an aircraft carrying dangerous goods as cargo shall ensure that a copy of the dangerous goods transport document required by regulation 5(2) and the written information to the pilot-in-command required by regulation 4(2)(a) are retained at a readily accessible location until after the full period of the flight on which the goods were carried.

(2) The operator of an aircraft in which dangerous goods are carried shall preserve for not less than three months—

- (a) any dangerous goods transport document or other document in respect of dangerous goods which has been furnished to him by the shipper in accordance with regulation 5(2);
- (b) the record of any acceptance check list completed in accordance with regulation 5(3); and
- (c) the written information to the pilot-in-command as required by regulation 4(2)(a).

(3) The record referred to in paragraph (2)(b) may be in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.

Production of documents and records

15.—(1) The operator of an aircraft on which dangerous goods are to be or have been carried and any agent thereof shall, within a reasonable time after being requested so to do by an authorised person, cause to be produced to that person such of the following documents as may have been requested by that person—

- (a) the written approval referred to in regulation 2(1);
- (b) the dangerous goods transport document or other document in respect of any dangerous goods, referred to in regulation 5(2);
- (c) the completed acceptance check list in a legible form in respect of any dangerous goods, referred to in regulation 5(3); and
- (d) a copy of the written information provided to the pilot-in-command of the aircraft in respect of any dangerous goods, referred to in regulation 4(2)(a).

(2) The aircraft operator, shipper and any agent of either of them shall, within a reasonable time after being requested so to do by an authorised person, cause to be produced to that person any document which relates to goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.

Powers in relation to enforcement of the Regulations

16.—(1) An authorised person may examine, take samples of and seize any goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.

(2) An authorised person may open or require to be opened any baggage or package which the authorised person has reasonable grounds to suspect may contain dangerous goods in respect of which the provisions of these Regulations have not been complied with.

(a) Subject to paragraph (5), any sample taken or goods seized by an authorised person under this regulation shall be retained or detained respectively for so long as the Governor considers necessary in all the circumstances and shall be disposed of in such manner as the Governor considers appropriate in all the circumstances.

(b) Without prejudice to the generality of sub-paragraph (a) any sample taken or goods seized under this regulation may be retained or detained respectively—

(i) for use as evidence at a trial for an offence; or

(ii) for forensic examination or for investigation in connection with an offence.

(a) The person from whom any goods have been seized by an authorised person under this regulation may apply to the Governor for the item to be released to him.

(b) An application under this paragraph shall be made in writing and shall be accompanied by evidence of ownership by the applicant.

(c) Where the Governor is satisfied that the applicant is the owner of the item concerned and that further retention of the item is not necessary for the purposes of any criminal proceedings he shall arrange for the goods concerned to be returned to the applicant.

(5) Where further retention of goods is, in the opinion of the Governor, no longer necessary and no application has been made under paragraph (4) or any such application has been unsuccessful the goods shall be destroyed or otherwise disposed of in accordance with the directions of the Governor.

Occurrence reporting

17.—(1) A Territory operator shall ensure that any dangerous goods accident, dangerous goods incident or the finding of undeclared or misdeclared dangerous goods in cargo or passenger's baggage, wherever it occurs, is reported to the Governor.

(2) A non-Territory operator shall ensure that any dangerous goods accident, dangerous goods incident or the finding of undeclared or misdeclared dangerous goods in cargo or passenger's baggage which occurred in the Territory is reported to the Governor.

