

SCHEDULE 9

Articles 38(3), 40(3) and 42(3)

PUBLIC TRANSPORT—OPERATIONAL REQUIREMENTS

PART A

Operations manual

1. Information and instructions relating to the following matters shall be included in the operations manual referred to in article 38(2)—

- (a) the number of the crew to be carried in the aircraft, on each stage of any route to be flown, and the respective capacities in which they are to act, and instructions as to the order and circumstances in which command is to be assumed by members of the crew;
- (b) the respective duties of each member of the crew and the other members of the operating staff;
- (c) the scheme referred to in article 82(1)(c)(i);
- (d) such technical particulars concerning the aircraft, its engines and equipment and concerning the performance of the aircraft as may be necessary to enable the flight crew of the aircraft to perform their respective duties;
- (e) the manner in which the quantities of fuel and oil to be carried by the aircraft are to be computed and records of fuel and oil carried and consumed on each stage of the route to be flown are to be maintained; the instructions shall take account of all circumstances likely to be encountered on the flight including the possibility of failure of one or more of the aircraft engines;
- (f) the manner in which the quantity, if any, of oxygen and oxygen equipment to be carried in the aircraft for the purpose of complying with Scale L1 or L2 in Schedule 4 is to be computed;
- (g) the check system to be followed by the crew of the aircraft prior to and on take-off, on landing and in an emergency, so as to ensure that the operating procedures contained in the operations manual and in the flight manual or performance schedule for the aircraft are complied with;
- (h) the circumstances in which a radio watch is to be maintained;
- (i) the circumstances in which oxygen is to be used by the crew of the aircraft, and by passengers;
- (j) subject to paragraph 2, communication, navigational aids, aerodromes, local regulations, in-flight procedures, approach and landing procedures and such other information as the operator may deem necessary for the proper conduct of flight operations; the information referred to in this sub-paragraph shall be contained in a route guide, which may be in the form of a separate volume;
- (k) the reporting in flight to the notified authorities of meteorological observations;
- (l) subject to paragraph 2, the minimum altitudes for safe flight on each stage of the route to be flown and any planned diversion therefrom, such minimum altitudes being not lower than any which may be applicable under the law of the United Kingdom or of the countries whose territory is to be flown over;
- (m) the particulars referred to in article 47(2);
- (n) emergency flight procedures, including procedures for the instruction of passengers in the position and use of emergency equipment and procedures to be adopted when the

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commander of the aircraft becomes aware that another aircraft or a vessel is in distress and needs assistance;

- (o) in the case of aircraft intended to fly at an altitude of more than 49,000 ft the procedures for the use of cosmic radiation detection equipment;
- (p) the labelling and marking of dangerous goods, the manner in which they must be loaded on or suspended beneath an aircraft, the responsibilities of members of the crew in respect of the carriage of dangerous goods and the action to be taken in the event of emergencies arising involving dangerous goods;
- (q) such particulars of any permission granted to the operator under article 21 as may be necessary to enable the commander of the aircraft to determine whether he can comply with article 52(b)(ii);
- (r) procedures for the operation of any airborne collision avoidance system carried on the aircraft; and
- (s) the establishment and maintenance of an accident prevention and flight safety programme.

2. In relation to any flight which is not one of a series of flights between the same two places it shall be sufficient if, to the extent that it is not practicable to comply with sub-paragraphs (j) and (l), the manual contains such information and instructions as will enable the equivalent data to be ascertained before take-off.

PART B

Training manual

The following information and instructions in relation to the training, experience, practice and periodical tests required under article 42(3) shall be included in the training manual referred to in article 40(3)—

- (a) the manner in which the training, practice and periodical tests required under article 42(3) and specified in Part C of this Schedule are to be carried out;
- (b) the minimum qualifications and experience which the operator requires of persons appointed by him to give or to supervise the said training, practice and periodical tests;
- (c) the type of training, practice and periodical tests which each such person is appointed to give or to supervise;
- (d) the type of aircraft in respect of which each such person is appointed to give or to supervise the said training, practice and periodical tests;
- (e) the minimum qualifications and experience required for each member of the crew undergoing the said training, practice and periodical tests;
- (f) the current syllabus for, and specimen forms for recording, the said training, practice and periodical tests;
- (g) the manner in which instrument flight conditions and engine failure are to be simulated in the aircraft in flight;
- (h) the extent to which the said training and testing is permitted in the course of flights for the purpose of public transport; and
- (i) the use to be made in the said training and testing of apparatus approved for the purpose by the CAA.

PART C

Crew training and tests

1. The training, experience, practice and periodical tests required under article 42(3) for members of the crew of an aircraft engaged on a flight for the purpose of public transport shall be as specified in paragraph 2.

2.—(1) *Crew*

Every member of the crew shall—

- (a) have been tested within the relevant period by or on behalf of the operator as to his knowledge of the use of the emergency and life saving equipment required to be carried in the aircraft on the flight; and
- (b) have practised within the relevant period under the supervision of the operator or of a person appointed by him for the purpose, the carrying out of the duties required of him in case of an emergency occurring to the aircraft, either in an aircraft of the type to be used on the flight or in apparatus approved by the CAA for the purpose and controlled by persons so approved.

