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STATUTORY INSTRUMENTS

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**2001 No. 2128**

**The Air Navigation (Overseas Territories) Order 2001**

**PART IX**

*Air Traffic Services*

**Requirement for approval for the provision of air traffic services**

**88.** No person in charge of the provision of an air traffic control service shall provide such a service otherwise than under and in accordance with the terms of an approval granted to him by the Governor, and the Governor shall grant an approval if he is satisfied that the applicant is competent, having regard to his organisation, staffing, equipment, maintenance and other arrangements, to provide a service which is safe for use by aircraft.

**Manual of Air Traffic Services**

- 89.** A person shall not provide an air traffic control service at any place unless:
- (a) the service is provided in accordance with the standards and procedures specified in a manual of air traffic services in respect of that place;
  - (b) the manual is produced to the Governor within a reasonable time after a request for its production is made by the Governor; and
  - (c) such amendments or additions have been made to the manual as the Governor may from time to time require.

**Provision of air traffic services**

**90.—(1)** In the case of an aerodrome (other than a Government aerodrome) in respect of which there is equipment for providing holding aid, let-down aid or approach aid by radio or radar, the person in charge of the aerodrome shall:

- (a) inform the Governor in advance of the periods during and times at which any such equipment is to be in operation for the purpose of providing such aid as is specified by the said person; and
- (b) during any period and at such times as are notified, cause an approach control service to be provided.

(2) The Governor may direct that there shall be provided in respect of any aerodrome (other than a Government aerodrome) such air traffic control service, aerodrome flight information service or means of two-way radio communication as the Governor considers appropriate in respect thereof. The Governor may specify in the direction the periods during and the times at which such a service or such means shall be provided and the person in charge of the aerodrome shall cause such a service or such means to be provided in accordance with any such direction.

(3) Obligations to cause an air traffic control service to be provided arising under paragraph (1) or (2) are without prejudice to each other.

### **Use of radio call signs at aerodromes**

**91.** The person in charge of an aerodrome provided with means of two-way radio communication shall not cause or permit any call sign to be used for a purpose other than a purpose for which that call sign has been notified.

### **Licensing of air traffic controllers and student air traffic controllers**

(a) **92.** (1) (a) Subject to sub-paragraph (b), the Governor shall grant a licence subject to such conditions as he thinks fit to any person to act as an air traffic controller or as a student air traffic controller upon his being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill and physical and mental fitness so to act, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests (including in particular medical examinations) and undertake such courses of training, as the Governor may require of him.

(b) The Governor shall not grant:

- (i) a student air traffic controller's licence to any person under the age of 18 years; or
- (ii) an air traffic controller's licence to any person under the age of 20 years.

(a) (2) (a) Subject to article 81 of this Order, a licence to act as an air traffic controller or a student air traffic controller shall remain in force for the period indicated in the licence and may be renewed by the Governor from time to time, upon his being satisfied that the applicant is a fit person and is qualified as aforesaid.

(b) If no period is indicated in the licence, it shall remain in force, subject as aforesaid, for the lifetime of the holder.

(3) The Governor may include in an air traffic controller's licence, subject to such conditions as he thinks fit and upon his being satisfied that the applicant is qualified as aforesaid to act in the capacity to which the rating relates, a rating of any of the classes set forth in Schedule 9 to this Order specifying the type of air traffic control service which the holder of the licence is competent to provide and such a rating shall be deemed to form part of the licence.

(a) (4) (a) The holder of an air traffic controller's licence shall not be entitled to exercise the privileges of a rating contained in the licence at any place for any sector or with any type of radar equipment unless the licence includes a valid certificate of competence in respect of that rating which is appropriate to that place or sector and that equipment (if any) which certificate complies with sub-paragraph (b).

(b) A valid certificate of competence shall not be appropriate to the exercise of the privileges of a rating at any place or for any sector or with any type of radar equipment unless the certificate:

- (i) specifies that place or sector and that type of radar equipment (if any) with the aid of which the services is to be provided;
- (ii) certifies that the person signing the certificate is satisfied that on a date specified in the certificate the holder of the licence, of which the certificate forms part, has passed an appropriate test of his ability to exercise the privileges of the rating at the place or for the sector and with the type or radar equipment, if any, specified in the certificate; and
- (iii) specifies the date on which it was signed.