(3) A report required under paragraph (1) or (2) shall contain such of the following information as is appropriate to the occurrence—

(a) date of the occurrence;

(b) location of the occurrence, flight number and flight date;

(c) description of the goods and the reference number of the air waybill, pouch, baggage tag and ticket;

(d) proper shipping name (including the technical name, if applicable);

(e) UN/ID number;

(f) class or division in accordance with the Technical Instructions and any subsidiary risk(s);

(g) type of packaging and the packaging specification marking;

(h) quantity of dangerous goods;

(i) name and address of the shipper or passenger;

- (j) suspected cause of the occurrence;
 - (k) action taken;
 - (l) any other reporting action taken;
 - (m) name, title, address and contact number of the reporter;
 - (n) any other relevant details.
- (a) Subject to sub-paragraph (b) a report containing as much of the information referred to above as is in his possession shall be despatched in writing, or in such other form as the Governor may approve, and by the quickest available means to the Governor within 72 hours of the occurrence coming to the knowledge of the person making the report.
- (b) If at that time any of the said information is not in the possession of that person, he shall despatch the information to the Governor in writing, or in such other form as the Governor may approve, and by the quickest available means within 72 hours of the information coming into his possession.

(5) Nothing in this regulation shall require a person to report any occurrence which he has reported under article 139 or which he has reason to believe has been or will be reported by another person to the Governor in accordance with that article.

Dropping articles for agricultural, horticultural, forestry or pollution control purposes

18. Subject to the provisions of regulation 4(1)(a) nothing in these Regulations shall apply to any aircraft flying solely for the purpose of dropping articles for the purpose of agriculture, horticulture, forestry or pollution control.

Police aircraft

19. Nothing in these Regulations other than regulation 2(1)(a) shall apply to the carriage of dangerous goods by an aircraft flying under and in accordance with the terms of a police air operator's certificate.

SCHEDULE 11

Article 105

AERODROME MANUAL

Information and instructions relating to the following matters shall be included in the aerodrome manual referred to in article 105—

- (i) the name and status of the official in charge of day to day operation of the aerodrome together with the names and status of other senior aerodrome operating staff and instructions as to the order and circumstances in which they may be required to act as the official in charge;
- (ii) the system of aeronautical information service available;
- (iii) procedures for promulgating information concerning the aerodrome's state;
- (iv) procedures for the control of access, vehicles and work in relation to the aerodrome manoeuvring area and apron;
- (v) procedures for complying with article 139 and for the removal of disabled aircraft;
- (vi) in the case of an aerodrome which has facilities for fuel storage, procedures for complying with article 114;

- (vii) (aa) subject to sub-paragraph (bb), plans to a scale of 1:2500 depicting the layout of runways, taxiways and aprons, aerodrome markings, aerodrome lighting if such lighting is provided, and the siting of any navigational aids within the runway strip;
 - (bb) in the case of copies of the manual or extracts thereof provided or made available to a member of the aerodrome operating staff, the plans shall be of a scale reasonably appropriate for the purposes of article 105(10) of this Order;
- (viii) in respect of an aerodrome in relation to which there is a notified instrument approach procedure, survey information sufficient to provide data for the production of aeronautical charts relating to that aerodrome;
- (ix) description height and location of obstacles which infringe standard obstacle limitation surfaces, and whether they are lit;
- (x) data for and method of calculation of declared distances and elevations at the beginning and end of each declared distance;
- (xi) method of calculating reduced declared distances and the procedure for their promulgation;
- (xii) details of surfaces and bearing strengths of runways, taxiways and aprons;
- (xiii) the system of the management of air traffic in the airspace associated with the aerodrome, including procedures for the co-ordination of traffic with adjacent aerodromes, except any such information or procedures already published in any, manual of air traffic services;
- (xiv) operational procedures for the routine and special inspection of the aerodrome manoeuvring area and aprons;
- (xv) if operations are permitted during periods of low visibility, procedures for the protection of the runways during such periods;
- (xvi) procedures for the safe integration of all aviation activities undertaken at the aerodrome;
- (xvii) procedures for the control of wildlife hazards;
- (xviii) procedures for the use and inspection of the aerodrome lighting system, if such a system is provided; and
- (xix) the scale of rescue, first aid and fire service facilities, the aerodrome emergency procedures and procedures to be adopted in the event of temporary depletion of the rescue and fire service facilities.

