
STATUTORY INSTRUMENTS

2013 No. 2870

The Air Navigation (Overseas Territories) Order 2013

PART 10

COMMERCIAL AIR TRANSPORT OPERATIONS

Operator's responsibilities

99.—(1) The operator of an aircraft registered in the Territory must not permit an aircraft to fly for the purpose of commercial air transport without first—

- (a) designating from among the flight crew a pilot to be the pilot-in-command of the aircraft for the flight;
- (b) being satisfied by every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion are adequate for the safe navigation of the aircraft; and
- (c) ensuring that, for a helicopter flying at night, adequate lighting is in operation at any operating site where it is intended to take off or land.

(2) The operator of an aircraft registered in the Territory must not permit any person to be a member of the crew during any flight for the purpose of commercial air transport (except a flight for the sole purpose of training persons to perform duties in aircraft) unless—

- (a) such person has had the training, experience, practice and periodical tests specified by the Governor in respect of the duties to be performed; and
- (b) the operator is satisfied that such person is competent to perform those duties, and in particular to use the equipment provided in the aircraft for that purpose.

(3) The operator must maintain, preserve, produce and provide information in respect of records relating to the matters specified in paragraph (2) in accordance with the specified requirements.

(4) During any flight for the purpose of the commercial air transport of passengers, the operator of an aircraft registered in the Territory must not permit any member of the flight crew to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely affect the flight characteristics of the aircraft.

Loading - commercial air transport aircraft and suspended loads

100.—(1) The operator of an aircraft registered in the Territory must not cause or permit it to be loaded for a flight for the purpose of commercial air transport, or any load to be suspended from it, except under the supervision of a person to whom written instructions have been provided as to the distribution and securing of the load so as to ensure that—

- (a) the load may safely be carried on the flight; and
- (b) any conditions subject to which the certificate of airworthiness in force for the aircraft was issued or rendered valid or contained in the flight manual for the aircraft relating to the loading of the aircraft are complied with.

(2) The person supervising the loading of the aircraft must, before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the specified requirements, and must (unless that person is the pilot-in-command of the aircraft) submit the load sheet for examination by the pilot-in-command of the aircraft who shall sign the same.

(3) The operator of an aircraft registered in the Territory and flying for the purpose of the commercial air transport of passengers must not cause or permit baggage to be carried in the passenger compartment of the aircraft unless such baggage can be properly secured.

Aeroplane operating conditions and performance requirements

101.—(1) An aeroplane registered in the Territory must not fly for the purpose of commercial air transport unless it complies with such data as may be approved by the State of design and contained in the flight manual for the aeroplane and the specified requirements or instructions given by the Governor under article 74—

- (a) in respect of its weight and related performance;
- (b) for flight in specified meteorological conditions; and
- (c) for flight at night.

(2) An aeroplane need not comply with paragraph (1) to the extent necessary for compliance with the terms of an approval granted to the operator under paragraph (3).

(3) The Governor may grant to the operator of any aeroplane an approval as provided for in the specified requirements or authorising it to comply with alternative performance standards appropriate to the aeroplane and specified in the approval.

(4) An aeroplane registered in the Territory when flying over water for the purpose of commercial air transport must fly, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the aeroplane—

- (a) if it has one engine only, in the event of the failure of that engine; or
- (b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness or flight manual for the aeroplane;

to reach a place at which, from a height sufficient to enable it to do so, it can safely land unless it is flying under and in accordance with the terms of an approval granted by the Governor.

Helicopters - operating conditions and performance requirements

102.—(1) A helicopter registered in the Territory must not fly for the purpose of commercial air transport unless it complies with such data as may be approved by the State of design and contained in the flight manual for the helicopter and the specified requirements or instructions given by the Governor under article 74—

- (a) in respect of its weight and related performance;
- (b) for flight in specified meteorological conditions; and
- (c) for flight at night.

