

---

STATUTORY INSTRUMENTS

---

**2013 No. 2870**

**The Air Navigation (Overseas Territories) Order 2013**

**PART 9**

**AIR OPERATOR CERTIFICATION**

**Issue of air operator's certificate**

**94.**—(1) An aircraft registered in the Territory must not fly on any flight for the purpose of commercial air transport except 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 the holder on such flights are operated safely.

(2) The Governor must grant an air operator's certificate to an operator, having its principal place of business in the Territory, upon being satisfied that the applicant is competent to secure the safe operation of aircraft of the types specified in the certificate on flights of the description and for the purposes specified, having regard in particular to the applicant's—

- (a) previous conduct and experience;
- (b) equipment;
- (c) organisation and staffing; and
- (d) maintenance and other arrangements.

(3) The operator of an aircraft to which this article applies must establish and maintain to the satisfaction of the Governor a safety management system appropriate to the size and complexity of the operation.

(4) 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 accountable managers are based.

(5) A person must not hold himself or herself, or any other person, out as being a person who may offer flights on an aircraft registered in the Territory for the purpose of commercial air transport unless the person, or that other person (as the case may be), holds a valid air operator's certificate granted under this article.

**Police air operations**

**95.**—(1) A flight by an aircraft in the service of a police authority for the Territory is, for the purposes of this Order, deemed to be a commercial air transport flight.

(2) If any passenger is carried on such a flight it is deemed to be for the purpose of commercial air transport of passengers.

(3) Save as otherwise expressly provided, the provisions of this Order and of any regulations made under this Order must be complied with in relation to a flight in the service of a police authority as if that flight were for the purpose of commercial air transport.

(4) An aircraft registered in the Territory must 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 under article 94(2) or a police air operator's certificate granted to the operator under paragraph (5).

(5) The Governor must grant a police air operator's certificate upon being satisfied that the applicant is competent to secure that the operation of aircraft of the types specified in the certificate will be as safe as is appropriate when flying on flights of the description and for the purposes specified, having regard in particular to the applicant's—

- (a) previous conduct and experience;
- (b) equipment;
- (c) organisation and staffing; and
- (d) maintenance and other arrangements.

### **Operations manual**

**96.**—(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) An operator of an aircraft to which this article applies must—

- (a) make available to each member of the operating staff an operations manual, acceptable to the Governor, which complies with paragraph (3);
- (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 the crew member's duties on the flight.

(3) An operations manual—

- (a) complies with this paragraph if, subject to sub-paragraph (b), it contains all information and instructions necessary to enable the operating staff to perform their duties as such, including, in particular, information and instructions relating to the specified requirements;
- (b) is not 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.

(4) An aircraft to which this article applies must not fly unless, at least 30 days prior to such flight, the operator of the aircraft has supplied to the Governor a copy of the whole of the operations manual in effect for the aircraft.

(5) Any amendments or additions to the operations manual must be supplied to the Governor by the operator before or immediately after they come into effect.

(6) If an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously apply, that aircraft must not fly for the purpose of commercial air transport until the amendment or addition has been supplied to the Governor.

(7) The operator must 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 in it, or for the safety or efficiency of air navigation.

### **Training programme**

**97.**—(1) The operator of every aircraft registered in the Territory and flying for the purpose of commercial air transport must—

- (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 96.
- (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) The operator must 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 in it, or for the safety of air navigation.

### **Flight data monitoring**

- 98.**—(1) This article applies to any aircraft registered in the Territory and flying for the purpose of commercial air transport.
- (2) The operator of an aeroplane with a maximum certificated take-off mass of more than 20,000kg must include a flight data monitoring programme as part of its safety management system.
- (3) The operator of a helicopter with a maximum certificated take-off mass of more than 7,000kg, or having a maximum approved passenger seating configuration of more than 9, must include a flight data monitoring programme as part of its safety management system.
- (4) The sole objective of a flight data monitoring programme is the prevention of accidents and incidents and each programme must be designed and managed to meet that objective.
- (5) It is not the purpose of a flight data monitoring programme to establish blame or liability.