SCHEDULE 12

Article 148

TERRITORIES TO WHICH THIS ORDER APPLIES

Anguilla
 Bermuda
 British Indian Ocean Territory
 Cayman Islands
 Falkland Islands
 Montserrat
 Pitcairn, Henderson, Ducie and Oeno Islands
 St. Helena and Dependencies
 South Georgia and the South Sandwich Islands
 Sovereign Base Areas of Akrotiri and Dhekelia

Turks and Caicos Islands
Virgin Islands

EXPLANATORY NOTE

(This note is not part of the Order)

This Order supersedes the Air Navigation (Overseas Territories) Order 2001 (SI 2001 No. 2128), as amended (SI 2003 No. 433, SI 2004 No. 2038, SI 2005 No. 2763 and SI 2006 No. 1911).

Structure, format and terminology

1.—(1) This Order is based principally on the Air Navigation Order 2005 (SI 2005 No. 1970), as amended (SI 2007 No. 274), but with modifications to reflect the fact that the circumstances of the Overseas Territories are different in many respects from those of the United Kingdom. The structure of the Order (including formatting), and the sequence of articles within the Order, have also been changed but without affecting the substance of most of the provisions contained in the articles.

(2) A new article has been included that deals with the validity of documents issued by the Governor to provide that the same shall be in writing; shall be subject to such conditions as the Governor thinks fit and shall be valid for such period as shall be specified thereon. In the individual articles where such a provision was included that provision has been removed as the new validity article applies to all documents.

(3) The main differences between this Order and the Air Navigation Order are, first, that some of the provisions of the Air Navigation Order that reflect obligations of the United Kingdom as a member of the European Union and as a member of the Joint Aviation Authorities (JAA) are not reproduced in this Order. Secondly, this Order contains the Rules of the Air (Schedule 8), some elements of the Air Navigation (General) Regulations (Schedule 9) and the Air Navigation (Dangerous Goods) Regulations (Schedule 10) instead of these being prescribed by the Secretary of State as in the United Kingdom.

(4) Finally, the Order now adopts the term “commercial air transport” in place of the term “public transport” throughout and the term “pilot-in-command” in place of the term “commander” so as to bring the terminology in line with that adopted by the International Civil Aviation Organisation (ICAO) and by most countries around the world.

(5) The Table of Comparison specifies the corresponding article numbers of the Air Navigation (Overseas Territories) Order 2001, as amended.

Role of the Governor and Governor’s functions

2.—(1) The Order reflects the role of the Governor of a Territory and his ability to give instructions (in accordance with the provisions of section 57 of the Civil Aviation Act 1949); to make rules and regulations; and to publish his requirements (article 152) for the fulfilment of the purposes and provisions of the Order and also in order that he should be satisfied in the exercise of certain of his functions under the Order.

(2) Consequently, many of the provisions of the previous Order that are considered to be largely of a procedural or administrative nature, or which define the means of compliance with

an obligation under the Order, have been removed from the Order itself and are relocated in the Overseas Territories Aviation Requirements (OTARs) published by the Governor under article 152 (previously 135) of the Order. However, the individual OTAR Parts are not referenced in the Order as that would necessitate a reference to a specific edition and would mean that any changes to that edition would trigger the need for an amendment to the Order to reference the new revised edition of the OTAR Part.

Differences between the Territories and the United Kingdom

3.—(1) This Order adopts certain amendments that have been made to the Annexes to the Convention on International Civil Aviation signed at Chicago on 7th December 1944 (the Chicago Convention) that have not yet been implemented in the United Kingdom, largely due to the fact that many of such amendments will be implemented through European Union legislation and the Rules of the European Aviation Safety Agency (EASA) in due course.

(2) This Order also reflects the fact that certain activities undertaken in the United Kingdom are not undertaken in the Overseas Territories, such as aircraft manufacturing and certification.

Principal changes

In addition to some drafting amendments, largely to reflect the provisions of Statutory Instrument Practice – 4th edition (November 2006), the following principal changes are made.

