
STATUTORY INSTRUMENTS

2001 No. 2128

The Air Navigation (Overseas Territories) Order 2001

PART IX

Air Traffic Services

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.