(2) *Pilots*

- (a) Every pilot included in the flight crew who is intended by the operator to fly as pilot in circumstances requiring compliance with the Instrument Flight Rules shall within the relevant period have been tested by or on behalf of the operator—
 - (i) as to his competence to perform his duties while executing normal manoeuvres and procedures in flight, in an aircraft of the type to be used on the flight, including the use of the instruments and equipment provided in the aircraft; and
 - (ii) as to his competence to perform his duties in instrument flight conditions while executing emergency manoeuvres and procedures in flight, in an aircraft of the type to be used on the flight, including the use of the instruments and equipment provided in the aircraft.
- (b) A pilot's ability to carry out normal manoeuvres and procedures shall be tested in the aircraft in flight.
- (c) The other tests required by sub-paragraph (a) may be conducted either in the aircraft in flight, or under the supervision of a person approved by the CAA for the purpose by means of a flight simulator approved by the CAA.
- (d) The tests specified in sub-paragraph (a)(ii) when conducted in the aircraft in flight shall be carried out either in actual instrument flight conditions or in instrument flight conditions simulated by means approved by the CAA.
- (e) Every pilot included in the flight crew whose licence does not include an instrument rating or who, notwithstanding the inclusion of such a rating in his licence, is not intended by the operator to fly in circumstances requiring compliance with the Instrument Flight Rules, shall within the relevant period have been tested, by or on behalf of the operator in flight in an aircraft of the type to be used on the flight—
 - (i) as to his competence to act as pilot of that aircraft, while executing normal manoeuvres and procedures; and
 - (ii) as to his competence to act as pilot of that aircraft while executing emergency manoeuvres and procedures.
- (f) Every pilot included in the flight crew who is seated at the flying controls during the take-off or landing and who is intended by the operator to fly as pilot in circumstances requiring compliance with the Instrument Flight Rules shall within the relevant period have been tested as to his proficiency in using instrument approach-to-land systems of the type in

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use at the aerodrome of intended landing and any alternate aerodromes, such test being carried out either in flight in instrument flight conditions or in instrument flight conditions simulated by means approved by the CAA; or under the supervision of a person approved by the CAA for the purpose by means of a flight simulator approved by the CAA.

- (g) In the case of a helicopter, every pilot included in the flight crew whose licence does not include an instrument rating but who is intended to fly at night under visual flight conditions, shall within the relevant period have been tested, by or on behalf of the operator, in a helicopter of the type to be used on the flight—
 - (i) as to his competence to act as pilot of that helicopter, while executing normal manoeuvres and procedures; and
 - (ii) as to his competence to act as pilot of that helicopter, while executing specified manoeuvres and procedures in flight in instrument flight conditions by means approved by the CAA.
- (h) Every pilot included in the flight crew and who is seated at the flying controls during take-off or landing shall within the relevant period have carried out, when seated at the flying controls, at least three take-offs and three landings in aircraft of the type to be used on the flight.

(3) *Flight engineers*

- (a) Every flight engineer included in the flight crew shall within the relevant period have been tested by or on behalf of the operator—
 - (i) as to his competence to perform his duties while executing normal procedures in flight, in an aircraft of the type to be used on the flight;
 - (ii) as to his competence to perform his duties while executing emergency procedures in flight, in an aircraft of the type to be used on the flight.
- (b) A flight engineer's ability to carry out normal procedures shall be tested in an aircraft in flight and the other tests required by this sub-paragraph may be conducted either in the aircraft in flight, or under the supervision of a person approved by the CAA for the purpose by means of a flight simulator approved by the CAA.

(4) *Flight navigators and flight radiotelephony operators*

Every flight navigator and flight radiotelephony operator whose inclusion in the flight crew is required under article 25(9) and (11) respectively shall within the relevant period have been tested by or on behalf of the operator as to his competence to perform his duties in conditions corresponding to those likely to be encountered on the flight—

- (a) in the case of a flight navigator, using equipment of the type to be used in the aircraft on the flight for purposes of navigation;
- (b) in the case of a flight radiotelephony operator using radio equipment of the type installed in the aircraft to be used on the flight, and including a test of his ability to carry out emergency procedures.

(5) *Aircraft commanders*

- (a) The pilot designated as commander of the aircraft for the flight shall within the relevant period have demonstrated to the satisfaction of the operator that he has adequate knowledge of the route to be taken, the aerodromes of take-off and landing, and any alternate aerodromes, including in particular his knowledge of—
 - (i) the terrain;
 - (ii) the seasonal meteorological conditions;
 - (iii) the meteorological, communications and air traffic facilities, services and procedures;