4. Registration of aircraft

(1) The list of qualifying persons who may register an aircraft in the Territory has been amended to delete reference to citizens of the Republic of Ireland and firms carrying on business in Scotland, both of which were principally a legacy of the connection with previous United Kingdom Air Navigation Orders (article 4(3)).

(2) Certain administrative provisions of the previous Order relating to the particulars required in relation to the registration and marking of an aircraft have been deleted and are replaced by Requirements of the Governor published under article 152 (articles 4(7) and 5(2) and Part B of Schedule 2 and Part A of Schedule 3).

5. Airworthiness of aircraft

(1) A provision has been introduced enabling, for example, the manufacturer of an aircraft to make the application to the Governor for the issue of a Type Acceptance Certificate in addition to or instead of the proposed operator of the aircraft (article 6(2)).

(2) A change has been made in respect of the requirement for a certificate of airworthiness to be in force to delete the reference to the “A” and “B” Conditions contained in Part A of Schedule 3 of the previous Order (which has been deleted) and the substitution of a reference to a permit to fly under article 9 which will be required for such flights in future (article 7(2)(d)).

(3) In respect of Certificates of Airworthiness the major changes are:

- (a) the adoption of a Standard Category in place of the previous five categories, in line with the practice adopted in the United Kingdom and Europe (article 8 and deletion of old article 9(2));
- (b) the removal from the certificate of a reference to a performance group and reliance in future on the flight manual, associated documents and specified performance requirements accepted by the Governor in accordance with international standards (article 8(4) compared with old article 9(4) and articles 41, 72(1) and (2) and 73(1) and (2)) and inclusion of a proviso that an aircraft certificated for use under Visual Flight Rules is not, thereby, prohibited from flying in accordance with the visual reference provisions of the Rules of the Air;

- (c) the introduction of a requirement for an aircraft to be issued with a certificate of release to service before a certificate of airworthiness can be issued for the first time in the Territory (article 8(1)(c));
- (d) the insertion of a provision allowing an approved person or organisation to approve the manner of the performance of overhaul, repair or other work and the material to be used on behalf of the Governor (article 8(5)(a)).

(4) In respect of permits to fly, the article has been revised to allow the Governor to issue a permit to fly to an aircraft that qualifies for, or has had, a certificate of airworthiness in the circumstances that were previously covered by the “A” and “B” Conditions contained in Part A of Schedule 3 (article 9(2) and see 4 above).

(5) Article 10, previously entitled “Certificate of maintenance review” (CMR), has been substantially revised. The CMR was a peculiarity of the United Kingdom system and the term was not adopted internationally and its use has been discontinued. The article deals with arrangements for the continued airworthiness of an aircraft. The new article has been re-titled “Continuing airworthiness” and reflects best international practice and terms employed internationally and practice that is broadly already adopted in the Territories. The article now provides for the following:

- (a) adoption of a “maintenance programme” in place of a “maintenance schedule” under the management of a person or organisation approved by the Governor in accordance with a “maintenance control manual” (article 10(1)(a));
- (b) introduction of a requirement for all airworthiness directives or equivalent issued by the State that is responsible for the aircraft certification standard to be complied with (article 10(1)(b));
- (c) introduction of a requirement for completion of all inspections required under the Order (article 10(1)(c));
- (d) introduction of a requirement for the flight manual or equivalent document, containing the limitations on performance and information on operational requirements relating to the aircraft, to be carried on the aircraft for the benefit of the flight crew (article 10(1)(d));
- (e) introduction of requirements for the appointment by the owner or operator of an aircraft of an accountable person or technical coordinator who will be responsible for making sure that maintenance of an aircraft is undertaken in accordance with the maintenance programme and the control manual (article 10 paragraphs (4) and (5));
- (f) introduction of a requirement for technical assessments required by the manufacturer or the Governor to be undertaken and reports thereof delivered to the Governor (article 10(6)(e)).