(c) (i) A valid certificate of competence shall be signed by a person authorised by the Governor to sign certificates of that kind.

(ii) A certificate of competence shall be valid, subject to paragraph (2), for 13 months after the date of the test which it certifies.

- (a) (5) (a) If throughout any period of 90 days the holder of a licence has not at any time provided at a particular place or for a particular sector and with the aid of the type of radar equipment, if any, specified in a certificate of competence, the type of air traffic control service specified in the rating to which the certificate of competence relates, the certificate shall, without prejudice to the Governor's powers under article 81 of this Order, cease to be valid for that place or sector at the end of that period.
- (b) Upon a certificate of competence ceasing to be valid for a place or sector the holder of the licence shall forthwith inform the person who is approved pursuant to article 88 of this Order to provide an air traffic control service at that place or for that sector to that effect and shall forward the licence to a person approved by the Governor for the purpose who shall endorse the licence accordingly and return it to the holder forthwith.
- (6) Every licence to act as a student air traffic controller shall be valid only for the purpose of authorising the holder to act as an air traffic controller under the supervision of another person who is present at the time and who is the holder of an air traffic controller's licence entitling him to provide unsupervised the type of air traffic control service which is being provided by the student air traffic controller and who is approved by the Governor for this purpose.
- (7) A licence to act as an air traffic controller or a student air traffic controller shall not be valid unless the holder of the licence has signed his name thereon in ink with his ordinary signature.
- (8) Every holder of an air traffic controller's licence or a student air traffic controller's licence shall, upon such occasions as the Governor may require, submit himself to such examinations and tests (including in particular medical examinations) and furnish such evidence as to his knowledge, experience, competence and skill and undergo such courses of training as the Governor may require.
- (9) On the basis of the medical examination referred to in paragraph (8), the Governor or any person approved by him as competent to do so may issue a medical certificate subject to such conditions as he thinks fit to the effect that the holder of the licence has been assessed as fit to perform the functions to which the licence relates. The certificate shall, subject to article 95 of this Order, be valid for such period as is therein specified, and shall be deemed to form part of the licence.
- (a) (10) (a) The holder of an air traffic controller's licence shall not act as an air traffic controller unless his licence includes a medical certificate issued and in force under paragraph (9).
- (b) The holder of a student air traffic controller's licence shall not act in accordance with paragraph (6) unless his licence includes a medical certificate issued and in force under paragraph (9).
- (11) For the purpose of this Part of this Order and Schedule 9 thereto, "acting as an air traffic controller" shall mean the giving of instructions or advice or both instructions and advice by means of radio signals (whether directly or indirectly via a person acting in accordance with article 94(3) of this Order) to aircraft in the interests of safety.

### **Approval of courses and persons**

**93.** Without prejudice to any other provision of this Order the Governor may, for the purposes of this Part of this Order, either absolutely or subject to such conditions as he thinks fit:

- (a) approve any course of training or instruction;
- (b) authorise a person to conduct such examinations or tests as he may specify; and
- (c) approve a person to provide any course of training or instruction.

### **Prohibiting of unlicensed air traffic controllers and student air traffic controllers**

**94.**—(1) Subject to paragraphs (3), (4) and (5), a person shall not act as an air traffic controller or hold himself out, whether by use of a radio call sign or in any other way, as a person who may so act unless he is the holder of, and complies with the terms of:

- (a) a valid student air traffic controller's licence granted under this Order and he is supervised in accordance with article 92(6) or this Order;
- (b) a valid air traffic controller's licence so granted authorising him to provide that type of service at that place or for that sector and with the type of radar equipment being used (if any); or
- (c) a valid air traffic controller's licence so granted which does not authorise him to provide that type of service at that place or for that sector and with the type of radar equipment being used (if any) but he is supervised as though he was the holder of a student air traffic controller's licence.

(2) A person shall not act as an air traffic controller unless he has identified himself in such a manner as may be notified.

(3) A licence shall not be required by any person who, acting in the course of his employment, passes on such instructions or advice as he has been instructed so to do by the holder of an air traffic controller's licence which entitles that holder to give such instructions or advice.