(2) A helicopter need not comply with paragraph (1) to the extent necessary for compliance with the terms of an approval granted to the operator under paragraph (3).

(3) The Governor may grant to the operator of any helicopter an approval as provided for in the specified requirements or authorising it to comply with alternative performance standards appropriate to the helicopter and specified in the approval.

(4) Except as provided in paragraph (5), and except as may be necessary for the purpose of take-off or landing, a helicopter registered in the Territory when flying over water for the purpose of commercial air transport must fly at such an altitude as would enable the helicopter—

- (a) if it has one engine only, in the event of the failure of that engine; or
- (b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness or flight manual for the helicopter;

to reach a place at which, from a height sufficient to enable it to do so, it can safely land unless it is flying under and in accordance with the terms of an approval granted by the Governor.

(5) A helicopter carrying out Performance Class 3 operations must not fly over water for the purpose of commercial air transport in the specified circumstances unless it is equipped with the required apparatus.

(6) A helicopter to which paragraph (5) applies which is equipped with the required apparatus and which is flying under and in accordance with the terms of an air operator's certificate granted under article 94 must not fly in the specified circumstances except in accordance with any additional requirements specified by the Governor in relation to its equipment.

(7) A helicopter to which paragraph (5) applies which is equipped with the required apparatus and which is flying under and in accordance with the terms of a police air operator's certificate—

- (a) on which any passenger is carried who is not a permitted passenger, must not fly in the specified circumstances on any flight for more than 20 minutes; or
- (b) on which no passenger is carried other than a permitted passenger, must not fly over water on any flight for more than 10 minutes so as to be more than 5 minutes from a point from which it can make an autorotative descent to land at a place suitable for an emergency landing.

(8) For the purposes of paragraph (7) flying time is calculated at normal cruising speed.

(9) For the purposes of this article—

- (a) “permitted passenger” means—
 - (i) a police officer;
 - (ii) an employee of a police authority;
 - (iii) a medical attendant;
 - (iv) the holder of a valid pilot's licence who intends to act as a member of the flight crew of an aircraft flying under and in accordance with the terms of a police air operator's certificate and who is being carried for the purpose of training or familiarisation; or
 - (v) such other person being carried for purposes connected with police operations as may be permitted in writing by the Governor;
- (b) “required apparatus” means apparatus approved by the Governor enabling the helicopter to which it is fitted to land safely on water;
- (c) “specified circumstances” means circumstances in which a helicopter is flying beyond a point from which it can make an autorotative descent to land at a place suitable for an emergency landing.

Commercial air transport operations at night or in instrument meteorological conditions by single engine aeroplanes

103. A single-engine aeroplane, or a two-engine aeroplane that is unable to maintain a positive climb gradient in the event of an engine failure on take-off, must not be flown for the purpose of

commercial air transport at night or in instrument meteorological conditions unless it is flying on a special VFR flight in a control zone.

Commercial air transport aircraft registered in the Territory – aerodrome-operating minima

104.—(1) This article applies to commercial air transport aircraft registered in the Territory.

(2) An aircraft to which this article applies must not conduct a Category II operation, an Other than Standard Category II operation or an approach and landing using minima lower than those for a Category II operation unless—

- (a) the aircraft is certificated for operations with decision heights below 200 feet, or no decision height, and is equipped for such operations; and
- (b) the operation is conducted under and in accordance with the terms of an approval issued by the Governor.

(3) An aircraft to which this article applies must not—

- (a) take off when the relevant runway visual range is less than the specified runway visual range; or
- (b) conduct an approach and landing when the visibility or relevant runway visual range is less than that specified for a Category I operation;

except under and in accordance with the terms of an approval so to do issued by the Governor.

(4) The operator of every aircraft to which this article applies must establish and include in the operations manual relating to the aircraft the particulars of the aerodrome operating minima (in this article called “the particulars”) appropriate to every aerodrome of intended departure or landing and every alternate aerodrome.