(6) Article 11 relating to technical records combines old article 11 (technical log) with old article 17 (aircraft, engine and propeller log books) into a single article and deletes the references to Schedule 6, which is repealed and replaced by the relevant OTAR provisions. The article also now requires a technical log to be kept in respect of all aircraft not just those in the public transport or aerial work category (article 11 paragraphs (2) and (10)).

(7) Article 12, that was previously entitled “inspection, overhaul, repair, replacement and modification” has been re-titled “certificate of release to service” but includes most of the provisions that were in the old article 12. The changes that have been made are as follows:

- (a) deletion of paragraph (3) that permits an aircraft to fly to a place at which a certificate can be issued in circumstances in which it cannot be issued at the place where the work is performed as this would now be covered by a permit to fly under article 9;
- (b) introduction of a provision authorising a certificate to be issued by a person approved by an organisation that has itself been approved by the Governor (article 12(7)(d)).

(8) The article dealing with the licensing of maintenance engineers remains largely unchanged except for the deletion from paragraph (2) of the reference to certificates of maintenance review (see item (7) above) (article 13(2)).

(9) In relation to the approval of maintenance organisations, the definition of maintenance has been moved to the interpretation article 156 (article 14).

6. Aircraft crew and visibility requirements for helicopters

(1) The substantive provisions relating to the composition of a crew of an aircraft and requirement for a licence remain unchanged. The term “with the surface in sight” is defined and is used in place of “in sight of the surface” and the term “or is flying by night with visual ground reference” has been deleted as follows, with consequential amendments to the equipment requirements contained in Schedule 4:

- (a) article 20 paragraphs (7) and (8)(d);
- (b) article 156 (interpretation);
- (c) a minimum scale of equipment is required for flights conducted under Instrument Flight Rules (IFR) by day, when the surface is in sight (Schedule 4, paragraph 5, subparagraphs 15(a) and (15)(b));
- (d) the holder of a private pilot’s licence is required to hold an instrument rating for flight under IFR in any airspace except when flying by visual reference at night (Schedule 6 Section 2, privileges of private pilot’s licence (helicopters));
- (e) all helicopter pilots are required to hold an instrument rating to fly under IFR by reference to instruments (Schedule 6, Section 2, privileges of commercial pilot’s licence (helicopters and gyroplanes) and privileges of airline transport pilot’s licence (helicopters)).

(2) The provisions of Article 21 – members of flight crew, requirement for licence – have been simplified but no substantive changes have been made.

(3) Schedule 6, referred to in article 22, has been amended to delete references to Basic Commercial Pilot’s Licence, both in respect of aeroplanes and helicopters, as such a class of licence is no longer issued. Additionally, those parts of the schedule (previously Schedule 8) that detailed the various ratings (Part B) and test requirements (Part C) have been removed and relocated in the relevant Parts of the OTARs and articles 23(4) and 24 have been amended in consequence to refer to the Governor’s requirements.

(4) The medical requirements for licence holders have been amended to include a provision for the validation of a medical certificate issued outside a Territory (article 25).

(5) Article 27 – validation of licences – has been amended to include the provision on deeming a licence valid, that was previously included in article 21(4).

7. Operation of aircraft

(1) A new article 41 has been introduced to impose obligations upon the operator of an aircraft to comply with the aircraft flight manual; the Rules of the Air (in Schedule 8) and any supplementary Rules made by the Governor (under article 37); any operating instructions given by the Governor; and any instructions given by the Governor with regard to instruments and equipment to be installed in or carried on the aircraft. This new article applies to all aircraft registered in any Territory (article 41).

(2) In connection with aerodrome operating minima the reference in paragraph (7) has been amended to substitute “designated” in place of “standard” in relation to instrument approach procedures and the term “designated” has been defined in paragraph (11) (article 42).

(3) With regard to pre-flight action by the pilot-in-command, the provisions have been changed to make them applicable to all aircraft not just to those registered in a Territory (article 45).