(4) Nothing in this article shall prohibit the holder of a valid air traffic controller's licence from providing at any place or for any sector for which the licence includes a valid certificate of competence, information to aircraft in flight in the interests of safety.

(5) A licence shall not be required by any person who acts in the course of his duty as a member of any of Her Majesty's naval, military or air forces or a visiting force.

### **Incapacity of air traffic controllers**

**95.**—(1) Every holder of an air traffic controller's licence granted under article 92 of this Order who:

- (a) suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates throughout a period of 20 consecutive days; or
- (b) in the case of a woman, has reason to believe that she is pregnant;

shall inform the Governor in writing of such injury, illness or pregnancy as soon as possible.

(2) An air traffic controller's licence shall be deemed to be suspended on the expiry of the period of injury or illness referred to in paragraph (1)(a). The suspension of the licence shall cease:

- (a) upon the holder being medically examined under arrangements made by the Governor and pronounced fit to resume his functions under the licence; or
- (b) upon the Governor exempting the holder from the requirement of a medical examination subject to such conditions as the Governor may think fit.

### **Prohibition of drunkenness etc. of controllers**

**96.** A person shall not when exercising the privileges of an air traffic controller's licence be under the influence of drink or a drug to such an extent as to impair his capacity to exercise such privileges.

### **Fatigue of air traffic controllers-air traffic controllers' responsibilities**

**97.** A person holding an air traffic controller's licence shall not act as an air traffic controller if he knows or suspects that he is suffering from or, having regard to the circumstances of the period

of duty to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.

### **Licensing of flight information service officers**

- (a) **98.** (1) (a) Subject to sub-paragraph (b), the Governor shall grant a licence subject to such conditions as he thinks fit to any person to act as a flight information service officer upon his being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill and physical and mental fitness so to act, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests and undertake such courses of training as the Governor may require of him.
- (b) The Governor shall not grant such a licence to any person under the age of 18 years.
- (2)
  - (a) (2) (a) Subject to article 81 of this Order, a licence to act as a flight information service officer shall remain in force for the period indicated in the licence and may be renewed by the Governor from time to time, upon his being satisfied that the applicant is a fit person and is qualified as aforesaid.
  - (b) If no period is indicated in the licence it shall remain in force, subject as aforesaid, for the lifetime of the holder.
  - (a) (3) (a) The holder of a flight information service officer's licence shall not be entitled to provide a flight information service at an aerodrome or area control centre unless that aerodrome or area control centre has been specified in the licence by a person authorised by the Governor for the purpose and the licence has been validated in respect of that aerodrome or area control centre by a person authorised for the purpose by the Governor.
  - (b) If, throughout any period of 90 days the holder of the licence has not at any time provided such a service at a particular aerodrome or area control centre, the licence shall cease to be valid for that aerodrome or area control centre at the end of that period until the licence has been revalidated in respect of that aerodrome or area control centre by a person authorised by the Governor for the purpose.
- (4) A licence to act as a flight information service officer shall not be valid unless the holder of the licence has signed his name thereon in ink with his ordinary signature.
- (5) Every holder of a flight information service officer's licence shall upon such occasions as the Governor may require, submit himself to such examinations and tests and furnish such evidence as to his knowledge, experience, competence and skill and undergo such courses of training as the Governor may require.

### **Prohibition of unlicensed flight information service officers**

- 99.**—(1) A person shall not provide at any aerodrome or area control centre a flight information service or hold himself out, whether by use of a radio call sign or in any other way, as a person who may provide such a service unless he is the holder of and complies with the terms of a flight information service officer's licence granted under this Order authorising him to provide such a service at that aerodrome or area control centre.
- (2) A person shall not provide a flight information service unless he has identified himself in such a manner as may be notified.

**Flight information service manual**

**100.** A person shall not provide a flight information service at any aerodrome or area control centre unless:

- (a) the service is provided in accordance with the standards and procedures specified in a flight information service manual in respect of that aerodrome or area control centre;
- (b) the manual is produced to the Governor within a reasonable time after a request for its production is made by the Governor; and
- (c) such amendments or additions have been made to the manual as the Governor may from time to time require.