
STATUTORY INSTRUMENTS

2013 No. 2870

The Air Navigation (Overseas Territories) Order 2013

PART 4

AIRCRAFT CREW AND LICENSING

Composition of crew of aircraft

40.—(1) An aircraft must 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 must carry a flight crew adequate in number and description to ensure the safety of the aircraft.

(3) An aircraft registered in the Territory which has a flight manual, must carry a flight crew of at least the number and description specified in the flight manual.

(4) An aircraft registered in the Territory which does not have a flight manual must carry a flight crew of at least the number and description specified by the Governor in the certificate of airworthiness or permit to fly.

(5) An aircraft registered in the Territory, which is required by article 36 to be equipped with radio communication equipment, must carry a flight radiotelephony operator as a member of the flight crew.

Pilots required on commercial air transport flights

41.—(1) An aircraft registered in the Territory which is—

- (a) an aeroplane powered by one or more turbine jets;
- (b) an aeroplane powered by one or more turbine propeller engines and with a maximum approved passenger seating configuration of more than 9; or
- (c) a helicopter with a maximum approved passenger seating configuration of more than 9; and
- (d) flying for the purpose of commercial air transport,

must carry at least two pilots as members of the flight crew.

(2) An aircraft registered in the Territory flying for the purposes of commercial air transport, other than an aircraft described in paragraph (1)(a), (b) or (c) must carry at least two pilots as members of the flight crew if it is flying in circumstances where the pilot-in-command is required to comply with the instrument flight rules or is flying at night unless—

- (a) use of a single pilot is approved by the Governor; or
- (b) it is a helicopter flying by day and remaining clear of cloud and with the surface in sight.

Required cabin crew of aircraft

42.—(1) This article applies to each commercial air transport 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.

(2) The crew of an aircraft on such a flight must 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 must not act as members of the flight crew.

(3) On such a flight not less than one cabin crew member must be carried for every 50 or fraction of 50 passenger seats installed in the aircraft.

(4) The number of members of the cabin crew calculated in accordance with paragraph (3) need not be carried if—

- (a) the Governor has granted written permission to the operator to carry a lesser number on that flight; and
- (b) the operator carries the number specified in that permission and complies with any conditions subject to which the permission is granted.

Power to direct additional crew to be carried

43. 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 it, when flying in circumstances specified in the direction, must carry, in addition to the crew required to be carried by this Part, such additional persons as members of the flight crew or cabin crew as may be specified in the direction.

Members of flight crew - requirement for licence

44.—(1) A person must not act as a member of the flight crew of an aircraft registered in the Territory without holding an appropriate licence granted or rendered valid under this Order.

(2) An appropriate licence for the purposes of this Part means a licence which entitles the holder to perform the functions being undertaken in relation to the aircraft concerned on the particular flight.

(3) The holder of a licence, endorsed to the effect that the holder does not satisfy in full the relevant international standard and which has been granted or rendered valid under this Order, must 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 authority of that State.

(4) 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 (3), must 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 rendered valid under this Order.

Requirement for appropriate licence – non-Territory registered aircraft

45. A person must not act as a member of the flight crew required by 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, that person 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 an aircraft on a private flight, that person 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.

Flight crew licence requirements – exception to act as flight radiotelephony operator

46. A person may act as a flight radiotelephony operator within the Territory without being the holder of an appropriate licence granted or rendered valid under this Order if that person—

- (a) is being trained in an aircraft registered in the Territory to perform duties as a member of the flight crew of an aircraft; and
- (b) is authorised to operate the radiotelephony station by the holder of the licence granted for that station under any enactment.

Flight crew licence requirements – exception for solo flying training

47.—(1) A person may 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, without being the holder of an appropriate licence granted or rendered valid under this Order, if the conditions referred to in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are that—

- (a) the person is at least 16 years of age;
- (b) the person is the holder of a valid medical certificate issued by a person approved by the Governor to the effect that the person is fit to act as pilot in command;
- (c) the person complies with any conditions subject to which that medical certificate was issued;
- (d) no other person is carried in the aircraft;
- (e) the aircraft is not flying for the purpose of commercial air transport or aerial work other than aerial work which consists of giving instruction in flying or conducting flying tests; and
- (f) the person acts in accordance with instructions given by another person holding a pilot's licence granted under this Order, being a licence which includes a flying instructor's rating, entitling that other person to give instruction in flying the type of aircraft being flown.

Flight crew licence requirements – exception for dual flying training

48.—(1) A person may act as pilot of an aircraft of which the flight crew required to be carried by or under this Order is not more than 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 without being the holder of an appropriate licence granted or rendered valid under this Order if the conditions in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are that—

- (a) the aircraft is not flying for the purpose of commercial air transport or aerial work other than aerial work which consists of giving instruction in flying or conducting flying tests;
- (b) the person acts in accordance with instructions given by another person holding a pilot's licence granted under this Order, being a licence which includes a flying instructor rating entitling that other person to give instruction in flying the type of aircraft being flown; and
 - (i) the aircraft is fitted with dual controls and the person is accompanied in the aircraft by the instructor who is seated at the other set of controls; or

- (ii) the aircraft is fitted with controls designed for and capable of use by two persons and the person is accompanied in the aircraft by the instructor who is seated so as to be able to use the controls.

Flight crew licence requirement – exception for flight engineers

49. A person may act as a member of the flight crew (otherwise than as a pilot) of an aircraft registered in the Territory without being the holder of an appropriate licence if—

- (a) the flight is for the purpose of undergoing training or tests for the grant or renewal of a flight engineer's licence or for the inclusion, renewal or extension of a rating in such a licence; and
- (b) the person 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.

