
STATUTORY INSTRUMENTS

2007 No. 3468

The Air Navigation (Overseas Territories) Order 2007

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.