(4) A new article has been added requiring that the pilot-in-command of an aircraft shall be satisfied before take-off that the aircraft has on board all such equipment as may be necessary to facilitate the survival of the passengers having regard to the circumstances of the flight (article 47).

(5) The provisions relating to the use of oxygen on an aircraft, that is flying for non-commercial air transport purposes, have been amended to require the pilot-in-command of an aircraft to demonstrate the use of oxygen equipment carried on board to all passengers and to require its use by passengers and crew when appropriate (article 48).

(6) New and more capable secondary surveillance radar equipment known as Mode S and airborne collision avoidance systems to be used in conjunction therewith must be carried by specified categories of aircraft when flying within busy airspace around major airports and along major airways (article 16 and article 55 and Schedule 5, Scale E2 and E3 and Scale J).

(7) The provisions relating to the use of flight recording systems have been changed so as to require the system to be in operation from the time when the engine is started rather than from the beginning of the take-off run and until the engine is shut down rather than until landing (article 56).

(8) A new article has been introduced requiring the pilot-in-command of an aircraft to comply with instructions from the Governor in relation to the provision of assistance to an aircraft in distress (article 59).

(9) Some changes have been made to ensure that the markings of exits from an aircraft and areas of a fuselage suitable for break-in in the event of an emergency comply with current international standards (articles 61 and 62).

8. Air operator certification and commercial air transport operations

(1) A requirement has been added providing that an air operator certificate can only be issued in a Territory to an organisation that has its principal place of business in that Territory and a definition is provided of “principal place of business” (article 64 paragraphs (2) and (3)).

(2) The contents of an operations manual are now to be found in the relevant OTAR Part(s) and Part A of the old Schedule 10 has been removed (article 66(4)).

(3) The provisions relating to the information and instructions in a training programme (previously training manual) and the records required to be kept in relation to training that were set out in Parts B and C of the previous Schedule 10 have been relocated into the relevant OTAR Parts and the Parts of the Schedule have been removed (articles 68(3) and 70(3) and (4)). The training programme now comprises a part of the operations manual;

(4) Aeroplanes flying for the purpose of commercial air transport are required to comply with the performance requirements specified in the aircraft flight manual, and on the basis of such additional data that shall be acceptable to the Governor, in place of reliance on performance groups specified in the certificate of airworthiness (article 72 and note 5(b) above).

(5) Performance classes 1, 2 and 3 for helicopters, flying for the purpose of commercial air transport, are defined and are used in place of performance groups specified in the certificate of airworthiness as criteria to determine the carriage of equipment and the applicable performance requirements, in accordance with the aircraft flight manual (article 73).

(6) In light of the removal from the Order of the performance provisions of the Air Navigation (General) Regulations (Schedule 14), the prohibition against the operation of commercial air transport flights at night in a single-engine aircraft has been extended to cover Territory registered aircraft (article 74).

(7) The provisions relating to the additional duties of the pilot-in-command on a commercial air transport flight for the carriage of passengers have been restructured and rewritten compared to the previous article 45 but without any material change to the substance thereof (article 77).

9. Aerial work

Article 58 of the previous Order contained requirements for the issue of an aerial application certificate in respect of certain activities, such as dropping of articles for purposes of agriculture. The scope of the provisions has been expanded to cover all aerial work activities as defined in article 156 and the title of the certificate has been changed to “aerial work certificate” (article 78).

10. General aviation

New provisions have been introduced to allow for greater regulation of general aviation, including the operation of corporate aircraft, when being undertaken using larger and/or more complex aircraft or employing several aircraft flown by professional pilots (article 83). The introduction of these provisions reflects the adoption by ICAO of amendments to Annex 6 Part II (International General Aviation) that come into effect in November 2007 as well as the nature of the registers of aircraft in certain Territories, principally Bermuda and Cayman Islands. Such operations in future will require an Approval from a Governor and the requirements relating to the issue of such an Approval are set out in OTAR Part 125 (articles 84 and 85).