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- (iv) the search and rescue procedures; and
 - (v) the navigational facilities;
- relevant to the route.
- (b) In determining whether a pilot's knowledge of the matters referred to in sub-paragraph (a) is sufficient to render him competent to perform the duties of aircraft commander on the flight, the operator shall take into account the pilot's flying experience in conjunction with the following—
- (i) the experience of other members of the intended flight crew;
 - (ii) the influence of terrain and obstructions on departure and approach procedures at the aerodromes of take-off and intended landing and at alternate aerodromes;
 - (iii) the similarity of the instrument approach procedures and let-down aids to those with which the pilot is familiar;
 - (iv) the dimensions of runways which may be used in the course of the flight in relation to the performance limits of aircraft of the type to be used on the flight;
 - (v) the reliability of meteorological forecasts and the probability of difficult meteorological conditions in the areas to be traversed;
 - (vi) the adequacy of the information available regarding the aerodrome of intended landing and any alternate aerodromes;
 - (vii) the nature of air traffic control procedures and the familiarity of the pilot with such procedures;
 - (viii) the influence of terrain on route conditions and the extent of the assistance obtainable en route from navigational aids and air-to-ground communication facilities; and
 - (ix) the extent to which it is possible for the pilot to become familiar with unusual aerodrome procedures and features of the route by means of ground instruction and training devices.

(6) *Definitions and validity periods*

For the purposes of this Part—

- (a) “visual flight conditions” means weather conditions such that the pilot is able to fly by visual reference to objects outside the aircraft;
- (b) “instrument flight conditions” means weather conditions such that the pilot is unable to fly by visual reference to objects outside the aircraft;
- (c) “relevant period” means a period which immediately precedes the commencement of the flight, being, subject to sub-paragraph (d), a period—
 - (i) in the case of sub-paragraph (2)(h), of 3 months;
 - (ii) in the case of sub-paragraphs (2)(a)(ii), (2)(e)(ii), (2)(f), (2)(g)(ii) and (3)(a)(ii), of 6 months;
 - (iii) in the case of sub-paragraphs (1), (2)(a)(i), (2)(e)(i), (2)(g)(i), (3)(a)(i), (4) and (5)(a), of 13 months.
- (d) Any pilot of the aircraft to whom the provisions of sub-paragraph (2)(a)(ii), (2)(e)(ii) or (2)(f) and any flight engineer of the aircraft to whom the provisions of sub-paragraph (3)(a)(ii) apply shall for the purposes of the flight be deemed to have complied with such requirements respectively within the relevant period if he has qualified to perform his duties in accordance therewith on at least 2 occasions within the period of 13 months immediately preceding the flight, such occasions being separated by an interval of not less than 4 months.

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- (e) The requirements of sub-paragraph (5)(a) shall be deemed to have been complied with within the relevant period by a pilot designated as commander of the aircraft for the flight if, having become qualified so as to act on flights between the same places over the same route more than 13 months before commencement of the flight, he has within the period of 13 months immediately preceding the flight flown as pilot of an aircraft between those places over that route.

3. The records required to be maintained by an operator under article 42(4) shall be accurate and up-to-date records so kept as to show, on any date, in relation to each person who has during the period of 2 years immediately preceding that date flown as a member of the crew of any public transport aircraft operated by that operator—

- (a) the date and particulars of each test required by this Part undergone by that person during the said period including the name and qualifications of the examiner;
- (b) the date upon which that person last practised the carrying out of duties referred to in paragraph 2(1)(b) of this Part;
- (c) the operator's conclusions based on each such test and practice as to that person's competence to perform his duties; and
- (d) the date and particulars of any decision taken by the operator during the said period in pursuance of paragraph 2(5)(a) of this Part including particulars of the evidence upon which that decision was based.

4. The operator shall whenever called upon to do so by any authorised person produce for the inspection of any person so authorised all records referred to in paragraph 3 and furnish to any such person all such information as he may require in connection with any such records and produce for his inspection all log books, certificates, papers and other documents, whatsoever which he may reasonably require to see for the purpose of determining whether such records are complete or of verifying the accuracy of their contents.

5. The operator shall at the request of any person in respect of whom he is required to keep records as aforesaid furnish to that person, or to any operator of aircraft for the purpose of public transport by whom that person may subsequently be employed, particulars of any qualifications in accordance with this Schedule obtained by such person whilst in his service.

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Changes and effects yet to be applied to :

- Instrument by [S.I. 2006/1384 reg 16](#)
- Instrument by [S.I. 2006/1384 reg 17](#)
- Instrument appl in pt (mod) by [S.I. 2008/25 art 4 schedule](#)
- sch 9 am by [S.I. 2007/274 art 5](#)
- sch 9 rev in pt by [S.I. 2007/274 art 5](#)
- Part 10 (arts 107 - 120) subst by [S.I. 2009/1742 arts 23](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art 28A added (31.1.2008) by [S.I. 2007/3467 arts 25](#)
- art 31A added (31.1.2008) by [S.I. 2007/3467 arts 25](#)
- arts 32A - 32C added (31.1.2008) by [S.I. 2007/3467 arts 25](#)
- art 52A added by [S.I. 2007/274 art 4](#)
- art 54A added by [S.I. 2007/274 art 4](#)
- art 61A added (31.1.2008) by [S.I. 2007/3467 arts 211](#)
- art 62A added by [S.I. 2007/274 art 5](#)
- art 72A added by [S.I. 2007/274 art 4](#)
- art 141A added by [S.I. 2006/2316 art 2](#)
- arts 144A-144C added by [S.I. 2006/1384 reg 14](#)