(5) In relation to any flight where an operations manual is not required under article 96, or it is not practicable to include the particulars in the operations manual, the operator of the aircraft must, prior to the commencement of the flight, cause to be provided in writing to the pilot-in-command of the aircraft the particulars calculated in accordance with the required data and instructions (as defined in paragraph (6) of this article) and the operator shall cause a copy of the particulars to be retained outside the aircraft for a minimum period of three months.

(6) The operator of every aircraft to which this article applies for which an operations manual is required by this Order, must include in that operations manual such data and instructions (in this article called “the required data and instructions”) as will enable the pilot-in-command of the aircraft to calculate the aerodrome operating minima appropriate to aerodromes the use of which cannot reasonably have been foreseen by the operator prior to the commencement of the flight.

(7) The operator of every such aircraft to which this article applies for which an operations manual is not required must, prior to the commencement of the flight, cause to be provided in writing to the pilot-in-command of the aircraft the required data and instructions; and the operator must cause a copy of the required data and instructions to be retained outside the aircraft for a minimum period of three months.

(8) The specified aerodrome operating minima must not permit a landing or take-off in circumstances where the relevant aerodrome operating minima declared by the competent authority would prohibit it, unless that authority otherwise permits in writing.

(9) In establishing aerodrome-operating minima for the purposes of this article the operator of the aircraft must take into account the following matters—

- (a) the type and performance and handling characteristics of the aircraft and any relevant conditions in its certificate of airworthiness;
- (b) the composition of its crew;
- (c) the physical characteristics of the relevant aerodrome and its surroundings;

- (d) the dimensions of the runways which may be selected for use; and
- (e) whether or not there are in use at the relevant aerodrome any aids, visual or otherwise, to assist aircraft in approach, landing or take-off, being aids which the crew of the aircraft are trained and equipped to use; the nature of any such aids that are in use; and the procedures for approach, landing and take-off which may be adopted according to the existence or absence of such aids;

and must establish in relation to each runway which may be selected for use such aerodrome operating minima as are appropriate to each set of circumstances which can reasonably be expected.

- (10) An aircraft to which this article applies must not commence a flight at a time when—
 - (a) the cloud ceiling or the runway visual range at the aerodrome of departure is less than the relevant minimum specified for take-off; or
 - (b) according to the information available to the pilot-in-command of the aircraft it would not be able without contravening paragraphs (11) or (12), to land at the aerodrome of intended destination at the estimated time of arrival there and at any alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.

(11) An aircraft to which article 96 of this Order applies, when making a descent to an aerodrome, must not descend from a height of 1000 feet or more above the aerodrome to a height less than 1000 feet above the aerodrome if the reported visibility or relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

- (12) An aircraft to which this article applies, when making a descent to an aerodrome, must not—
 - (a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or
 - (b) descend below the relevant specified minimum descent height;

unless in either case from such height the specified visual reference for landing is established and is maintained.

(13) If, according to the information available, an aircraft would as regards any flight be required by the Rules of the Air to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the pilot-in-command of the aircraft must select prior to take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(14) In this article “specified” in relation to aerodrome operating minima means such particulars of aerodrome operating minima as have been specified by the operator in, or are ascertainable by reference to, the operations manual relating to that aircraft, or provided in writing to the pilot-in-command of the aircraft by the operator in accordance with paragraph (5).

(15) In this article “Category I operation”, “Category II operation” and “Other than Standard Category II operation” have the same meaning as in article 105(9).

Commercial air transport aircraft not registered in the Territory – aerodrome-operating minima

105.—(1) This article applies to commercial air transport aircraft registered in a country other than the Territory.

(2) An aircraft to which this article applies must not conduct a Category II operation, an Other than Standard Category II operation or an approach and landing using minima lower than those for a Category II operation unless—

- (a) the aircraft is certificated for operations with decision heights below 200 feet, or no decision height, and is equipped for such operations; and
- (b) the operation is conducted under the terms of an approval so to do;

in accordance with the law of the country in which it is registered.