11. Aeronautical Telecommunications Service

Under the 2001 Order there were two articles dealing with aeronautical radio stations and their records. In the 2004 Amendment Order these articles were revised in line with the changes being made to the UK Air Navigation Order 2000. The principal effect of the change was to broaden the scope to include all air traffic service equipment, including radio stations, and to provide that any such equipment should be fit for its purpose and installed and checked in an approved manner. The changes now made are to make the provisions applicable to the provision of an aeronautical telecommunications service and to the maintenance of records relating to such service and the equipment used in relation to its provision (articles 101 and 102 and also article 118).

12. Aerodromes etc.

The scope of the provisions concerning instrument procedures has been expanded to include all instrument flight procedures in use at an aerodrome not just the approach procedures and by the introduction of provisions for the grant of approval to a person to design an instrument procedure and for the grant of approval to a person to provide training and any courses made available (article 106 paragraphs (1), (5) and (6)).

13. Documents and records

(1) A new article has been introduced to provide that an operator of a Territory registered aircraft engaged in international air navigation will record certain prescribed information in a Journey Log. This provision is intended to satisfy the requirement contained in article 29 of the Convention (article 115).

(2) A new article has been introduced to provide that all certificates, licences and other documents to be issued by the Governor shall comply with certain requirements and be subject to such conditions as the Governor determines. This article consolidates similar provisions previously contained in each article referring to the grant of a specific document (article 121).

14. Offences and penalties

(1) Previously, a number of offences were to be found scattered throughout the Order. Those various provisions have been brought together in a specific Part of the Order (articles 125 to 133).

(2) The scope of the article detailing penalties has been expanded to include a breach of any instructions given by a Governor in addition to breaches of regulations made by him (article 134).

General

15. Mandatory occurrence reporting

The provisions relating to mandatory occurrence reporting have been revised to bring them broadly into alignment with those contained in the Air Navigation Order 2005, except that the provisions are applicable to all aircraft and not just to turbine powered aircraft and to aircraft in respect of which a Governor has issued a permit to fly (article 139).

16. Application of the Order

Consideration has been given to the particular situation pertaining to the British Antarctic Territory. Under the Antarctic Treaty 1959, sovereign claims to the continent are in abeyance. Instead the Antarctic Treaty provides for a framework of international governance of the continent. Having regard to the obligations of the UK under the Antarctic Treaty and the existing regulatory framework under the Antarctic Act 1994, and to the fact that the operations conducted in the Territory are largely of a non-commercial and scientific nature, the Territory has been excluded from the provisions imposed under the Order.

17. Publication of requirements

The provisions relating to the publication by a Governor of the requirements that he expects an applicant for the grant of a licence, certificate or other document to meet in order that he should be satisfied have been revised to enable a Governor, in a particular case, to accept alternative requirements in the exercise of his discretion (article 152(1)).

18. Designation by the Governor

The provisions relating to designation by a Governor of his functions under the Order have been revised and tidied up to provide for flexibility in the exercise by a Governor of his discretion. The revised provisions would now permit, for example, a Governor to designate a Regional Aviation Authority, on the advice of ASSI, and the definition of "Governor" in article 156 has been amended accordingly (article 153).

19. Definitions of commercial air transport (formerly public transport)

Definitions of public transport were previously contained in a series of paragraphs and subparagraphs in article 131. Those various definitions have been separated and each has been incorporated into its own specific article (articles 157 to 163).

20. Schedules 4/5

Schedule 4 (Equipment of Aircraft) and Schedule 5 (Radio Equipment), which links to articles 15 and 16, have been revised to include a number of outstanding requirements of Annex 6 Part II, as well as more recent amendments to Annex 6, Parts I, II and III and also to align the provisions of the Schedules with those contained in the Air Navigation Order 2005 as amended by the Air Navigation (Amendment) Order 2007. In particular provisions have been included to require the carriage, where appropriate, of an automatic Electronic Locator Transponder (ELT) and also Mode S Secondary Surveillance Radar.

