
STATUTORY INSTRUMENTS

2007 No. 3468

The Air Navigation (Overseas Territories) Order 2007

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.