- (3) An aircraft to which this article applies must not—
- (a) take off when the relevant runway visual range is less than the specified runway visual range; or
 - (b) conduct an approach and landing when the visibility or relevant runway visual range is less than that specified for a Category I operation;

except under and in accordance with the terms of an approval so to do granted in accordance with the law of the country in which it is registered.

(4) An aircraft to which this article applies must not fly in or over the Territory unless the operator of it has made available to the flight crew aerodrome operating minima that comply with paragraph (5) in respect of every aerodrome at which it is intended to land or take off and every alternate aerodrome.

(5) The aerodrome operating minima provided in accordance with paragraph (4) must be no less restrictive than either—

- (a) minima calculated in accordance with the notified method for calculating aerodrome operating minima; or
- (b) minima which comply with the law of the country in which the aircraft is registered;

whichever is the more restrictive.

(6) An aircraft to which this article applies must not take off or land at an aerodrome in the Territory in contravention of the specified aerodrome operating minima.

(7) Without prejudice to the provisions of paragraphs (5) and (6) an aircraft to which this article applies, when making a descent to an aerodrome, must not descend from a height of 1000 feet or more above the aerodrome to a height of less than 1000 feet above the aerodrome if the reported visibility or relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(8) Without prejudice to the provisions of paragraphs (5), (6) and (7) an aircraft to which this article applies, when making a descent to an aerodrome must not—

- (a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height;

unless, in either case, from such height the specified visual reference for landing is established and is maintained.

(9) In this article—

- (a) “specified” means specified by the operator in the aerodrome operating minima made available to the flight crew under paragraph (4);
- (b) “Category I operation” means a precision instrument approach and landing with a decision height not lower than 200 feet and with either a visibility not less than 800 metres or a runway visual range not less than 550 metres;
- (c) “Category II operation” means a precision approach and landing using an Instrument Landing System or Microwave Landing System with—
 - (i) a decision height below 200 feet but not lower than 100 feet; and
 - (ii) a runway visual range of not less than 300 metres;
- (d) “Other than Standard Category II operation” means a Category II operation to a runway where some or all of the elements of the ICAO Annex 14 precision approach Category II lighting system are not available.

Carriage of passengers - additional duties of pilot-in-command

106.—(1) This article applies to flights for the purpose of the commercial air transport of passengers by aircraft registered in the Territory.

(2) Before an aircraft takes off on a flight to which this article applies, and before it lands, the pilot-in-command must take all reasonable steps to ensure that the crew of the aircraft are properly secured in their seats and that any persons carried in compliance with article 42 are properly secured in seats which are located as far as is practical near floor level and close to emergency exits.

(3) From the moment when, after the embarkation of its passengers for the purpose of taking off on a flight to which this article applies—

- (a) an aircraft first moves until after it has taken off,
- (b) before it lands until it comes to rest for the purpose of the disembarkation of its passengers, and
- (c) whenever by reason of turbulent air or any emergency occurring during the flight the pilot-in-command considers it necessary,

the pilot-in-command must take all reasonable steps to ensure that all passengers of 2 years of age or more are properly secured in their seats by safety belts (with diagonal shoulder strap, where required to be carried) or safety harnesses and that all passengers under the age of 2 years are properly secured by means of a child restraint device.

(4) The pilot-in-command must ensure that an aircraft with a non-pressurised cabin is not operated above flight level 100, except under and in accordance with the terms of an approval granted by the Governor.

(5) Except where the cabin pressure altitude does not exceed 10,000 feet during the flight, the pilot-in-command must take all reasonable steps to ensure that—

- (a) before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 35 is demonstrated to all passengers;
- (b) when flying above flight level 130 all passengers and cabin crew are instructed to use oxygen; and
- (c) during any period when the aircraft is flying above flight level 100 oxygen is used continuously by all the flight crew of the aircraft.