21. Licences

Schedule 6 (formerly Schedule 8 and Part B of Schedule 10 for pilot's licences) has been substantially revised to limit its provisions to merely the categories of licences and the privileges attaching thereto. The remaining provisions relating to ratings, training and certificates of experience have been relocated in the respective OTAR Parts. The provisions relating to Air Traffic Controller Licence Ratings that were contained in Schedule 9 have been relocated to the relevant OTAR Part.

22. Rules of the Air

The Rules of the Air contained in Schedule 8 (formerly Schedule 13) have been revised so as to accord with those in force in the UK following the introduction of the Rules of the Air Regulations 2007.

23. Air Navigation (General) Regulations

(1) The UK Air Navigation (General) Regulations were previously adopted in the Territories in Schedule 14 to the Order. The regulations covered a number of topics, as follows:

- (a) Regulation 2 - passenger weight calculation tables for the purpose of completing the aircraft load sheets (now incorporated in the respective OTAR Parts 121 and 135);
- (b) Regulations 3 to 13 and the Annex - aircraft weight and performance provisions – which have been deleted and replaced as indicated in Notes 5(b), 29 and 30 above;
- (c) Regulation 14 – noise and vibration caused by aircraft on aerodromes (retained);
- (d) Regulation 15 – list of prescribed countries whose licensed maintenance engineers were able to issue a certificate of maintenance review or release to service (as article 13(4) provides for the Governor to issue a certificate validating a licence issued by another State, or the UK or another Territory, the retention of the list, which was not in any event exhaustive, is no longer required);
- (e) Regulation 16 – aerodrome facilities required by commercial air transport aircraft for approach to landing and landing (retained);
- (f) Regulation 17 – repairs or replacements to an aircraft that a pilot is authorised to carry out (now specified in the relevant OTAR Parts);
- (g) Regulation 18 – mandatory occurrence reporting (article 139 (formerly article 117) has been rewritten to align it with that contained in the Air Navigation Order 2005, including the adoption of a general definition of “occurrence” in place of the examples previously provided, and the retention of this regulation is rendered unnecessary);
- (h) Regulation 19 – minimum navigation and height keeping performance-capability (retained);
- (i) Regulation 20 – prescribed requirements for airborne collision avoidance systems (this provision has been relocated to paragraph 5(1) of Schedule 5.

Of the above regulations only regulations 14, 16 and 19 have been retained in the Schedule.

24. Air Navigation (Dangerous Goods) Regulations

The UK Air Navigation (Dangerous Goods) Regulations 2002 are applied to the Territories by Schedule 10 (formerly Schedule 15) without any amendment other than in Regulation 1 – interpretation – in which the reference to the ICAO Technical Instructions has been changed to refer to the latest edition of that document, being the 2007-2008 English language edition approved and published by decision of the Council of the International Civil Aviation Organisation.

25. Aerodrome manual

Schedule 11 (formerly Schedule 16) has been retained unamended.

26. List of Territories to which the Order applies

The list of Territories to which the Order applies remains the same as in the 2001 Order except that the British Antarctic Territory has been removed and is dealt with separately.

27. A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

Annexes to the Chicago Convention can be purchased from—

ICAO Document Sales Unit,

999 University Street,

Montreal,

Quebec HC 5H7,

Canada,

Tel: +1 (514) 954-8022; Fax: +1 (514) 954-6769

Email: sales@icao.int

The 2007-2008 English language edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air can be obtained from—

Airplan Flight Equipment Ltd

1A Ringway Trading Estate

Shadowmoss Road

Manchester M22 5LH

England

Or

Labeline (Air, Sea and Road)

Holly House

14 Tenby Road

Frimley

Surrey GU16 5UT

TABLE OF COMPARISON

(This Table is not part of the Order)

The following Table shows, in relation to each article of the Air Navigation (Overseas Territories) Order 2001, as amended, the article of the 2007 Order in which it is reproduced.

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