
STATUTORY INSTRUMENTS

2013 No. 2870

The Air Navigation (Overseas Territories) Order 2013

PART 17

LICENSING OF AIR TRAFFIC CONTROLLERS

Prohibition of unlicensed air traffic controllers and student air traffic controllers

143.—(1) A person must not act as an air traffic controller or offer, whether by use of a radio call sign or in any other way, to act as a person who may so act unless such person is the holder of, and complies with the privileges and conditions of—

- (a) a valid student air traffic controller's licence granted under this Order and under supervision in accordance with article 144(5);
- (b) an appropriate valid air traffic controller's licence granted under this Order; or
- (c) a valid air traffic controller's licence so granted which is not appropriate but under supervision as though the person was the holder of a student air traffic controller's licence.

(2) Nothing in this article prohibits 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.

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

Licensing of air traffic controllers and student air traffic controllers

144.—(1) The Governor must grant a licence to any person to act as an air traffic controller or as a student air traffic controller in the Territory upon being satisfied that the applicant—

- (a) is a fit person to act in the capacity to which the licence relates; and
- (b) meets the specified requirements, for which purpose the applicant must provide such evidence and undergo such examinations, assessments and tests (including medical examinations) and undertake such courses of training as the Governor may require.

(2) The Governor must not grant—

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

(3) The Governor may include in an air traffic controller's licence any rating and endorsement upon being satisfied that the applicant is qualified as specified in paragraph (1)(b) to act in the capacity to which such rating or endorsement relates and such rating or endorsement is deemed to form part of the licence.

(4) A licence to act as an air traffic controller or a student air traffic controller is not valid unless the holder of the licence has signed it in ink.

(5) Every licence to act as a student air traffic controller is 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 including an on-the-job instructor training rating entitling that person to provide unsupervised the type of air traffic control service which is being provided by the student air traffic controller.

(6) Every holder of an air traffic controller's licence or a student air traffic controller's licence must, upon such occasions as the Governor may require, submit to such examinations and tests (including medical examinations) and provide such evidence as to the holder's knowledge, experience, competence and skill and undergo such courses of training as the Governor may require.

(7) The holder of an air traffic controller's licence is not entitled to exercise the privileges of a rating contained in the licence at any place or for any sector or with any type of surveillance equipment unless the licence includes a valid certificate of competence for that rating which is appropriate to that place or sector and that equipment (if any).

(8) 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 surveillance equipment unless the certificate—

- (a) specifies that place or sector and the type of surveillance equipment (if any) with the aid of which the service is to be provided;
- (b) 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 ability to exercise the privileges of the rating at the place or for the sector and with the type of surveillance equipment, if any, specified in the certificate; and
- (c) specifies the date on which it was signed.

(9) A valid certificate of competence issued under paragraph (7) must be signed by a person authorised by the Governor to sign certificates of that kind and is valid for 12 months from the date of the test which it certifies.

(10) 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 surveillance 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 ceases to be valid for that place or sector at the end of that period.

(11) Upon a certificate of competence ceasing to be valid for a place or sector the holder of the licence must immediately inform the person who is approved under article 138 of this Order to provide an air traffic control service at that place or for that sector to that effect and must forward the licence to a person approved by the Governor for the purpose, who must endorse the licence accordingly and return it to the holder immediately.

Approval of courses and persons

145. The Governor may, for the purposes of this Part of this Order—

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

Requirement for medical certificate

146.—(1) On the basis of the medical examination referred to in article 144(6), the Governor or any person approved by the Governor as competent to do so may issue a medical certificate to

the effect that the holder of the licence has been assessed as fit to perform the functions to which the licence relates.

(2) The certificate is deemed to form part of the licence.

(3) The holder of an air traffic controller's licence must not act as an air traffic controller unless the licence includes a medical certificate issued and in force under paragraph (1).

(4) The holder of a student air traffic controller's licence must not act as a student air traffic controller unless the licence includes a medical certificate issued and in force under paragraph (1).

Incapacity of air traffic controllers

147.—(1) Every holder of an air traffic controller's licence granted under article 144 who—

(a) suffers any personal injury or illness involving incapacity to undertake the functions to which the licence relates throughout a period of 20 consecutive days; or

(b) has reason to believe that she is pregnant;

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

(2) An air traffic controllers' medical certificate ceases to be in force on the expiry of the period of injury or illness referred to in paragraph (1)(a) and comes into force again (provided it has not expired)—

(a) upon the holder being medically examined under arrangements made by the Governor and pronounced fit to resume the 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

148. A person must not act as an air traffic controller or a student air traffic controller whilst under the influence of drink or a drug to such an extent as to impair his or her capacity to act as such.

Fatigue of air traffic controllers - air traffic controller's responsibilities

149. A person must not act as an air traffic controller if he or she knows or suspects that he or she 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.

Prohibition of unlicensed flight information service officers

150.—(1) A person must not provide at any aerodrome a flight information service or offer to do so, whether by use of a radio call sign or in any other way, as a person who may provide such a service without being the holder of and complying with the terms of a flight information service officer's licence, or air traffic controller's licence, granted under this Order authorising the provision of such a service at that aerodrome.

(2) A person must not provide a flight information service without being identified as such in such a manner as may be notified.

Licensing of flight information service officers

151.—(1) The Governor must grant a licence to any person to act as a flight information service officer upon being satisfied that the applicant meets the specified requirements and is a fit person

to hold the licence and for that purpose the applicant must provide such evidence and undergo such examinations and tests and undertake such courses of training as the Governor may require.

(2) The Governor must not grant such a licence to any person under the age of 18 years.

(3) The holder of a flight information service officer's licence must not provide a flight information service at an aerodrome unless that aerodrome 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 by a person authorised for the purpose by the Governor.

(4) 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 the licence ceases to be valid for that aerodrome at the end of that period until the licence has been revalidated in respect of that aerodrome by a person authorised by the Governor for the purpose.

(5) A licence to act as a flight information service officer is not valid unless the holder of the licence has signed it in ink.

(6) Every holder of a flight information service officer's licence must upon such occasions as the Governor may require, submit to such examinations and tests and provide such evidence as to knowledge, experience, competence and skill and undergo such courses of training as the Governor may require.

Flight information service manual

152. A person must not provide a flight information service at any aerodrome 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;
- (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.