Flight crew licence – exception for members of HM Forces

50. 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, the person is acting in the course of his or her duty as a member of any of Her Majesty's naval, military or air forces.

Grant, renewal and effect of flight crew licences

51.—(1) The Governor must grant a licence of any of the classes specified in Schedule 3, 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 having the knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the licence relates; and
- (c) complies with the specified requirements.

(2) For the purposes of paragraph (1) the applicant must provide evidence and undergo such examinations and tests and undertake such courses of training as the Governor requires.

(3) A licence granted under this article is not valid unless it is signed by the holder in ink.

(4) Subject to article 11, a licence remains in force for the period indicated in the licence and if no period is indicated it remains in force for the lifetime of the holder.

(5) The Governor may renew a licence from time to time upon being satisfied that the holder is a fit person and is qualified in accordance with paragraph (1).

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

(7) The Governor may include in a licence a rating of any of the classes specified in the specified requirements, upon being satisfied that the applicant is qualified to act in the capacity to which the rating relates; and such rating is deemed to form part of the licence.

(8) Subject to any conditions of the licence and to the provisions of this Order, a licence of any class entitles the holder to perform the functions specified in that licence and a rating of any class entitles the holder of the licence in which such rating is included to perform the functions specified in that rating.

Maintenance of privileges of aircraft ratings in licences

52.—(1) The holder of a pilot's licence or a flight engineer's licence must not 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.

(2) A certificate under paragraph (1) must be appropriate to the functions the holder is to perform on that flight in accordance with the requirements of the Governor and the holder must comply with those requirements.

(3) The holder of a Private Pilot's Licence (Balloons and Airships) is 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.

(4) The holder of a Private Pilot's Licence is not 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 under article 58.

Maintenance of privileges of other ratings in licences

53. A person is not entitled to perform the functions to which an instrument rating (aeroplanes), an instrument rating (helicopters), or a flying instructor's rating relates unless the person's licence bears a valid certificate of test, which must be appropriate to the functions to which the rating relates, in accordance with the specified requirements and the person complies with those requirements.

Medical requirements for licence holders

54.—(1) The holder of a licence granted under article 51, other than a Flight Radiotelephony Operator's Licence, must not perform any of the functions to which the licence relates unless it includes an appropriate valid medical certificate.

(2) Every applicant for or holder of a licence granted under article 51 must, upon such occasions as the Governor requires, submit to a medical examination by a person approved by the Governor, either generally or in a particular case or class of cases, who must make a report to the Governor in such form as the Governor requires.

(3) The Governor or any person approved by the Governor as competent to do so may issue a medical certificate to the effect that the holder of the licence meets the requirements specified in respect of the medical certificate.

(4) The certificate issued under paragraph (3) is valid for the period specified and is deemed to form part of the licence.

Licence holder not to act as member of flight crew when unfit

55.—(1) A person must not act as a member of the flight crew of an aircraft registered in the Territory if they know or suspect that their physical or mental condition renders them temporarily or permanently unfit to perform such functions or to act in such capacity.

(2) Every holder of a medical certificate issued under article 54(3) who—

(i) suffers any personal injury involving any incapacity to undertake the holder's functions as a member of the flight crew;

(ii) suffers any illness involving any incapacity to undertake those functions throughout a period of 21 days or more; or

(iii) has reason to believe that she is pregnant,

must 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.

(3) The medical certificate is deemed to be suspended upon the occurrence of such injury or the expiry of such period of illness or the confirmation of the pregnancy.

(4) In the case of injury or illness the suspension ceases upon the holder being medically examined under arrangements made by the Governor and pronounced fit to resume functions as a member of the flight crew or upon the Governor exempting the holder from the requirement of a medical examination.

(5) In the case of pregnancy, the suspension may be lifted by the Governor 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

56.—(1) The holder of a licence who, on the last occasion when the holder took a test for the purposes of articles 52 or 53, failed that test must not fly in the capacity for which that test would have qualified the holder had it been passed.

(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, the holder is testing any person for the purposes of articles 51(1), 51(5), 52 or 53, even if—

- (a) the type of aircraft in which the test is conducted is not specified in an aircraft rating included in the 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 for the type of aircraft.

(3) If the Governor so permits a test may be conducted in a synthetic training device approved by the Governor in accordance with the specified requirements.

(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 may be specified; and
- (c) approve a person to provide any course of training or instruction.

Validation of licences

57. The Governor may 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.

Personal flying logbook

58.—(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, must keep a personal flying logbook in which the following particulars must 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 the 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, must be recorded in the logbook at the end of each flight or as soon as reasonably practicable after the end of each flight.

(3) The particulars required under paragraph (2) are—

- (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 the holder 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.

(4) For the purposes of this article, a helicopter is 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.

(5) Particulars of any test or examination undertaken whilst in a synthetic training device must be recorded in the logbook, including—

- (a) the date of the test or examination;
- (b) the type of synthetic training device;
- (c) the capacity in which the holder acted; and
- (d) the nature of the test or examination.

Instruction in flying

59.—(1) This article applies to instruction in flying given to any person flying or about to fly an aircraft for the purpose of becoming qualified for—

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

(2) The holder of a licence must not give any instruction in flying to which this article applies unless—

- (a) the licence granted or rendered valid under this Order entitles the holder 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) the licence includes an instructor's rating entitling the holder to give the instruction.

Glider pilot-minimum age

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