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STATUTORY INSTRUMENTS

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**2007 No. 3468**

**The Air Navigation (Overseas Territories) Order 2007**

**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.