
STATUTORY INSTRUMENTS

2001 No. 2128

The Air Navigation (Overseas Territories) Order 2001

PART VI

Fatigue of Crew

Application and interpretation of Part VI

- (a) **71.** (1) (a) Subject to sub-paragraph (b), articles 72 and 73 of this Order apply in relation to any aircraft registered in the Territory which is either:
- (i) engaged on a flight for the purpose of public transport; or
 - (ii) operated by an air transport undertaking.
- (b) Articles 72 and 73 of this Order shall not apply in relation to a flight made only for the purpose of instruction in flying given by or on behalf of a flying club or flying school, or a person who is not an air transport undertaking.
- (2) For the purposes of this Order:
- (a) “flight time”, in relation to any person, means all time spent by that person in:
 - (i) a civil aircraft whether or not registered in the Territory (other than such an aircraft of which the maximum total weight authorised does not exceed 1,600 kg and which is not flying for the purpose of public transport or aerial work); or
 - (ii) a military aircraft,while it is in flight and he is carried therein as a member of the crew thereof;
 - (b) “day” means a continuous period of 24 hours beginning at midnight Co-ordinated Universal Time; and
 - (c) a helicopter shall be 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.

Fatigue of crew—operator’s responsibilities

72.—(1) The operator of an aircraft to which this article applies shall not cause or permit that aircraft to make a flight unless:

- (a) he has established a scheme for the regulation of flight times for every person flying in that aircraft as a member of its crew;
- (b) the scheme is approved by the Governor subject to such conditions as he thinks fit;
- (c) either:
 - (i) the scheme is incorporated in the operations manual required by article 31 of this Order; or
 - (ii) in any case where an operations manual is not required by that article, the scheme is incorporated in a document, a copy of which has been made available to every person flying in that aircraft as a member of its crew; and

(d) he has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aircraft as a member of its crew.

(2) The operator of an aircraft to which this article applies shall not cause or permit any person to fly therein as a member of its crew if he knows or has reason to believe that the person is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue while he is so flying as may endanger the safety of the aircraft or of its occupants.

(3) The operator of an aircraft to which this article applies shall not cause or permit any person to fly therein as a member of its flight crew unless the operator has in his possession an accurate and up-to-date record in respect of that person and in respect of the 28 days immediately preceding the flight showing:

- (a) all his flight times; and
- (b) brief particulars of the nature of the functions performed by him in the course of his flight times.

(4) The record referred to in paragraph (3) shall, subject to article 80, be preserved by the operator of the aircraft until a date 12 months after the flight referred to in that paragraph.

Fatigue of crew-responsibilities of crew

73.—(1) A person shall not act as a member of the crew of an aircraft to which this article applies if he knows or suspects that he is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

(2) A person shall not act as a member of the flight crew of an aircraft to which this article applies unless he has ensured that the operator of the aircraft is aware of his flight times during the period of 28 days preceding the flight.

Flight times—responsibilities of flight crew

74.—(1) Subject to paragraph (2), a person shall not act as a member of the flight crew of an aircraft registered in the Territory if at the beginning of the flight the aggregate of all his previous flight times:

- (a) during the period of 28 consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours; or
- (b) during the period of twelve months expiring at the end of the previous month exceeds 900 hours.

(a) (2) (a) This article shall not apply to a flight made in circumstances specified in subparagraph (b).

(b) (i) A private flight in an aircraft of which the maximum total weight does not exceed 1,600 kg; or

(ii) a flight which is not for the purpose of public transport and is not operated by an air transport undertaking where, at the time when the flight begins, the aggregate of all the flight times of the member of the flight crew concerned since he was last medically examined and found fit by a person approved by the Governor for the purpose of article 25(1)(b) does not exceed 25 hours.

Protection of air crew from cosmic radiation

75.—(1) A relevant undertaking shall take appropriate measures to:

- (a) assess the exposure to cosmic radiation when in flight of those air crew who are liable to be subject to cosmic radiation in excess of 1 milliSievert per year;
- (b) take into account the assessed exposure when organising work schedules with a view to reducing the doses of highly exposed air crew; and
- (c) inform the workers concerned of the health risks their work involves.

(2) A relevant undertaking shall ensure that in relation to a pregnant air crew member, the conditions of exposure to cosmic radiation when she is in flight are such that the equivalent dose to the foetus will be as low as reasonably achievable and is unlikely to exceed 1 milliSievert during the remainder of the pregnancy.

(3) Nothing in paragraph (2) shall require the undertaking concerned to take any action in relation to an air crew member until she has notified the undertaking in writing that she is pregnant.

(4) The definition in article 130 of “crew” shall not apply for the purposes of this article.

(5) In this article and in article 77:

- (a) “air crew” means every person employed or engaged in an aircraft in flight on the business of the aircraft;
- (b) “undertaking” includes a natural or legal person and, subject to paragraph (6), “relevant undertaking” means an undertaking which operates aircraft and is established in the Territory; and
- (c) “year” means any period of twelve months.