
STATUTORY INSTRUMENTS

2007 No. 3468

The Air Navigation (Overseas Territories) Order 2007

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.